' " Society as aforesaid, upon their Complaint, and to be recovered by them as herein-after
' " mentioned:

" ' Provided, that nothing herein contained shall extend to entitle the said Officer to
' " hinder, annoy, or molest any Fisherman or Person employed in the Fishery in the
' " carrying on of his lawful Calling, or unnecessarily to interfere with any Steam Vessel
' " under way:" *Section 24. Such Officers not to molest any Fisherman.*

' And whereas it is expedient that the said Toll imposed by the said recited Enactments
' be abolished: And whereas the said Marine Society have consented to such Abolition:'
Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

I. The said recited Provisions of the said recited Act are hereby repealed. *Recited Sections repealed.*

II. The Commissioners of Her Majesty's Treasury may award to any Person who by reason of the passing of this Act is deprived of any Salary or Emolument, such Amount of Compensation as shall appear to them to be just and reasonable, and any Compensation so awarded shall be paid out of such Monies as shall be provided by Parliament for that Purpose. *Treasury may award Compensation to Persons deprived of Offices.*

CAP. XXX.

An Act to extend the Enactments relating to the Copper Coin to Coin of mixed Metal. [13th *August* 1859.]

' WHEREAS Her Majesty may think fit for the Public Convenience to cause to be
' issued Coins of Bronze or mixed Metal instead of Copper Moneys, or for the Pur-
' poses of the like Payments for which Copper Moneys have been made current:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. When any Coin of Bronze or mixed Metal shall be current by virtue of any Proclamation that may be issued by Her Majesty, all the Penalties and Provisions of the Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter Thirty-four, "for consolidating and amending the Laws relating to the Coin," which are applicable to the current Copper Coin, or Offences or Acts relating thereto, shall be applicable to such current Coin of Bronze or mixed Metal, or the like Offences or Acts relating thereto; and Sections Twelve and Fourteen of the said Act, and all other Provisions of such Act, and all Enactments whatever, where current Copper Coin is mentioned or referred to, shall be construed and take effect as if, in addition to current Copper Coin, current Coin of Bronze or mixed Metal had been also in every such Case mentioned or referred to. *Enactments concerning the Copper Coin, 2 & 3 W. 4. c. 34. to apply to Coins of mixed Metal.*

CAP. XXXI.

An Act to amend the Law relating to Probates and Letters of Administration in *Ireland*. [13th *August* 1859.]

' WHEREAS in the Twenty-first and Twenty-second Year of Her present Majesty an
' Act was passed, intituled *An Act to amend the Law relating to Probates and Letters*
' *of Administration in* Ireland, herein-after designated "The Court of Probate Act:" And
20 & 21 Vict. c. 79.

'whereas it is expedient to amend the same:' 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:

Power to Judge of Court of Probate to sit in Chambers.

I. It shall be lawful for the Judge of the Court of Probate for the Time being to sit in Chambers for the Despatch of such Part of the Business of the said Court as can in the Opinion of the said Judge, with Advantage to the Suitors, be heard in Chambers; and the Times at which such Sittings shall be held shall from Time to Time be fixed by the Judge: Provided always, that no Question shall be heard in Chambers which either Party shall require to be heard in open Court.

The Treasury to cause Chambers to be provided.

II. The Commissioners of Her Majesty's Treasury shall from Time to Time provide Chambers in which the Judge of the Court of Probate shall sit for the Despatch of such Business as aforesaid; and until such Chambers are provided elsewhere the said Judge shall sit in Chambers in any Room which he may find convenient for the Purpose.

Judge's Powers when sitting in Chambers.

III. The Judge of the Court of Probate, when so sitting in Chambers, shall have and exercise the same Power and Jurisdiction in respect of the Business to be brought before him as if sitting in open Court.

Clerks in Principal Registry eligible to be Registrars, &c.

IV. Clerks having served Five Years in the Principal Registry of the Court of Probate shall be eligible to be appointed District Registrars of the said Court.

Repeal of s. 22. of recited Act.

V. Section Twenty-two of the said Court of Probate Act shall be and the same is hereby repealed.

Where Personalty is under 200*l.* County Court to have Jurisdiction.

VI. Where it appears by Affidavit to the Satisfaction of a Registrar of the Principal Registry that the Testator or Intestate in respect of whose Estate a Grant or Revocation of a Grant of Probate or Letters of Administration is applied for had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to the said "Court of Probate Act," and that the Personal Estate in respect of which such Probate or Letters of Administration are to be or have been granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, was at the Time of his Death under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate of the Value of Three hundred Pounds or upwards, the Chairman of Quarter Sessions having Jurisdiction in the Place in which the Deceased had at the Time of his or her Death a fixed Place of Abode shall have the Contentious Jurisdiction and Authority of the Court of Probate 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.

S. 58. of recited Act repealed.

VII. Section Fifty-eight of the said Court of Probate Act shall be and the same is hereby repealed.

S. 63. to apply to Applications for Revocation of Grants.

VIII. The said Court of Probate Act, Section Sixty-three, shall, so far as Assistant Barristers or their Courts are concerned, apply to an Application for the Revocation of a Grant of Probate or Administration as well as to an Application for any such Grant.

Power to make Rules and Orders and frame Scales of Fees for the County Courts.

IX. The Power and Authority to make Rules and Orders for regulating the Proceedings of the Assistant Barristers Courts shall extend and be applicable to all Proceedings in the Assistant Barristers Courts under this Act, and also to framing a Scale of Costs and Charges to be paid to Counsel, Proctors, Solicitors, and Attorneys in respect of Proceedings in such Courts, under the said Court of Probate Act or this Act.

Non-contentious Business pending in any Ecclesiastical Court to be transferred.

X. All Non-contentious Business pending in any Ecclesiastical Court at the Time when "The Court of Probate Act" came into operation shall be deemed to have been transferred to the Court of Probate, in the same Way as all pending Suits were transferred to the said Court under the said Act, and all Acts executed under the Authority of such Ecclesiastical Court

Court with reference to such Business which would have been valid if the Authority of such Court had not been abolished shall be valid, and all Oaths and Bonds sworn and executed in manner required by any such Ecclesiastical Court in reference to such Business, prior to the Eleventh Day of *January* One thousand eight hundred and fifty-eight, shall continue to have and be deemed to have had the same Force and Effect in Law as they would have had if sworn and executed in pursuance of the Provisions of the said Act or of this Act.

Bonds given before 11 Jan. 1858 to remain in force.

XI. Bonds given to any Archbishop, Bishop, or other Person exercising Testamentary Jurisdiction in respect of Grants of Letters of Administration made prior to the Eleventh Day of *January* One thousand eight hundred and fifty-eight, or in respect of Grants made in pursuance of the Court of Probate Act or of this Act, whether taken under a Commission or Requisition executed before or after the said Eleventh Day of *January*, shall enure to the Benefit of the Judge of the Court of Probate, and, if necessary, shall be put in force in the same Manner and subject to the same Rules (so far as the same may be applicable to them) as if they had been given to the Judge of the said Court subsequently to that Day.

An Executor not acting or not appearing to a Citation to be treated as if he had renounced.

XII. Whenever an Executor appointed in a Will survives the Testator, but dies without having taken Probate, and whenever an Executor named in a Will is cited to take Probate, and does not appear to such Citation, the Right of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Judge of Court of Probate may amend Grants made before 11 Jan. 1858.

XIII. The Judge of the Court of Probate shall have and exercise the same Power of altering and amending Grants of Probate and Letters of Administration made before the Eleventh Day of *January* One thousand eight hundred and fifty-eight as any Ecclesiastical Court had and exercised in respect of such Grants.

Provisions of 38 G. 3. c. 87. and 20 & 21 Vict. c. 79. extended to all Cases of Executors and Administrators.

XIV. The Provisions of an Act passed in the Thirty-eighth Year of *George* the Third, Chapter Eighty-seven, and of "The Court of Probate Act," shall be extended to all Executors and Administrators residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity in *Ireland*, whether it be or be not intended to institute Proceedings in the Court of Chancery, and to all Grants made before and subsequently to the passing of the last-mentioned Act; and it shall be lawful to alter the Language of the Grant prescribed by the first-named Statute so as to make it apply to Grants made in the Court of Probate under the said last-mentioned Act.

On Decease of Persons dying intestate, Estate to vest in the Judge for the Time being.

XV. From and after the Decease of any Person dying intestate, and until Letters of Administration shall be granted in respect of his Estate and Effects, the Personal Estate and Effects of such deceased Person shall be vested in the Judge of the Court of Probate for the Time being, in the same Manner and to the same Extent as heretofore they vested in the Ordinary.

Second and subsequent Grants to be made where the original Will or the original Letters of Administration are deposited.

XVI. All Second and subsequent Grants of Probate or Letters of Administration shall be made in the Principal Registry, or in the District Registry where the original Will is registered or the original Grant of Letters of Administration has been made, or in the District Registry to which the original Will or a registered Copy thereof, or the Record of the original Grant of Administration, have been transmitted, by virtue of a Requisition issued in pursuance of Section Ninety-six of "The Court of Probate Act;" and for and in respect of such Second or subsequent Grants of Probate or Letters of Administration to be made in a District Registry it shall not be requisite that it should appear by Affidavit that the Testator or Intestate had a fixed Place of Abode within the District in which the Application is made.

The Court of Probate may require Security from a Receiver of Real Estate.

XVII. It shall be lawful for the Court of Probate to require Security by Bond in such Form as the Judge shall from Time to Time by any General or Special Orders direct, with or without Sureties, from any Receiver of the Real Estate of any deceased Person appointed by the said Court, under Section Seventy-five of "The Court of Probate Act," or for Pay-

ment of Costs in any Cause or Matter in which the Court shall direct Security for Costs to be given; and the Court may, on Application made on Motion or in a summary Way, order One of the Registrars of the Court to assign the same to some Person to be named in such Order; and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Security, or put the same in force in his or their own Name or Names, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the said Court, and shall be entitled to recover thereon, as Trustee for all Persons interested, the full Amount due in virtue thereof.

Administration pending Suit deemed to apply to Appeals.

XVIII. All the Provisions contained in the Court of Probate Act respecting Grants of Administration pending Suit shall be deemed to apply to the Case of Appeals to the Court of Appeal in Chancery in *Ireland*, and also to the House of Lords, under the said Act.

Registrars may issue Subpœnas to produce Papers, &c.

XIX. It shall be lawful for a Registrar of the Principal Registry of the Court of Probate, and whether any Suit or other Proceeding shall or shall not be pending in the said Court, to issue a Subpœna requiring any Person to produce and bring into the Principal or any District Registry, or otherwise as in the said Subpœna may be directed, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession, within the Power, or under the Control of such Person; and such Person, upon being duly served with the said Subpœna, shall be bound to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default as if he had been a Party to a Suit in the said Court, and had been ordered by the Judge of the Court of Probate to produce and bring in such Paper or Writing.

The Registrars to do all Acts heretofore done by Surrogates.

XX. The Registrars of the Principal Registry shall be invested with and shall and may exercise with reference to Proceedings in the Court of Probate the same Power and Authority which Surrogates of the Judge of the Prerogative Court of *Canterbury* could or might before the passing of the Court of Probate Act have exercised in Chambers with reference to Proceedings in the said Prerogative Court.

Copies of Wills may be certified by a Stamp.

XXI. Copies of Wills required to be transmitted by a District Registrar, and certified by him to be correct Copies, under Section Fifty-five of the Court of Probate Act, may be so certified and transmitted under a Stamp provided by the District Registrar for that Purpose, and approved of by the Judge of the Court of Probate.

Certificates from the Principal Registry may be stamped.

XXII. Certificates issued from the Principal Registry with reference to Notices of Applications transmitted from the District Registrars, under Section Fifty-three of the Court of Probate Act, need not be made under the Hand of a Registrar of the Principal Registry, as required by the said Act, but may be issued under a Stamp provided for that Purpose, and approved of by the Judge of the Court of Probate.

Requisitions may be issued for the Transmission of a single Paper.

XXIII. 'Whereas Doubts have been entertained whether a Requisition can be issued 'under Section Ninety-six of the Court of Probate Act for the Transmission of One or 'more Papers only, not being all the Papers and Documents in the Custody of the Person 'to whom any such Requisition may be addressed:' Be it therefore enacted and declared, That the said Section shall be construed to extend to all Requisitions, whether for the Transmission of One or of more Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, or other Instruments relating exclusively or principally to Matters and Causes Testamentary.

Power to enforce Decree as to Costs.

XXIV. The Judge of the Court of Probate, and the Registrars of the Principal Registry thereof, shall respectively, in any Case where an Ecclesiastical or other Court having Testamentary Jurisdiction had previously to the Eleventh Day of *January* One thousand eight hundred and fifty-eight made an Order or Decree in respect of Costs, have the same Power of taxing such Costs and enforcing Payment thereof, or of otherwise carrying such Order or Decree into effect, as if the Cause wherein such Decree was made had been originally commenced and prosecuted in the said Court of Probate; provided that in taxing any such Costs, or any other Costs incurred in Causes depending in any such Courts before the Time aforesaid,

aforesaid, all Fees, Charges, and Expenses shall be allowed which might have been legally made, charged, and enforced according to the Practice of the Prerogative Court of *Ireland*.

Letters of Administration granted in Ireland not to be resealed in England until sufficient Bond is given.

XXV. Letters of Administration granted by the Court of Probate in *England* shall not be resealed, under Section Ninety-four of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-nine, until a Certificate has been filed, under the Hand of a Registrar of the Court of Probate in *England*, that Bond has been given to the Judge of the Court of Probate in *England* in a Sum sufficient in Amount to cover the Property in *Ireland* as well as *England* in respect of which such Administration is required to be resealed.

Commissioners may be appointed in the Isle of Man, &c.

XXVI. It shall be lawful for the Judge of the Court of Probate to appoint by Commission, under Seal of the Court, any Persons practising as Solicitors in the *Isle of Man*, in the *Channel Islands*, or any of them, and also such Persons resident in *England*, *Wales*, and *Scotland* as he shall think fit, to administer Oaths, and to take Declarations or Affirmations, and to exercise any other Powers which can be exercised by Commissioners of Her Majesty's Court of Probate; and such Persons shall be entitled from Time to Time to charge and take such Fees as any other Persons performing the same Duties in the Court of Probate may charge and take.

Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.

XXVII. In Cases where it is necessary to obtain Affidavits, Declarations, or Affirmations to be used in the Court of Probate from Persons residing in Foreign Parts out of Her Majesty's Dominions, the same may be sworn, declared, or affirmed before the Persons empowered to administer Oaths under the Act of the Sixth of *George* the Fourth, Chapter Eighty-seven, or under the Act of the Eighteenth and Nineteenth *Victoria*, Chapter Forty-two; provided that in Places where there are no such Persons as are mentioned in the said Acts such Affidavits, Declarations, or Affirmations may be made, declared, and affirmed before any Foreign local Magistrate or other Person having Authority to administer an Oath.

Affidavits, before whom to be sworn in Colonies, &c.

XXVIII. Affidavits, Declarations, and Affirmations to be used in the Court of Probate may be sworn and taken in the *Isle of Man*, the *Channel Islands*, or any Colony, Island, Plantation, or Place out of the United Kingdom of *Great Britain* and *Ireland* under the Dominion of Her Majesty, before any Court, Judge, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or, so far as relates to the *Isle of Man* and the *Channel Islands*, before any Commissary, Ecclesiactical Judge, or Surrogate who at the Time of the passing of the Court of Probate Act was authorized to administer Oaths in the *Isle of Man* or in the *Channel Islands* respectively, and all Registrars and other Officers of the Court of Probate shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, or Person, which shall be attached, suspended, or subscribed to any such Affidavit, Declaration, or Affirmation, or to any other Document.

Persons forging Seal or Signature guilty of Felony.

XXIX. If any Person shall forge any such Seal or Signature as last aforesaid, or any Seal or Signature impressed, affixed, or subscribed, under the Provisions of the said Act of the Sixth of *George* the Fourth, or of the said Act of the Eighteenth and Nineteenth *Victoria*, to any Affidavit, Declaration, or Affirmation to be used in the Court of Probate, or shall tender in Evidence any such Document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years nor less than One Year; and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court, or the Person who has admitted the same, may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded and be kept in the Custody of some Officer of the Court or other proper Person, for such Period and subject to such Conditions as to the said Court or Person shall seem meet; and every Person charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before

before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Persons taking a false Oath before a Surrogate guilty of Perjury.

XXX. Any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before any Surrogate having Authority to administer Oaths under the Court of Probate Act, or before any Person who before the passing of the said Act was a Surrogate authorized to administer Oaths in any of the *Channel Islands*, or before any Person authorized to administer Oaths under this Act, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Provision for the necessary Absence of Officers.

XXXI. In case any Officer appointed or to be appointed by virtue of the Court of Probate Act, 1857, or of this Act, shall by reason of Ill-health or other Infirmity become temporarily incapable of performing the Duties of his Office, it shall be lawful for the Judge to appoint some other fit and proper Person to discharge the Duties of such Office for any Period not exceeding Six Calendar Months at any One Time, and the Person so appointed shall, during such Period, have all the Power and Authority of the Officer in whose Place he shall be so appointed, and shall be paid by such Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively, or be fixed by the Judge; and the Judge may, at his Discretion, give Leave of Absence to any Officer of the Court for any Period not exceeding Two Months in any Year, and shall have the like Power of making Provision for the Discharge of the Duties of the Office during such Absence.

The Judge to have the same Powers over Practitioners as Judges of other Courts.

XXXII. The Judge of the Court of Probate shall have and exercise, over Proctors, Solicitors, and Attorneys practising in the said Court, the like Authority and Control as is now exercised by the Judges of any Court of Equity or Common Law over Persons practising therein as Solicitors or Attorneys.

Provision for Expenses of indexing, &c. Documents required to be removed under Requisition.

XXXIII. When any Requisition shall issue in pursuance of Section Ninety-six of "The Court of Probate Act, 1857," it shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Moneys as may be provided and appropriated by Parliament for that Purpose, to cause to be paid all such Expenses attending the Arranging, Classification, Indexing, Carriage, or otherwise connected with the Removal of the Documents or Books required by such Requisition to be removed, as the Judge shall from Time to Time certify to the said Commissioners to be proper and necessary.

Mode of calculating Time of Service of Judges of Superior Courts of Law or Equity with reference to Retiring Pensions.

XXXIV. In calculating the Time of Service of any Judge of Her Majesty's Superior Courts of Law or Equity in *Ireland* with reference to the Retiring Pension or Annuity to be granted to such Judge on the Resignation of his Office, the Period during which he shall have served as Judge of Her Majesty's Court of Probate in *Ireland* shall be allowed, in like and same Manner as if he had during said Period served as One of the Judges of Her Majesty's Superior Courts of Law or Equity in *Ireland*.

Sections 19. & 20. of 19 & 20 Vict. c. 92. to include Court of Probate in Ireland.

XXXV. Sections Nineteen and Twenty of the Chancery Appeal Court (*Ireland*) Act, 1856, so far as they refer to and include the Court of Prerogative in *Ireland* and the Judge thereof, shall be construed, deemed, and taken to refer to and include the Court of Probate in *Ireland* and the Judge thereof, in like and the same Manner as if the said Court of Probate in *Ireland* and the Judge thereof had been therein referred to and included, instead of the said Court of Prerogative in *Ireland* and the Judge thereof.

Short Title.

XXXVI. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "Court of Probate Act (*Ireland*), 1859."