ANNO VICESIMO PRIMO & VICESIMO SECUNDO

# VICTORIÆ REGINÆ.

**********************************************************

## CAP. LII.

**An Act to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in *Ireland*, and to make Provision for the Appointment of Tipstaffs in the Superior Courts of Common Law and Equity in *Ireland*.** [23d *July* 1858.]

WHEREAS by the Twenty-ninth Section of the Thirteenth and Fourteenth *Victoria*, Chapter Eighteen, and the Two hundred and thirty-sixth Section of the Sixteenth and Seventeenth *Victoria*, Chapter One hundred and thirteen, certain Duties of attending the Consolidated Nisi Prius Court as Clerk of Nisi Prius were imposed upon the Registrars of the Lord Chief Justices and Lord Chief Baron of the Superior Courts of Common Law in *Ireland*: And whereas by the Fifth Section of the Nineteenth and Twentieth *Victoria*, Chapter One hundred and two, certain other Duties were imposed upon the said Registrars: And whereas it has been found inconvenient to have the Duties of Clerk of Nisi Prius to the said Consolidated Nisi Prius Court discharged by Three different Officers, and it is expedient to appoint One permanent Clerk of Nisi Prius for the said Consolidated Nisi Prius Court, to discharge the Duties thereof so imposed upon the



said

said Registrars as aforesaid, and which said Officer should also discharge the said additional Duties imposed by the said Fifth Section of the Nineteenth and Twentieth *Victoria*, Chapter One hundred and two, upon the said Registrars as aforesaid: 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:

Appointment of Clerk of Nisi Prius.

I. There shall be a permanent Registrar or Clerk of Nisi Prius for the Discharge of the Duties of the said Consolidated Nisi Prius Court, who shall discharge the Duties imposed by the said Fifth Section of the Nineteenth and Twentieth *Victoria*, Chapter One hundred and two, upon the said Registrars as aforesaid; and such Registrar or Clerk of Nisi Prius shall receive by way of Salary an annual Sum not exceeding Three hundred Pounds, together with One hundred Pounds *per Annum* and no more to provide a Clerk or Clerks to assist the Registrars in discharge of all Duties imposed under the recited Acts, or either of them, to be payable out of or chargeable upon such Sums as Parliament shall from Time to Time provide for the Purpose.

Thomas Courtenay, Esq., to be such Clerk of Nisi Prius.

II. That *Thomas Courtenay* Esquire, the present Registrar of the Lord Chief Justice of *Ireland*, be and he is hereby appointed such Clerk of Nisi Prius for the Discharge of the aforesaid Duties; and when and so often as a Vacancy shall occur in the said Office of Registrar or Clerk of Nisi Prius by Death, Resignation, or otherwise, it shall be lawful for the Lord Chief Justices and Lord Chief Baron of the said Superior Courts of Common Law, in rotation, to nominate and appoint some fit and proper Person to fill such vacant Office, the next Appointment to be made by the Chief Justice of the Common Pleas.

To remove Doubts as to Office of Tipstaff.

III. And whereas Doubts have arisen as to the Office of Tipstaff in the Superior Courts of Common Law and Equity in *Ireland:* Be it enacted, That from and after the passing of this Act it shall be lawful for the Lord Chancellor, the Master of the Rolls, the Lord Chief Justice of the Queen's Bench, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron respectively for the several Courts to appoint fit and proper Persons to perform the Duties of Tipstaff to such Court: Provided always, that the Persons who now perform the Duties of the said Office shall be reappointed to such Office, if they shall be found willing and competent to discharge the Duties thereof, in preference to any Person who shall not have performed such Duties prior to the passing of this Act; and when and so often as any Vacancy shall occur by Death, Resignation, or otherwise

otherwise in such Office, it shall and may be lawful for the Lord Chancellor, the Master of the Rolls, the Lord Chief Justice, or Lord Chief Baron of the Court in which such Vacancy shall occur to nominate and appoint some fit and proper Person to fill such Vacancy; and all Persons to be appointed to such Office shall hold the said Office during the Pleasure of the Court to which they shall respectively belong: Provided always, that nothing herein contained shall affect the Tipstaves of the several Judges of the Courts of Common Law, or the Right of appointing such Tipstaves.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1858.