

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

CAP. LXXIV.

An Act to abolish certain Offices connected with the Court of Chancery in *Ireland*, and to provide for the Performance of the Duties thereof.

[13th *August* 1836.]

WHEREAS it is expedient that the Offices herein-after mentioned should be abolished, and Provisions made for the due Performance of the Duties thereunto belonging, and that other Offices connected with the said Court should be regulated, and that such of the Duties performed in the Offices so to be abolished as are necessary to be continued should be transferred to other Offices: Therefore be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That the Office of Clerk of the Crown and Hanaper in *Ireland* shall utterly cease from and after the Determination of the existing Interest of the present Possessor of the said Office; and that the Offices of Usher of the said Court of Chancery, of Six Clerks of the said Court, and the Office of Cursitor of the said Court, shall be and the same are hereby abolished: Provided always, that nothing herein contained shall be construed to deprive the present Usher of the Fees of Poundage which he is now by Law entitled to receive, but that he shall receive the same as heretofore, any thing in this Act to the contrary notwithstanding.

Office of Clerk of the Crown and Hanaper, and Offices of Usher, Six Clerks, and Cursitor of Court of Chancery, abolished.

II. And

Appointment of new Clerk of Crown and Hanaper; his Salary and Duties.

II. And be it further enacted, That upon such Determination of the Interest of the present Possessor of the said Office of Clerk of the Crown and Hanaper it shall and may be lawful for His Majesty, His Heirs and Successors, under His and Their Royal Sign Manual, to nominate and appoint a fit Person to be Clerk of the Crown and Hanaper, and so from Time to Time as a Vacancy may occur therein; and that such Person so to be nominated and appointed shall hold the said Office during good Behaviour, notwithstanding the Demise of His Majesty or of any of His Heirs and Successors; and that the Persons so to be appointed to such Office shall receive and be paid a Salary of Six hundred Pounds *per Annum*, and shall and they are hereby required personally to do and perform all such Matters and Things necessary and proper in the due Execution of the Business of the said Office, and as have been heretofore done and performed by the Deputy of the said Clerk of the Crown and Hanaper.

Clerk of the Crown and Hanaper to employ Two Clerks, and receive and account for Fees named in 4 G. 4. c. 61.

III. And be it further enacted, That the said Clerk of the Crown and Hanaper shall and may employ Two Clerks in his Office, to be approved of by the Lord Chancellor, to aid in the Discharge of the Duties thereof, at the respective Salaries of One hundred and fifty Pounds and One hundred Pounds *per Annum*; and that it shall and may be lawful for the said Clerk of the Crown and Hanaper to receive and take all and every the Fees and Emoluments mentioned and set forth in the Table, Number Ten, annexed to an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in the Court of Chancery in* Ireland; and that the said Clerk of the Crown and Hanaper shall be at liberty thereout to retain his Salary, and to pay the respective Salaries to the said Clerks, and other incidental and necessary Expences of the said Office, to be approved of by the Lord Chancellor; and that such Fees and Emoluments shall be accounted for on Oath once in every Quarter before One of the Masters of the said Court, and the Balance, if any, paid into the Bank of *Ireland* within Fourteen Days from the End of every Quarter, to the Credit of the Accountant General of the Court of Chancery, to be by him placed to an Account to be intituled "The Suitors Fee Fund Account;" and in case such Fees shall not be sufficient to pay the several Salaries, and the other incidental Expences of the said Office, the Deficiency shall be paid out of the Monies standing to the Credit of the Suitors Fee Fund Account.

Appointment of Clerk of the Affidavits and One Assistant, with Scrivenary Clerks; their Salaries and Duties.

IV. And be it further enacted, That there shall be an Officer to be called the "Clerk of the Affidavits," who shall do and perform all the Duties heretofore done and performed by the Usher of the Court or his Deputy; and that there shall be One Assistant Clerk to the said Clerk of the Affidavits, with One or more Scrivenary Clerks as shall appear necessary for the due Discharge of the Duties of the Office, to be approved of by the Lord Chancellor; and that *Charles Hogan* Esquire, one of the present Six Clerks, shall be such Clerk of Affidavits, and *Simon Maddock* such Assistant Clerk; and that upon the happening of a Vacancy in the Office of Clerk of Affidavits or Assistant Clerk, the Lord Chancellor shall appoint some fit Per-

son thereto, by Writing under his Hand, to be entered in the Registrar's Office of the said Court; and such Clerk of Affidavits shall be allowed out of the Fees to be received the annual Sum of Six hundred Pounds, the Assistant Clerk the annual Sum of One hundred and fifty Pounds, and the Scrivenary Clerk or Clerks such Salary or Salaries or Allowances as the Lord Chancellor from Time to Time shall direct; and that such Clerk of Affidavits and his Clerk shall and may take and receive such Fees as are now receivable by the Usher, (save and except the Poundage on Cash paid out of Court,) and the said Clerk of Affidavits shall and may thereout retain and deduct the respective Sums hereby made payable to him and the Assistant Clerk respectively, together with such other Sum for the Salaries or Allowances to the Scrivenary Clerks, and the incidental and necessary Expences of the Office, as the Lord Chancellor may from Time to Time allow, and shall account for such Fees in the Manner herein-after mentioned; and that in ascertaining and fixing the Compensation of the said *Charles Hogan* under the Provisions of this Act, in relation to the said Office of Six Clerk so abolished as aforesaid, due Regard shall be had to the said Office of Clerk of Affidavits, to which the said *Charles Hogan* has been so appointed under this Act in manner aforesaid.

Clerk of Affidavits to compare and attest Copies of Affidavits.

V. And be it further enacted, That it shall be the Duty of such Clerk of Affidavits to cause every Copy of Affidavit to be duly compared with the Original from which it shall be made before he shall attest the same, and that such Clerk of Affidavits shall be responsible for the Accuracy of every Copy so attested by him.

Appointment of Two Clerks in Court, and Clerk of Appearances and Writs, with Two Assistants.

VI. And be it further enacted, That in order to provide for such of the Duties heretofore performed by and in the Office of the Six Clerks as are necessary to be continued and also for the Duties which now are performed in the Office of Cursitor of the Court, there shall be the several Officers following; *videlicet*, Two Officers, to be called "Clerks in Court," whose Duty it shall be, one to attend the Lord Chancellor's Court, and the other the Rolls Court, for the Purpose of reading all Documents necessary to be read in Court, and discharging such other Duties as shall be prescribed to them under the general Orders to be made by the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, in manner herein-after enacted; and an Officer to be called "Clerk of the Appearances and Writs"; and that there shall be Two Assistant Clerks to the said Clerk of the Appearances and Writs; and that *John William Ball* and *Henry Darley* Esquires, Two of the present Six Clerks, shall be Clerks in Court, and *Yelverton Dawson* Esquire, one other of the present Six Clerks, Clerk of the Appearances and Writs, and *Nicholas Keatinge* Esquire and *John Albert Mons* the Assistant Clerks; and that on the Death, Resignation, or Removal of any of the said several Officers, the Vacancy thereby occasioned shall be filled up from Time to Time by the Master of the Rolls, by an Appointment in Writing, to be entered in the Registrar's Office; and that in ascertaining and fixing the Compensation to the said *John William Ball*, *Henry Darley*, and *Yelverton Dawson*, due Regard shall be had

to

to the said Offices to which they have been so respectively appointed under this Act; but that it shall be lawful for the said *John William Ball*, *Henry Darley*, *Yelverton Dawson*, and *Charles Hogan* to retire from their said Offices; and, in the event of their so doing, that they shall be entitled to be paid the same Amount of annual Compensation to which they would have been entitled in case they had not accepted Office under this Act.

Lord Chancellor and Master of the Rolls to make Rules for Performance of Duties of abolished Officers.

VII. And be it further enacted, That the Duties of the several Officers, and such of the Duties of the said Six Clerks as may be necessary to be performed by any of the other Officers of the Court, or by the Solicitors of the Parties, shall be performed in such Manner and under such Rules and Regulations as the Lord Chancellor, by and with the Advice and Assistance of the Master of the Rolls, shall by any General Rules or Orders to be issued for that Purpose order or direct; and that all Notices, Summonses, Orders, and other Matters which have heretofore been served by and on the said Six Clerks shall be served by and on the Solicitors of the Parties, save where it shall be otherwise directed by such General Rules or Orders to be issued as aforesaid; and such Solicitors shall be entitled to charge such Fee for such Duties as the Lord Chancellor, with the Assistance of the Master of the Rolls, shall by General Order fix and determine; and that the Signature by the Solicitor to all Pleadings and Documents heretofore required to be signed by the Six Clerk shall be deemed and taken as sufficient.

Writ of Subpœna to be an open Writ, and sealed with the Seal of the Clerk of Appearances and Writs.

VIII. And be it further enacted, That the Clerk of the Appearances and Writs shall provide a Seal, in such Form and with such Impression as the Lord Chancellor shall approve of; and that the Solicitor for the Party desirous of issuing a Writ of Subpœna may prepare such Subpœna, and present the same to the Clerk of the Appearances and Writs for sealing, and the same shall henceforth be an open Writ, and either in the present Form or any other Form which the Lord Chancellor may from Time to Time direct, and such Writ shall, upon Presentment thereof for that Purpose, be forthwith sealed with such Seal, and shall have the same Force and Validity as a Writ of Subpœna now has when sealed with the Great Seal; and there shall hereafter be paid to the Clerk of the Appearances and Writs for each such Subpœna, on the same being sealed, such Sum as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall from Time to Time order and direct.

Clerk of Appearances and Writs to receive the Fees now payable to the Six Clerks and Cursitor, and thereout defray Salaries, &c.

IX. And be it further enacted, That the Clerk of the Appearances and Writs shall receive, in such Manner as the Lord Chancellor, with the Assistance of the Master of the Rolls, shall by General Order from Time to Time direct, the Fees which by Law are now receivable by the Six Clerks, or so many of such Fees as shall be deemed necessary for the Purpose of paying the Salaries hereby made payable thereout to the several Officers, and of forming a Fund for making Compensation to such Six Clerks, and shall also receive the Fees now receivable by the Cursitor of the said Court, and shall and may thereout pay and retain the several annual Sums following; that is to say, to the Two Clerks in Court the annual Sum of Six

Six hundred Pounds each, the Clerk of the Appearances and Writs the annual Sum of Six hundred Pounds, to the First Assistant Clerk the annual Sum of Three hundred Pounds, and to the Second Assistant Clerk the annual Sum of One hundred and fifty Pounds, together with such other Sum for the incidental and necessary Expences of their Offices respectively as the Lord Chancellor may from Time to Time allow; and such Clerk of Appearances and Writs shall account for such Fees in manner herein-after mentioned.

Clerks of Affidavits and of Appearances and Writs to account quarterly for Monies received by them, and Balance to be carried to the Suitors Fee Fund Account.

X. And be it further enacted, That the Clerk of Affidavits and the Clerk of the Appearances and Writs shall respectively pay into the Bank of *Ireland*, to the Credit of the said Accountant General, such Sums of Money as they shall respectively receive, at such Periods and under such Regulations as the Lord Chancellor shall from Time to Time by any General Order direct; and that they shall respectively account on Oath once in every Quarter before One of the Masters of the said Court for all Fees and Sums of Money received and paid by them respectively, and shall pay the Balance thereof into the Bank of *Ireland*, to the Credit of the said Accountant General, within Fourteen Days from the End of every Quarter; and all such Sums of Money when so paid in shall be from Time to Time placed to the Account of the "Suitors Fee Fund Account".

New Establishment of the Registrars Office.

XI. And whereas it is expedient that the Office of the Registrars of the said Court should be regulated; therefore be it enacted, That the Establishment of the Registrars Office shall consist of Two Registrars, One Assistant Registrar, and Six Clerks, and such a Number of Scrivenary Clerks as the Service of the said Office shall require, and as shall be approved of by the Lord Chancellor; and that *Francis Prendergast* and *Charles O'Keefe* Esquires shall continue to be such Registrars, and *Robert Long* Esquire shall be the Assistant Registrar, and *Yelverton O'Keefe*, *John Kelly*, *William Young*, *Robert Levy*, *John Connor*, and *Thomas Battley* shall be continued as such Clerks, and that *Francis Whelan* and *John Kelly* junior shall act as Assistant Clerks in the said Office; and that upon the happening of a Vacancy in the Office of either of the said Registrars, such Vacancy shall be filled up by the Assistant Registrar; and that upon a Vacancy happening in the Office of Assistant Registrar, the same shall be filled up by the Chief Clerk, if no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and in that Case if the Lord Chancellor shall not consider him to be qualified, then the Lord Chancellor shall, until after mentioned, appoint some proper Person to be Assistant Registrar; and as Vacancies may occur in the Office of any of the present Clerks or Assistant Clerks, such Vacancies shall not be filled up until the whole Number of Clerks be reduced to Six; and upon a Vacancy happening after the Number shall be reduced to Six, the Lord Chancellor shall appoint some proper Person to fill the Office, and so from Time to Time until the whole of the present Clerks shall be removed; and when a new Succession of Clerks shall be so appointed, then and in that Case, upon the Death, Resignation, or Removal of any of them, other than the junior Clerk, the Vacancy thereby occasioned shall be filled up by the Clerk next in Seniority to whom no sufficient Objection to the Satisfaction of the Lord Chancellor

cellor shall be made; and that on all future Vacancies in the Office of junior Clerk the Lord Chancellor shall appoint some proper Person to be such junior Clerk; and that upon a Vacancy happening in the Office of Assistant Registrar after the whole Number of Clerks shall have been appointed by the Lord Chancellor under this Act, then such Vacancy shall be filled up by the senior Clerk in the said Office for the Time being to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made.

Duties of Registrars and Assistant Registrar.

XII. And be it further enacted, That the said Registrars shall attend the Court of the Lord Chancellor and the Court of the Master of the Rolls as heretofore; and that the Duty of the Assistant Registrar shall be to attend and superintend the general Business of the Office; and such Assistant Registrar shall be and he is hereby empowered to countersign the Drafts of the Accountant General, and to sign official Documents, and to do all official Acts necessary in the Execution of the Duties of the Office, in the same Manner as the said Registrars are authorized to do.

Registrars to receive Fees, and to pay the Salaries of Assistant Registrar and Clerks.

XIII. And be it further enacted, That the Registrars of the said Court shall receive the Fees and Emoluments which they are now or which at any Time hereafter they shall be authorized to receive, and shall thereout pay to the said Assistant Registrar the Salary or yearly Sum of One thousand Pounds, and to the present Clerks to the said Registrars the several Salaries or yearly Sums set opposite to their respective Names or Titles in the First Schedule to this Act annexed, and to all future Clerks to be appointed under and in pursuance of this Act the several Salaries or yearly Sums set forth in the Second Schedule to this Act annexed; and the Residue of such Fees shall be appropriated as herein-after directed.

Limitation of Salaries of Registrars.

XIV. And be it further enacted, That, in case such Fees, after Payment of the several Salaries aforesaid, and such Sum as the Lord Chancellor for the Time being may allow for Books, Paper, Scrivenary Clerks, and other incidental and necessary Expences of the said Office, shall exceed in Amount the clear Sum of Two thousand Pounds *per Annum* to each of the present Registrars, and One thousand five hundred Pounds *per Annum* to any future Registrar to be appointed, such Excess shall be paid over as after mentioned; and that any Person to be hereafter appointed Registrar on the happening of a Vacancy in the Office of either of the present Registrars, the Fees and Emoluments of such future Registrar shall be limited to the clear Sum of One thousand five hundred Pounds *per Annum*.

Registrars to account quarterly for Fees received by them.

XV. And be it further enacted, That for the Purpose of ascertaining the Fees and Emoluments of the Registrars for the Time being they shall every Quarter in the Year, beginning on the Quarter next after the Commencement of this Act, account on Oath before One of the Masters of this Court for all Fees and Sums of Money received by them or for their Use, and of the Sums from Time to Time paid by them thereout for Salaries to the several Officers aforesaid, and for other official Expences to be allowed as aforesaid; and when-

ever and so often as it shall appear by such Account that the Sums received by or payable to such Registrars in any One Quarter of a Year shall exceed the clear Sum of Five hundred Pounds to each of the present Registrars, or of Three hundred and seventy-five Pounds to any future Registrar to be appointed (after deducting thereout the Salaries and Expences aforesaid), the said Registrars shall, within Fourteen Days next after every such Quarter of a Year, pay the Amount of such Excess into the Bank of *Ireland*, to the Credit of the Accountant General of the said Court, to be placed by him to the Account to be intituled "The Suitors Fee Fund Account".

For making good Deficiency in Registrars Salaries.

XVI. And be it further enacted, That if at any Time it shall appear by the said Account that the Sums received by or for the Use of the Registrars in respect of their said Office in any One Quarter, after making the Deductions herein-before mentioned, shall be less than the Sum of Five hundred Pounds to each of the present Registrars, and Three hundred and seventy-five Pounds to any future Registrar, the Deficiency shall be paid to them by the said Accountant General out of the Monies standing to the Credit of "The Suitors Fee Fund Account".

For Appointment of additional Clerks.

XVII. And be it further enacted, That if it shall hereafter appear to the Lord Chancellor that the Business of any of the Offices of the said Court cannot be discharged with due Dispatch without the Assistance of an additionl a Clerk or Clerks, then and in such Case it shall be lawful for the Lord Chancellor from Time to Time to direct that One or more additional Clerk or Clerks shall be appointed, with such Salary and Salaries as he shall deem proper, to be paid out of the Funds of the respective Offices to which such Clerk or Clerks shall be appointed; and such additional Clerk or Clerks shall be appointed by the Judge for the Time being who may have the Right of appointing the other Clerks in the said Office.

Officers may appoint Deputies in case of Illness.

XVIII. And be it further enacted, That in case of Illness or other necessary Cause of Absence it shall be lawful for any of the Officers filling the respective Offices herein-before mentioned, from Time to Time as Occasion may require, to appoint a Deputy, such Deputy, and also the Occasion for such Appointment, to be first approved by the Judge on whom it shall be the Duty of such Officer to attend, upon a Petition, to be verified by Affidavit, for such Time and under such Regulations as the Judge shall direct; and no such Appointment of a Deputy shall continue for any longer Time than shall be allowed and specified in and by the Order which shall be made on such Petition; and that such Deputy shall be paid out of the Salary or Fees of such Officer such Sum as shall be directed by the said Order.

Officers not to act as Attornies or Solicitors on pain of Dismissal.

XIX. And be it further enacted, That it shall not be lawful for any Person who shall be appointed to hold any of the Offices of the said Court to act or practise, either in his own Name or in the Name of any other Person or Persons, as an Attorney or Solicitor in any of the Courts at Law or Equity in *Ireland*; and in case it shall appear,

appear, by Evidence to the Satisfaction of the Lord Chancellor, that any such Officer or Person shall directly or indirectly, by himself or any other Person in Partnership with or in Trust for him, act as such Attorney or Solicitor, the Lord Chancellor shall and may thereupon remove him from his Office.

Fee of 6*d.* in the Pound payable to the Usher to continue till Cessation of the Compensation to Officers.

XX. And whereas it may be found expedient that the Fee of Sixpence in the Pound payable to the Usher of the Court of Chancery, or some Portion thereof, should continue to be paid after the Death of the present Usher, in aid of the Fund for providing Compensation for the several Officers aforesaid; be it enacted, That such Fee of Sixpence in the Pound now payable to the Usher shall be continued to be deducted by the Accountant General during the Life of the Honourable *Richard Hobart Fitzgibbon*, the present Usher, and be paid over to him; and that in case after his Death the Lord Chancellor shall consider it necessary that the said Fee or any Portion thereof shall be continued for the Purpose of providing a Fund for the Payment of the Compensation to be made to the said Officers or any of them, it shall be lawful for him to make an Order for continuing the Payment of said Fee or any Portion thereof for any Period he may think necessary, and from Time to Time to vary such Order as he may think fit; and the Accountant General shall during the Period specified in said Order place the Sums received in pursuance thereof to the Credit of the said Account to be intituled "The Suitors Fee Fund Account," any thing in the said recited Act to the contrary notwithstanding: Provided always however, that whenever the Compensation to be made to the several Officers aforesaid shall cease to be payable, and the Sums, if any, advanced out of the Consolidated Fund in aid thereof shall have been repaid, the said Fee shall absolutely cease and be abolished.

Surplus of Suitors Fee Fund to be invested in Government Stock.

XXI. And be it further enacted, That any surplus Monies standing in the Name of the Accountant General to the Account aforesaid, after paying and providing for the several Charges thereon, shall from Time to Time be laid out and invested by the Accountant General, either in one entire Sum or in Parcels, in the Name of the said Accountant General, in Government Stock, and such Stock shall be placed to the like Account, and such surplus Funds shall be subject to the same Purposes, as the original Funds with which the same were purchased.

When Suitors Fee Fund is more than sufficient for answering Salaries, &c. the Chancellor may abolish any Fee.

XXII. And be it enacted, That whenever it shall appear that the Monies and Securities standing to the Account to be intituled "The Suitors Fee Fund Account," together with the Interest and Dividends thereof, and the Fees expectant and to be payable to such Account, shall be more than sufficient to answer and pay the several Salaries and other Payments for the Time being chargeable thereon, and to repay such Sum, if any, as may have been advanced out of the Consolidated Fund in aid thereof, it shall be lawful for the Lord Chancellor to abolish any Fee, or to reduce other Fees, as may to the said Lord Chancellor from Time to Time seem fit, and as the Compensations payable thereout may cease.

XXIII. And

XXIII. And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in* Ireland, after reciting that it was reasonable and just that the Six Clerks of the said Court, being Purchasers of and entitled to sell at pleasure their respective Offices, should receive for any Diminution of annual Income, and also for any Depreciation of Purchase Value of their Offices, full and adequate Compensation, and also that such of the other Officers of the said Court as the Commissioners of His Majesty's Treasury therein-after provided should think entitled thereto should also receive Compensation for lawful Fees and Emoluments diminished or taken away, it was enacted, that it should be lawful for the Commissioners of His Majesty's Treasury for the Time being, by Warrant under their Hands, to order and direct that such Compensation should be made to the said Six Clerks respectively, and to such other Officers who then held Office in or belonging to the said Court, as the said Commissioners in their Discretion should deem just and reasonable; and it was by the said recited Act further enacted, that the several and respective Sums for Compensation should be paid and payable out of the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," as far as the same would extend; and in case the Suitors Fund should be inadequate to the Payment of the whole Amount of Compensation, the Amount beyond what could be satisfied out of the Suitors Fund should be charged upon and paid out of the Consolidated Fund of the United Kingdom; and it was by the said recited Act further enacted, that if any of the Six Clerks should sell his said Office it should be lawful for him, at any Time within Six Calendar Months after such Sale, to apply to the Commissioners of His Majesty's Treasury for Compensation for the Diminution of Value of his Office, and in such Case it should be lawful for the said Commissioners to order and direct that such annual or other Compensation should be made to the Six Clerks as they should deem just and reasonable; and all such Compensation, whether annual or in gross, should be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: And whereas the said Six Clerks being deprived of their Offices by virtue of this Act, they are now entitled to be paid Compensation as well in respect of their Right of Sale of their said Offices as in respect of their annual Income derived therefrom: And whereas it is reasonable and fit that Compensation should also be made to the Usher and also to the Cursitor of this Court; be it therefore enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being or any Three or more of them, by Warrant under his or their Hand or Hands, to order or direct such Compensation in gross to be made to the said Six Clerks, for such their Right of Sale of their said Offices, and also to order or direct such Compensation to be made to the said Six Clerks and Persons for such annual Loss as they shall respectively sustain by reason of the Provisions of this Act, as shall be just and reasonable; and such Compensation shall be issued and paid and payable in manner herein-after mentioned: Provided always, that such Compensation to the Cursitor for his Loss of Office shall

4 & 5 W. 4. c. 78.

Compensation to be made to the Six Clerks, Usher, and Cursitor, and Account laid before Parliament.

shall be regulated by the average annual Amount of the Emoluments of the said Office for Three Years next preceding the First Day of *November* One thousand eight hundred and thirty-three, and that an Account of all such Compensation shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, within Fourteen Days after the Meeting of Parliament then next following; and provided further, that the Compensation to be made to the Usher shall not exceed the annual Amount of the Income of his Office on an Average of the Five Years next preceding the First Day of *November* One thousand eight hundred and thirty-four, or be less than Three Fourths of such Amount.

Treasury may refer Claims for Compensations to Commissioners according to 4 & 5 W. 4. c. 78.

XXIV. And be it further enacted, That for the better enabling of His Majesty's Treasury to form a correct Judgment of the Nature and Amount of the Compensations which it may be reasonable and proper to make to the said Officers for their Loss of Office or diminished Income under this Act, it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit, to refer all Claims for Compensations to Commissioners, as in the said before-recited Act they are authorized to do with respect to Claims thereunder.

Out of what Fund Compensations to be paid.

XXV. And be it further enacted, That the several and respective Sums as and for Compensation which the Commissioners of His Majesty's Treasury shall by Warrant or Warrants as aforesaid order and direct to be paid to any Officer shall be paid and payable to the Officer or Officers named in such Warrant or Warrants, in the first place, out of the Funds standing to the Credit of the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of "Chancery in *Ireland*," as far as the same will extend, and, in the next place, out of the Funds which may be standing to the Credit of "The Suitors Fee Fund Account"; and in case both the said Funds shall be inadequate to the Payment of the whole of such Compensation to be given under this Act, the Amount of the Compensation beyond what can be so satisfied shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, without any Fee or Deduction whatsoever; and every such Sum as and for annual Compensation to be issued in pursuance of this Act shall be payable and paid quarterly on every Twentieth Day of *January*, Twentieth Day of *April*, Twentieth Day of *July*, and Twentieth Day of *October*, the first Payment thereof to be made on the first of said quarterly Days which shall next follow the Day of the Commencement of this Act.

Compensation to Persons in the Six Clerk, Cursitor, and Registrars Offices.

XXVI. And whereas the Office of Six Clerk in the Court of Chancery of *Ireland* will be abolished by the Provisions of this Act, whereby the several Persons now acting as Clerks in said Offices (many of whom have been acting therein for a Series of Years) will be deprived of Employment in such Situations; and it is just and reasonable that Compensation should be made to such Persons for the

Loss

Loss of their several Situations, and also to the Clerk now employed in the Office of the Cursitor, and to Mr. *David Daly* and *Joseph Whelan*, Clerks employed in the Office of the Registrars, for the Loss of their Offices by reason of this Act; be it therefore enacted, That it shall and may be lawful for the Masters of said Court or any Two or more of them to inquire into, by Examination on Oath or otherwise, (which Oath they are hereby authorized to administer,) and ascertain the annual Amount of the lawful Fees, Salaries, and Emoluments of such Clerks in the Six Clerks Office received by them respectively for the Three Years preceding *Michaelmas* Term One thousand eight hundred and thirty-three, or for Three Years next preceding the Commencement of this Act, at the Option of said Clerks or any of them, and in case of the said Cursitor's Clerk, for Three Years ending *Michaelmas* Term One thousand eight hundred and thirty, and in case of the said Clerks in the Registrars Office, for Three Years ending on the Day of the Commencement of this Act; and they are hereby required forthwith to ascertain the Amounts thereof respectively, and to certify the same, in Writing under their Hands, to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being, and thereupon it shall and may be lawful for the said Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being, with the Sanction of the Commissioners of His Majesty's Treasury, to order to all and every of said Clerks who shall be so deprived of Employment in said Offices as aforesaid an annual Sum or Sums to be paid out of "The Suitors Fee Fund Account," and that such annual Sum or Sums shall be paid and payable to such Person or Persons, and his or their Assigns, during the Term of his or their natural Life or Lives, by Four quarterly Payments in each and every Year, free and clear of all Taxes and Deductions whatsoever, on every Twentieth Day of *January*, the Twentieth Day of *April*, the Twentieth Day of *July*, and the Twentieth Day of *October*, the first Payment thereof to be made on the first of said Days which shall next happen after the Commencement of this Act, and also such Proportion of any such quarterly Payments as at the Time of the Decease of any such Person or Persons shall be due from the Quarter Day next preceding the Time of such Decease: Provided always, that the annual Sum so to be payable to any of said Clerks shall not exceed Two Thirds of the average annual Amount of the Sums received by them respectively as such Clerks for the Periods aforesaid.

Provision for Payment of annual Allowance to John Daly.

XXVII. And whereas *John Daly*, who held for many Years the Office of Chief Clerk in the Registrars Office, became unable, in consequence of a severe Illness, to discharge the Duties of said Office, and has received for some Years an annual Allowance of Four hundred Pounds, which is paid as follows; that is to say, Two hundred Pounds thereof by *Yelverton O'Keefe*, the present Chief Clerk, One hundred Pounds thereof by *Francis Prendergast*, one of the present Registrars, and One hundred Pounds thereof by *Charles O'Keefe*, the other Registrar; and it is expedient to provide that such annual Allowance shall continue to be paid during the Life of the

the said *John Daly*, in case he shall survive any of said Persons; be it enacted, That in case the said *John Daly* shall survive the said *Francis Prendergast*, *Charles O'Keefe*, or *Yelverton O'Keefe*, the Person who shall be appointed to any Office which shall become vacant by the Death of any of them shall continue to pay to the said *John Daly* during his Life so much of the said annual Allowance as the Person so dying has usually paid as aforesaid.

Compensation to certain Officers to be ordered by Lord High Treasurer or Commissioners of Treasury.

XXVIII. And whereas by said last-recited Act it was enacted, that it should be lawful for every Officer claiming Compensation as therein-mentioned, on the First Day of *Hilary* Term One thousand eight hundred and thirty-six, and on every succeeding First Day of *Hilary* Term, and for One Month thereafter in each Year respectively, so long as the said Officer should hold his Office, to make out and render to the Lord High Treasurer or Commissioners of His Majesty's Treasury an Account in Writing, to be verified as therein mentioned, of the gross and net Emoluments of said Office and of the Disbursements thereof, in such Form and with such Particulars of Receipt as the said Commissioners or any Three or more of them, should require, and that the Lord High Treasurer or said Commissioners as aforesaid should ascertain as they should think proper the gross and net Income of such Office, and also the Disbursements thereof, for and during the Year for which such Account should be rendered, and the Amount of Compensation to which he or they should deem such Officer entitled for and during said Year: And whereas inasmuch as by the Operation of this Act the Offices now held by some of said Officers entitled to Compensation under the Provisions of the said recited Act will be abolished, and they will thereby be rendered incapable of making the Returns directed by said Act; be it therefore enacted, That it shall be lawful for such Officers as may be disenabled by the Provisions of this Act from making the Returns directed by said recited Act to make or cause to be made out and render to the Lord High Treasurer or the Commissioners of His Majesty's Treasury Accounts in the Form and with such Particulars of Receipt and Expenditure as is directed by said recited Act for the Portion of the Year intervening between the First Day of last *Hilary* Term and the Day of this Act coming into operation, and the Lord High Treasurer or Commissioners as aforesaid shall ascertain as they shall think proper the Compensation to which he or they shall deem such Officer entitled for and during the said Portion of the Year, and that it shall be lawful for such Lord High Treasurer or Commissioners as aforesaid, or any Three or more of them, by Warrant or Warrants under their Hands, to order and direct such Compensation to be made to said Officers for such Portion of the Year as aforesaid as the said Lord High Treasurer or Commissioners of His Majesty's Treasury, in their Discretion shall deem just and reasonable.

As to Compensation to John Brenan under 4 G. 4. c. 61. and 5 G. 4. c. 30.

XXIX. And whereas *John Brenan*, one of the Six Clerks of said Court, is now, under the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice in the Court of Chancery in* Ireland, and an Act of Parliament of the Sixth Year of His late Majesty's

Majesty's Reign, to amend said Act, entitled to be paid out of the Produce of the Consolidated Fund an annual Compensation for a Diminution of the Emoluments of his Office, occasioned by the Provisions of said Acts, the Amount of which Compensation is to be ascertained annually as mentioned in said Act: And whereas the said *John Brenan* will cease to hold his said Office under the Provisions of this Act, and on that Account it will not be practicable to ascertain the annual Amount of the Compensation to be paid to him under said Acts in the Manner therein mentioned; be it therefore enacted, That the Sum of Nine hundred and fifty-two Pounds Ten Shillings and Five-pence present Currency, equivalent to the Sum of One thousand and thirty-one Pounds Seventeen Shillings and Elevenpence Halfpenny of late *Irish* Currency, which was the Sum payable to him in the Year ending One thousand eight hundred and thirty-four as and for his Compensation under the said before-mentioned Acts, shall from and after the Third Day of *November* One thousand eight hundred and thirty-five be taken to be the Amount of the annual Compensation payable to him under said Acts, and shall be paid to him out of the Consolidated Fund at the Times and Manner as directed by said Acts with respect to Officers who have heretofore sold their respective Offices under said Acts.

Lord Chancellor and Master of the Rolls may direct Remuneration to Clerk of Enrolments for increased Duties.

XXX. And whereas under the Provisions of certain Acts of Parliament recently passed, and certain Rules for regulating the Practice of the Court of Chancery in *Ireland*, the Duties of the Clerk of Enrolments may be considerably increased; be it enacted, That if it shall appear reasonable and proper to the Lord Chancellor and Master of the Rolls to direct any Remuneration to be paid to such Clerk, in addition to the Salary now payable to him, it shall be lawful for them to order, with the Sanction of the Commissioners of His Majesty's Treasury, that such annual Sum, not exceeding One hundred and fifty Pounds *per Annum*, as they shall think reasonable shall be paid to such Clerk, for the Performance of such additional Services, out of the Compensation and Suitors Fee Fund Account for such Period as they shall think fit.

Payment and Orders for Payment, &c. of Money not subject to Usher's Poundage, or any Fee.

XXXI. And be it further enacted, That no Payment of any Sum or Sums of Money to be made under or by virtue of this Act shall be subject to the Payment of Usher's Poundage: And provided also, that every Order to be made for the Transfer, Investment, or Payment of any Money under this Act or any of the Provisions thereof shall be free of and discharged from the Payment of any Fee whatsoever to any Officer of the said Court.

So much of 4 G. 4. c. 61. as is inconsistent with this Act repealed, and such Parts as are applicable to extend to it.

XXXII. And be it further enacted, That so much of the said herein-before recited Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in the Court of Chancery in* Ireland, as shall be inconsistent with any of the Clauses or Provisions of this Act, shall be and the same is hereby repealed; and that so many and such Part and Parts of the Clauses and Enactments of the said recited Act as may be applicable to the several Officers appointed and to be appointed under this Act shall extend and be construed to extend and be

applied to such Officers respectively, as fully and effectually as if such Clauses and Enactments had been repeated and re-enacted in this Act.

Extraordinary Commissioners may take Acknowledgments of Recognizances.

XXXIII. And be it further enacted, That it shall be lawful for all extraordinary Commissioners of the Court of Chancery, and they are hereby authorized and empowered, to take in *England* or *Scotland* the Acknowledgment of Recognizances by Parties and others in Suits and Matters depending in the said Court in such and the same Manner as the Masters in Ordinary of the Court of Chancery may now take according to the Practice of the said Court respectively.

Commission of Bankrupt issued after 1st July 1836 to have the same Effect as if issued before that Day.

XXXIV. And be it enacted, That any Commission of Bankrupt issued or to be issued in *Ireland* after the First Day of *July* in the Year of our Lord One thousand eight hundred and thirty-six, founded on any Trading or Act of Bankruptcy carried on or committed prior to the said First Day of *July* One thousand eight hundred and thirty-six, shall have the same Force and Effect as if such Commission had issued prior to the said First Day of *July* One thousand eight hundred and thirty-six; and that in every Case the Petitioning Creditor or Creditors may prove his or their Debt or Debts before the Commissioner of Bankrupt in *Ireland* in the same Manner as all other Creditors of the Bankrupt are permitted to prove their Debts respectively.

Same Powers to Lord Keeper or Lords Commissioners as to Lord Chancellor.

XXXV. And be it further enacted, That the Powers and Authorities given by this Act to the Lord Chancellor shall and may be exercised in like Manner and are hereby given to the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively, for the Time being.

Commencement of Act.

XXXVI. And be it further enacted, That this Act shall commence and take effect from and after the Twentieth Day of *October* next.

Act may be altered, &c. this Session.

XXXVII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

FIRST SCHEDULE.

Clerks to the Registrars.	Salary.
Yelverton O'Keefe, Chief Clerk - -	£500 per Annum.
John Kelly - -	300 —
William Young - -	130 —
Robert Levy - -	100 —
John Connor - -	100 —
Thomas Battley - -	100 —
Assistant Clerks.	
Francis Whelan - -	100 —
John Kelly jun^r - -	100 —

SECOND SCHEDULE.

	Salary.
The First Clerk to the Registrars - -	£400 per Annum.
Second - -	300 —
Third - - -	200 —
Fourth - -	150 —
Fifth - - -	150 —
Sixth - - -	100 —

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