

ANNO PRIMO

GEORGII IV. REGIS.

CAP. LXVIII.

An Act for the better Administration of Justice in the Court of Exchequer Chamber in *Ireland*.

[15th *July* 1820.]

WHEREAS an Act was passed in the Parliament of *Ireland*, in the Fortieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more speedy Correction of erroneous Judgments given in the Courts of Law in this Kingdom*: And whereas by the said Act Writs of Error from Judgments of His Majesty's superior Courts of Law in *Ireland* were made returnable in a Court thereby instituted, and now commonly called *The Court of Exchequer Chamber*; and the Chief Justices, Chief Baron, and the rest of the Justices and Barons, or any Nine of them assembled in the said Court, were empowered to examine, and affirm, or reverse such Judgments; and in all Cases depending in the said Court to award such Costs, moderate, reasonable, or exemplary, as to them should seem meet: And whereas it hath appeared by Reports made to the King's most Excellent Majesty from the Commissioners appointed by His Majesty, upon an Address of the Knights, Citizens, and Burgesses in Parliament assembled, to enquire into the Duties, Salaries, and Emoluments of the Officers, Clerks, and Ministers of Justice in all Temporal and Ecclesiastical Courts in *Ireland*, that divers Regulations are necessary for ensuring the more easy, cheap, 40 G. 3. c. 39. (I.)

cheap, and expeditious Administration of Justice in the said Court: And whereas some of such Regulations have been carried into Effect by a general Order of the said Court, and a Table of the Fees to be thereafter taken by the Clerk of the said Court of Exchequer Chamber, commonly called *The Clerk of the Errors*, established under the said Order; but certain other Regulations are required, which cannot be carried into Effect without the Aid of Parliament: And whereas it is expedient that the said Fees to be taken by the Clerk of the said Court should be further established and regulated by the Authority of Parliament; be it therefore enacted by the King'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, That from and after the last Day of this present Session of Parliament, it shall and may be lawful for the Clerk of the said Court, or his Deputy or Assistant on his Behalf, to ask, demand, have, receive, take, and accept, for and by reason and on account of the several Acts, Matters, and Things to be done in or concerning the Business of the said Court, the several Fees, Payments, and Sum and Sums of Money in the Table hereunto annexed respectively mentioned, and none other or greater Fees or Sums of Money whatever; and that the Clerk of the said Court, or any Deputy or Clerk of any such Officer, nor any Person acting in his Behalf in any Part of the Business thereof, shall not ask, demand, or receive any other or greater Fee or Sum or Sums of Money whatsoever, on account of or for the Performance or under Pretence of performing any Act, Matter, or Thing whatsoever, in anywise relating to the Business of the said Court, than as mentioned in the said Table, as payable for or in respect of such Act, Matter, or Business, except under the Provisions of this Act, any Law, Usage, or Custom at any Time heretofore made, used, or exercised to the contrary in anywise notwithstanding; and that the said Table, and all Directions, Matters, and Things therein contained, shall be taken as Part of this Act to all Intents and Purposes whatsoever.

Clerk of the Errors in the Court of Exchequer Chamber may take the Fees specified in the Table annexed.

II. Provided always, and be it enacted, That it shall and may be lawful for the Chief Justices, Chief Baron, and the other Justices and Barons, or any Nine or more of them, so assembled in the said Court, from Time to Time to vary and alter the Amount of any of the said Fees, by decreasing or increasing the same, or to abolish any of the said Fees altogether; and also to direct and authorize the Payment of any new or additional Fee or Fees to the said Clerk of the said Court, or to any other Person, for or in respect of any Matters or Things mentioned in the said Table, or any of them, or of any other Matters or Things to be done in the Execution of the Duty of the Office of such Officer or Persons respectively; and all such Fees, the Amount whereof shall be so altered, and all such new or additional Fees which shall be so made payable, and also any Order for the abolishing of any Fee, shall be specified and set forth in a Table or Tables to be made by Order of the said Court, and signed by the Chief Justice of the Court of King's Bench for the Time being; and such Order shall specify the Grounds and Reasons upon which such Fees shall have been altered, abolished, or made payable respect-

Judges in the Exchequer Chamber may alter the Fees, or add to them, according to a Table to be signed by the Chief Justice of King's Bench, and transmitted to the Lord Lieutenant, and laid before Parliament.

respectively; and a Copy of every such Order, signed as aforesaid, shall be transmitted by the Chief Justice of the King's Bench for the Time being to the Lord Lieutenant of *Ireland*, who shall cause a Copy of the same to be laid before each House of Parliament, at or immediately after the Commencement of the then next Session thereof, and every such Fee shall, according to the Terms of such Order, be and be deemed and taken to be a legal Fee, and payable and receivable as such, as if the same had been included in the said Table to this Act, from and after the End of such Session of Parliament.

Clerk of the Errors to discharge the Duty in Person, except in certain Cases.

III. And be it further enacted, That the Clerk of the Errors shall discharge the Duties of the said Office in Person, except in case of Sickness, or unavoidable Absence by reason of Accident or Business, and in any such Case it shall and may be lawful to and for such Clerk of the Errors to act by Deputy during the Continuance of such Sickness or unavoidable Absence, and no longer, such Deputy being first approved of by the Chief Judge of the said Court for the Time being, the Sickness or other Occasion for such Appointment being first proved to the Satisfaction of such Chief Judge.

Penalty of 100*l.* on Deputies or Clerks taking Fees, &c. from Suitors, &c. or any other than the Fees of their Principals.

IV. And be it further enacted, That if any Deputy or Clerk, or other Person whomsoever employed in the Business of the said Court, or any Part thereof, shall at any Time after the last Day of this present Session of Parliament ask or demand, or shall have, take, or receive, or accept from any Suitor, Solicitor, or other Person whomsoever, (save and except only from the principal Officer by and under whom any such Deputy or Clerk, or other Person, shall be immediately employed), any Gift, Fee, Reward, or Remuneration, for or by reason or on account or under Pretext of any Services of their own, or of any Person or Persons employed by or under them respectively in the Office of the said Court; or if any such Deputy or Clerk, or other Person, shall ask or demand, or shall have, take, receive, or accept any Gift, Fee, or Reward, Gratuity or Remuneration, for or by reason or on account or under Pretext of the Services of their Principals or Employers, or for or by reason or on account or under Pretext of any Matter or Thing whatsoever done in and about the Business of the said Court, or any Part thereof, other than and except only such Fees and Sums of Money as shall from Time to Time be lawful under the Provisions of this Act, every Deputy Clerk or other Person so offending, shall for every such Offence forfeit and lose the Sum of One hundred Pounds.

Penalty of 100*l.* on Clerk of Errors taking undue Fees, and loss of Office.

V. And be it further enacted, That if any Person who shall hold the said Office of Clerk of the said Court shall, at any Time after the last Day of this present Session of Parliament, by himself or his Deputy, or by any Clerk or Person authorized on his Behalf, wilfully and knowingly ask, demand, have, take, and receive, or accept, directly or indirectly, any Gift, Fee, Reward, Gratuity, or Remuneration, for or by reason or on account or under Pretext of any Services or Service in or concerning any Part of the Business of the said Court, other than and except only such Fees and Sums of Money as from Time

Time to Time shall be lawful, under the Provisions of this Act, every such Person so offending shall for every such Offence forfeit and lose the Sum of One hundred Pounds, and shall forfeit and lose all and every Offices and Office in or under the said Court, which such Person shall hold or be possessed of at the Time of such Offence.

By whom the Time of Meeting shall be fixed, after each Sitting of the Court.

VI. And be it further enacted, That after each and every Sitting of the said Court, the Day and Hour of the Day on which the said Court shall next meet shall be fixed by the said Chief Justice of the Court of King's Bench for the Time being, or in case of his Sickness or Absence from *Ireland*, or of the Vacancy of the said Office, then by the Chief Justice of the Court of Common Pleas for the Time being, or in case of his Sickness or Absence from *Ireland*, or of the Vacancy of said Office, then by the Chief Baron of the Court of Exchequer for the Time being, and by no other Person or Authority whatsoever; and the same shall be done as speedily as may be by Order in Writing, a Copy of which shall be forthwith sent by the Clerk of the Errors to the Place of Residence of each of the other Judges of the said Court of Exchequer Chamber.

Court of Exchequer Chamber on affirmance of Judgments, to order Payment of Interest.

VII. And whereas it is expedient that the Powers of the said Court should be enlarged as is herein-after provided; be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful to and for the said Chief Justices, Chief Baron, Justices, and Barons, in all Cases now depending, or which hereafter shall depend in the said Court, where the Defendant in Error shall have got Judgment for any Sum of Money, whether for Debt, Damages, or Costs, or all or any Two of them, and such Judgment shall be affirmed by the said Court, then not only to give such Judgment of Affirmance, but also to order that Interest be forthwith computed in open Court, at such Rate not exceeding the legal Interest for the Time being, as such Court shall direct, from the Day of the Allowance of the Writ of Error on which they shall so give Judgment to the Day of so giving the same, on the Sum so adjudged to the Defendant in Error as aforesaid; and to order that the Amount of such Interest shall be included in their Judgment, in addition to the Sum so theretofore adjudged, and to the Costs, if they shall think proper to award Costs as aforesaid.

Writ of Error shall not be a Supersedeas unless Recognizance be given to pay Debt and Costs, &c.

VIII. And be it further enacted, That no Execution shall be stayed by or by reason of any Writ of Error returnable into the said Court, or by any Supersedeas thereon, in any Case whatsoever, unless the Plaintiff in Error, with Two sufficient Sureties, to be approved of by the Court in which Judgment shall have been given, or by a Judge of such Court, shall be first bound by Recognizance in such Court, in Double the Sum adjudged by such Judgment, and also in Two Years Value of the Lands, Tenements, and Hereditaments (if any) adjudged to be recovered thereby, to satisfy and pay, if such Judgment be affirmed, all and singular the Debt, Damages, and Costs adjudged by such Judgment, and all Costs to be awarded by or under the Judgment on such Writ of Error, or on any further Writ of Error which may be afterwards brought in such Cause returnable in Parliament,

and also the Mesne Rates of such Lands, Tenements, and Hereditaments (if any) to be adjudged in any Action that may be brought for that Purpose.

How Transcripts shall be made up and conveyed on Writs of Error in Parliament.

IX. And be it further enacted, That whenever any Writ of Error or Certiorari shall issue, returnable in Parliament, for the Purpose of reversing any Judgment of the said Court of Exchequer Chamber, the original Transcript brought into the said Court, together with the Judgment in Court thereon, being duly made up into the Form of a Return to such Writ of Error, and signed by the Chief Justice of the Court of King's Bench, shall be countersigned by the Clerk of the Errors, who shall then forthwith carry the same to the Office of the Chief Secretary in *Dublin* Castle, and shall deliver the same to the Under Secretary, or the Chief Clerk in the Civil Department, who shall also countersign the same, and shall give a Receipt for the same, and shall forthwith cause the same to be duly transmitted by Post to the proper Officer of the Lords House of Parliament; and such Writ and Return so signed and countersigned as aforesaid respectively, shall be so transmitted without any Charge for the same, and shall be deemed and taken to be true and genuine Records, and well and sufficiently returned, according to the Mandate of such Writs respectively.

TABLE to which this ACT refers.

No.		£	s.	d.
1.	For receiving every Writ of Error, with Transcript of the Record thereupon	0	9	6
2.	For receiving, entering, and filing every Assignment of Errors, Joinder thereto, and every other Pleading	0	9	6
3.	For the Copy of every Assignment of Errors, Joinder, or other Pleadings in the Court of Error If exceeding Ten Sheets, then 8d. per Sheet.	0	6	8
4.	For entering every Rule or Order	0	3	0
5.	For preparing, attesting, and issuing Copies of all Rules and Orders of which Copies shall be required	0	2	6
6.	For receiving, entering, and filing every Affidavit, of whatever Length the same may be	0	0	6
7.	For preparing, attesting, and issuing Copies of Affidavits, when such Copies shall be required, if not exceeding Three Sheets of Seventy-two Words each	0	1	6
8.	If above Three Sheets, then at the Rate per Sheet, each Sheet containing Seventy-two Words	0	0	6
9.	For One Copy of the Record to remain with the Clerk in Court at the Hearing, for each Sheet of Seventy two Words	0	0	6
10.	For every other Copy, per Sheet	0	0	3
11.	For every Continuance in each Cause, such Continuance being from Term to Term, and the Fee being only charged once in each Term, and against One Party	0	3	4
12.	For enrolling such Pleadings and Proceedings as occur in the Court of Error, and the Judgment of the Court to be transmitted, with Record, to Parliament, or to the Court from whence the Record came, for each Roll containing Seven hundred and twenty Words	0	10	0
13.	For every preparing, signing, and issuing every Writ of Mandamus and Seal	0	5	0
14.	For every Certificate of Non-compliance with any Order of the Court, including Search	0	3	4
15.	For every Search which the Officer shall be required to make where no such Certificate shall be required	0	2	6
16.	For taxing a Bill of Costs	0	10	0

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