ANNO PRIMO

VICTORIÆ REGINÆ.

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CAP. XXX.

An Act to abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in those Courts. [12th *July* 1837.]

WHEREAS in Her Majesty's Superior Courts of Common Law at *Westminster* there are many Officers whose Duties have wholly or in part ceased, or are executed by Deputy, and whose Offices have become by Changes in the Law useless, and inapplicable to the present Practice and Proceedings in those Courts, though the Fees in such Offices continue payable by the Suitors as heretofore: And whereas by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth and the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law*, the net annual Value of certain of such Offices has been ascertained, and the Persons who were the Holders thereof prior to the Twenty-fourth Day of *May* One thousand eight hundred and thirty are compensated in Manner and Form by that Statute pointed out: And whereas the Continuance of sinecure and useless Offices tends to impair the effective Administration of Justice, and to cast upon the Public and the Suitors in those Courts unnecessary Burthens and Costs; and it is expedient to abolish the said Offices, and to make Provision for a more uniform and effective Establishment of Officers

11 G. 4. & 1 W. 4. c. 58.

in each of the Superior Courts of Common Law: 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, That from and after the First Day of *January* One thousand eight hundred and thirty-eight the Offices mentioned in the Schedule to this Act annexed, marked (A.), on the Plea Side of the Courts of Queen's Bench and Exchequer, and in the Court of Common Pleas, shall be and the same are hereby abolished.

Certain Offices in the Courts of Queen's Bench, Common Pleas, and Exchequer abolished.

II. And whereas the Duties of the Clerk of Errors in the Court of Exchequer Chamber are so much diminished as to render it inexpedient any longer to continue a separate Office for the Performance thereof; be it further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-eight the said Office of Clerk of the Errors in the Court of Exchequer Chamber shall be and the same is hereby abolished; and all Acts, Duties, and Services now and heretofore done, performed, and rendered by the said Officer shall continue to be done, performed, and rendered by the Masters of the respective Courts from which Error is brought, or any One or more of them; and such Acts, Duties, and Services when so done, performed, and rendered by the said Masters, or their Successors, or any One or more of them, shall be good and valid in Law to all Intents and Purposes; and all lawful Powers and Authorities now and heretofore vested in or exercised by the said Clerk of Errors in the Court of Exchequer Chamber, by virtue or in right of his Office, shall be exercised by the said Masters, or any One or more of them.

Clerk of Errors in the Court of Exchequer Chamber abolished.

III. And be it further enacted, That from and after the said First Day of *January* One thousand eight hundred and thirty-eight there shall be in each of the said Courts respectively, to conduct the Civil Business thereof, Five Principal Officers, and no more, to be called respectively the Masters of each of the said Courts; and the Persons mentioned in the Schedule to this Act annexed, marked (B.), shall be and the same are hereby appointed and declared to be such Masters in each of the said Courts respectively.

Certain Persons appointed as Masters or Principal Officers of the said Courts.

IV. Provided always, and it is hereby further declared and enacted, That *Henry Belward Ray* Esquire shall hold and enjoy the said Appointment or Office of First Master of the Court of Common Pleas during the same Term, and with and under and subject to the same Estate, Title, and Tenure, as he heretofore held the Office of Prothonotary of the Court of Common Pleas, and with all and every the Incidents, Rights, Powers, Authorities, and Privileges which heretofore belonged, were attached, or incident to the said Office, except so far as is specifically enacted by this Act, or so far as such Rights, Powers, Authorities, or Privileges may be incompatible or inconsistent with the Enactments herein contained, or any of the Duties or Obligations hereby imposed.

Henry Belward Ray, Esq. to be First Master of the Common Pleas.

V. And

V. And be it further enacted, That from and after the said First Day of *January* One thousand eight hundred and thirty-eight all Acts, Duties, and Services now and heretofore done, performed, and rendered by the said Officers abolished by this Act, or any of them, in their respective Offices in the said Courts, shall continue to be done, performed, and rendered by the Masters hereby appointed in each of those Courts, or their Successors, or any One or more of them; and such Acts, Duties, and Services, when so done, performed, and rendered by the said Masters, or their Successors, or any One or more of them, shall be good and valid in Law, to all Intents and Purposes; and all lawful Powers and Authorities now and heretofore vested in or exercised by the Officers so abolished as aforesaid, or any of them, by virtue or in right of any Office by them held in either of the said Courts, shall be and the same are hereby vested in and shall be exercised by the Masters of those Courts respectively, or by any One or more of them.

Masters of the said Courts to perform all the Duties and exercise all the Powers and Authorities of the Officers abolished by this Act.

VI. And whereas it is expedient that a new Table or Tables of the Fees proper to be taken in the Superior Courts of Common Law at *Westminster* should be prepared with reference to the various Changes and Alterations which have taken place in the Process, Practice, and Proceedings of those Courts, and to the Diminution of Expence, where practicable, to the Suitors: And whereas by an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to enable the Judges of the several Courts of Record at* Westminster *to make Regulations respecting the Fees of the Officers, Clerks, and Ministers of the said Courts*, it was enacted, that it should be lawful for any Three or more of the Judges of the Courts of King's Bench, Common Pleas, Exchequer, and Exchequer Chamber respectively, to establish and ordain, by their Discretion, Tables of Fees to be thereafter taken by the several Officers, Clerks, and Ministers of the same respective Courts, and by the Clerks and Officers of the Judges thereof respectively, and that the Fees so established and ordained should be deemed and taken to be the lawful Fees of such Officers, Clerks, and Ministers respectively: And whereas, owing to the numerous and important Duties and Avocations of the said Judges, no such Regulations respecting Fees have yet been or are likely to be made, but the ancient and unsuitable Fees still continue to be taken from the Suitors in the said Courts; be it further enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury and they are hereby required to direct and instruct the Commissioners appointed under the before-recited Act passed in the Eleventh Year of the Reign of King *George* the Fourth and the First of His said late Majesty, or such of them as they may think proper, forthwith to prepare and draw up a Table or Tables of the Fees proper to be demanded and taken in the Superior Courts of Common Law, to be laid for their Approval before the Judges of the said Courts; and the said Judges are hereby empowered and required, before the First Day of *January* One thousand eight hundred and thirty-eight, to revise the said Table or Tables of Fees so prepared as aforesaid, and to add to, or reduce, alter, or amend the same, as they may deem necessary and proper, and the said Table or Tables of Fees so revised and corrected as aforesaid to allow and sanction, by affixing their

Commissioners of Her Majesty's Treasury empowered to direct the drawing up a Table of Fees. 3 G. 4. c. 69.

their Signatures respectively thereto, and to establish the same in and for the said Courts; which Tables of Fees shall be entered or enrolled in the public Books or Records of the Courts to which they respectively relate, in such Manner as the Judges of the said Courts shall think fit; and the Fees so established and ordained, and no other, shall, from and after the said First Day of *January* One thousand eight hundred and thirty-eight, be deemed and taken to be the lawful Fees to be thenceforth demanded, received, and taken in the said Courts respectively.

Records, &c. of abolished Offices transferred to the Masters; and Searches may be made and Copies taken as heretofore.

VII. And be it further enacted, That all the Records, Books, Papers, and Documents of and concerning the Duties and Business of the several Offices of the Courts of Queen's Bench, Common Pleas, and Exchequer, so abolished as aforesaid, shall, on or before the said First Day of *January* One thousand eight hundred and thirty-eight, be delivered by the several Officers of the said Courts respectively now having the Custody of the same into the Custody and Possession of the Masters of the said Courts respectively appointed or to be appointed under or by virtue of this Act, to be by them kept and preserved; and Searches may be made, and Copies or Extracts of and from the said Records, Books, Papers, and Documents shall and may be had and taken, at such Times and in such Manner as hath been the accustomed Practice in the several Offices hereby abolished; and all such Copies or Extracts signed and authenticated by One or more of the said Masters of the said Courts respectively shall be as available in Evidence and as valid and effectual to all Intents and Purposes as if the same had been signed, authenticated, and given by the Officers whose Offices are hereby abolished, or any of them, subject nevertheless to such Rules, Orders, and Regulations as the said Courts shall or may from Time to Time make or ordain in respect of the same.

Certain Officers whose Offices are abolished to pay over to Masters under this Act all Balances of Suitors Money in their Hands, to be by such Masters paid into the Bank of England.

VIII. And be it further enacted, That the Chief Clerk of the Court of Queen's Bench, the Prothonotaries of the Court of Common Pleas, and the Masters and Prothonotaries of the Court of Exchequer, whose Offices are abolished by this Act, shall and they are hereby required, on or before the said First Day of *January* One thousand eight hundred and thirty-eight, to pay over to the Masters of the said Courts respectively appointed by this Act all and every Sum and Sums of Money which shall at any Time theretofore have been paid into the said respective Courts by or on behalf of Suitors, to abide the Event of any Suit, or for any Purpose whatsoever, and which shall then remain unclaimed and undisposed of in the Hands and Possession of the said Chief Clerk of the Court of Queen's Bench, or the said Prothonotaries of the Court of Common Pleas, or the said Masters and Prothonotaries of the Court of Exchequer; and the said last-mentioned Officers respectively shall and they are hereby required, at the Time of their paying over the said Monies to the Masters of the said Courts respectively as aforesaid, to render to such Masters an Account thereof, showing the precise Amount paid into Court in each Action, the Names of the Plaintiff and Defendant, and of their Attornies, and the Time when, and by whom, and the Purpose, so far as the same can be ascertained, for which the said Amount was so

paid in, which Account the said Masters shall cause to be entered in Books to be kept in their Offices respectively for that Purpose; and the Masters of the said Courts respectively shall and they are hereby required immediately after the Receipt of such Sum or Sums of Money to pay the same into the Bank of *England* to an Account to be opened by the Masters of the said Courts respectively in the Books of the Governor and Company of that Bank, to be called the "Account of the Suitors Fund of the Court of Queen's Bench, Common Pleas, or Exchequer," as the Case may be, which Accounts respectively the Governor and Company of the Bank of *England* are hereby authorized and required to open in their Books accordingly.

All Monies deposited in Court by Suitors at or after the Commencement of this Act to be paid into the Bank of England, and drawn out by the Order of Two or more of the Masters of each Court.

IX. And be it further enacted, That from and after the said First Day of *January* One thousand eight hundred and thirty-eight the Masters of the said Courts respectively shall cause all and every Sum or Sums of Money paid into the said Courts by or on the Behalf of the Suitors in either of those Courts, to abide the Event of the Suit, or for any other Purpose whatsoever, to be entered in proper Books to be kept for that Purpose, and shall as soon as conveniently may be pay all and every such Sum or Sums of Money into the Bank of *England* to the Credit of their respective Accounts of the Suitors Fund to be opened as aforesaid; and the Masters of the said Courts respectively, or any Two or more of them, shall and they are hereby authorized and required to draw on the said Governor and Company of the Bank of *England* for any Sum or Sums of Money so paid in as aforesaid, at the Commencement of this Act or afterwards, which the Masters of the said Courts respectively may require for the Purposes of any Suit pending in their respective Courts; and the said Governor and Company of the Bank of *England* are hereby authorized and required to pay all such Sums of Money as may be so drawn for by any Order signed by the Masters of the said Courts respectively, or any Two or more of them.

The Lord Chief Justices or the Lord Chief Baron of the said Courts respectively to appoint to future Vacancies in the Office of Masters.

X. And be it further enacted, That when and so often as any Vacancy shall occur in any of the said Offices of Master in either of the said Superior Courts of Common Law, by Death, Resignation, or otherwise, it shall and may be lawful for 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 vacant Office, such Person being a Barrister in actual Practice of not less than Five Years standing at the Bar, or who shall have practised as a Pleader for not less than Five Years, or an admitted Attorney in all or any one of those Courts in actual Practice of not less than Five Years standing on the Rolls of such Court, or who shall have served as Officers or Clerks in either of the said Offices hereby abolished, or as Clerks in either of the Offices of the said Masters, or as both, for not less than Five Years in the whole: Provided always, that nothing herein contained shall extend or be construed to extend to affect the Rights of Appointment of certain of the Masters on the Plea Side of the Court of Exchequer, now vested in *William Stewart Rose* Esquire under and by virtue of an Act passed in the Second and Third Years of the Reign of His said late Majesty, intituled *An Act for the better Regulation of the Duties* 2 & 3 W. 4. *to* c. 110.

Proviso.

to be performed by the Officers on the Plea Side of the Court of Exchequer.

A Certificate of the Necessity of filling up each Vacancy to be made previous to Appointment as herein directed.

XI. Provided also, and be it further enacted, That upon the Death, Resignation, or Removal of either of the Masters of the said Courts appointed by this Act, the Lord Chief Justice or Lord Chief Baron in whose Court the Vacancy shall occur shall not be at liberty to fill up such Vacancy unless it shall be certified in Writing to the Commissioners of Her Majesty's Treasury, under the Hand of such Lord Chief Justice or Lord Chief Baron, that, after minute Inquiry, it appears to the said Lord Chief Justice or Lord Chief Baron, and to the other Judges of their respective Courts, that it is absolutely necessary for the efficient and satisfactory Conduct of the Business of the Court that the full Number of Five Masters in such Court should be retained; and such Certificate shall forthwith be laid before both Houses of Parliament, if Parliament shall be then sitting, if not, within Seven Days after the assembling thereof; and no such Appointment of any such Master shall take place by such Lord Chief Justice or Lord Chief Baron until Ten Days after such Certificate shall have been so laid before both Houses of Parliament as aforesaid, any thing in this Act to the contrary notwithstanding.

The necessary Clerks and Messengers in the Masters Office to be appointed by the Masters;

a Preference being given to those Persons who are now employed in the said Courts.

XII. And be it further enacted, That from and after the said First Day of *January* One thousand eight hundred and thirty-eight the Masters of each of the said Courts hereby appointed, and their Successors, shall and may, in and for the Discharge of the Duties of their Offices, have so many Clerks and Messengers as the Lord Chief Justice or Lord Chief Baron of the Court for the Time being to which such Masters respectively belong shall determine to be necessary and proper; and all such Clerks and Messengers shall and may be appointed by the Majority of the Masters of the said Courts respectively, with the Sanction and Approval of the Lord Chief Justice or Lord Chief Baron of the Court to which such Masters shall belong: Provided always, that so many of the Persons who now hold any Office abolished by this Act, or are now employed therein, as may be needful, shall be appointed as such Clerks and Messengers, if they shall be found willing and competent to execute the Duties required of them, in preference to any Persons who shall not have held such abolished Offices or been so employed prior to the passing of this Act.

Appointments to be made without any pecuniary Consideration; the Masters during good Behaviour, and the Clerks and Messengers during Pleasure.

XIII. And be it further enacted, That all such Appointments of Masters, Clerks, or Messengers to be made by virtue of this Act shall be so made by the Lord Chief Justice or Lord Chief Baron, or by the Masters of the said Courts respectively, without any pecuniary or other Consideration whatsoever, directly or indirectly, to be paid or received for the same; and the Persons appointed or to be appointed as such Masters by virtue of this Act shall hold their Offices during the good Behaviour of the Persons so appointed; and the Persons to be appointed by virtue of this Act as such Clerks and Messengers shall hold their Offices or Situations during Pleasure; and all such Masters, Clerks, and Messengers shall execute their Duties in Person, and shall give their Attendance in Court or elsewhere,

where, and shall conduct the Business of their several Departments or Offices at such Places and Hours, whether in Term Time or Vacation, and in every respect in such Manner as the Lord Chief Justice or the Lord Chief Baron and the other Justices and Barons of the said Courts respectively shall from Time to Time order and direct.

In case of Sickness or other reasonable Cause the Duties of the Masters may be performed by Deputy.

XIV. Provided always, and be it further enacted, That if either of the said Masters shall from Sickness, or other unavoidable Cause, have Occasion to be absent from the Business of his Office for a longer Period than Two Months at any one Time, then and in every such Case it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron for the Time being of the Court to which such Master shall belong to give Leave of Absence, by his Order in Writing, to such Officer, and, if necessary, to appoint a Deputy in his Place during such Time as shall be expressed in such Order, and the Name of such Deputy, and also the Cause and Time of such Absence, shall be stated in such Order; and such Deputy may, if Occasion require it, be changed by the Lord Chief Justice or Lord Chief Baron; and every Deputy so appointed shall be paid by the Principal for whom he shall act such Remuneration for his Services as the said Lord Chief Justice or Lord Chief Baron shall direct in such Order, not being in any Case less than One Third of the Amount herein-after fixed and settled as the Salary of the Office of a Master of the said Courts respectively.

Masters, Clerks, and Messengers not to act as Barristers, Attornies, or Agents.

XV. And be it further enacted, That no Person holding such Office of Master in any of the said Superior Courts, or being a Clerk or Messenger in any of the said Masters Offices, shall either directly or indirectly act as a Barrister, Attorney, or Solicitor, or as Agent of any Attorney or Solicitor, in any Court of Law or Equity in the United Kingdom, either separately or in Partnership with any other, during such Time as he shall hold such Office of Master or act as such Clerk or Messenger: Provided always, that nothing in this Act contained shall operate to prevent any Attorney or Solicitor, or Agent of any Attorney or Solicitor, now practising in any Court of Law or Equity, and employed in any Office abolished by this Act, and who may be appointed to act as Clerk or Messenger under this Act, from continuing to practise as such Attorney, Solicitor, or Agent, notwithstanding such Appointment.

Salaries of the Masters fixed.

XVI. And be it further enacted, That the Masters of the said Courts of Queen's Bench, Common Pleas, and Exchequer respectively shall receive, by way of Salary, for performing the Duties of their respective Offices, the Sum of One thousand two hundred Pounds *per Annum* each, to commence and be computed from the First Day of *January* One thousand eight hundred and thirty-eight, and to be paid and be payable quarterly, namely, on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, together with a proportional Part of such annual Sum for the Term which at the Decease of the Person entitled thereto shall have elapsed since the last Payment thereof: Provided always, that those Persons

sons appointed by this Act or who may be hereafter appointed as such Masters, and who are now entitled to and are in the Receipt of Compensation Allowance awarded to them under the Provisions of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth and the First Year of the Reign of His said late Majesty, intituled *An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law*, exceeding the Salary of One thousand two hundred Pounds *per Annum*, shall continue to receive the full Amount of such Compensation Allowance by way of Salary so long as they shall respectively hold the Office of Master as aforesaid; and in Cases wherein the Compensation Allowance under the said Act is less than the Salary hereby granted to the Masters of the said Courts respectively, such Compensation Allowance shall merge and be considered as Part of and included in the said Salary of One thousand two hundred Pounds *per Annum*: Provided always, that nothing herein contained shall extend or be construed to extend to deprive *Stephen Richards*, *Kenrick Collett*, *Thomas Dax*, *Edmund Walker*, and *George Chilton*, Esquires, the present Principal Officers on the Plea Side of the Court of Exchequer, of the Amount of official Income and Salary which they are now in the Receipt of respectively, so long as they shall hold the Office of Masters under this Act, but that the said Persons shall continue in the Enjoyment of the same official Income by way of Salary which they now respectively receive during all the Time they respectively hold such Offices of Masters under this Act.

11 G. 4. & 1 W. 4. c. 58.

Salaries of Clerks and Messengers to be fixed by the Lord Chief Justices or Lord Chief Baron of the Courts respectively and the Lords of the Treasury.

XVII. And be it further enacted, That the Clerks and Messengers who shall be appointed as herein-before directed to discharge the Duties of the Offices of the Masters of the said Courts respectively shall receive by way of Salary for the Performances of the said Duties such annual Sum as the Lord Chief Justice or the Lord Chief Baron of the said Courts respectively, and the Commissioners of Her Majesty's Treasury, shall from Time to Time fix and determine, and such Salaries shall commence and be computed from the said First Day of *January* One thousand eight hundred and thirty-eight, and shall be paid and payable quarterly, namely, on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, together with a proportional Part of such annual Sum for the Time which at the Decease of the Person entitled thereto shall have elapsed since the last Payment thereof: Provided always, that if any of the Persons appointed as Clerks or Messengers under the Provisions of this Act shall be entitled to and in the Receipt of Compensation Allowance awarded to them under the herein-before recited Act, which shall exceed the Amount of Salary fixed and determined as aforesaid, such Persons shall be entitled to and shall receive the full Amount of such Compensation Allowance by way of Salary so long as they shall respectively hold their Offices or Situations under this Act; and in Cases wherein such Compensation Allowance shall be less than the Amount of Salary so fixed and determined, the same shall merge and be considered as Part of and included in the said Salary.

XVIII. And

XVIII. And be it further enacted, That the Salaries and Compensation Allowances by way of Salary herein-before granted to the several Masters of the said Courts respectively, and also the Salaries and Compensation Allowances by way of Salary which shall and may be granted to the several Clerks and Messengers in the Offices of the Masters under the Provisions of this Act, together with the necessary and unavoidable Expences of the said Offices respectively, shall be paid and payable out of and be charged and chargeable upon the Fees received by the Masters in the said Courts respectively; and the Surplus of such Fees arising in each of the said Courts, after the Payment of the said Salaries and Expences, shall be paid into the Receipt of the Exchequer to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at such Times and in such Manner as the Commissioners of Her Majesty's Treasury for the Time being shall think proper to direct; and in the Event of the Fees so received by the Masters of any one of the said Courts being at any Time insufficient to defray the said Salaries and other necessary Expences it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, and they are hereby authorized and required, to direct the Amount of such Deficiency to be charged upon and paid out of the said Consolidated Fund.

Salaries of Masters, &c. and Expences of Offices to be paid out of the Fees, if sufficient; but if not, Deficiency to be charged upon the Consolidated Fund; and Surplus of Fees to be paid into that Fund.

XIX. And be it further enacted, That if any Master of the said Courts respectively appointed or to be appointed under or by virtue of this Act, or any Person whatever employed in the Offices of the said Masters, shall for any thing done or pretended to be done relating to his Office or Employment, or under colour of doing any thing relating to his Office or Employment, or for forbearing to do any Act properly appertaining to his said Office, demand, take, receive, or accept, or allow any Person whatsoever to take for him or on his Account, or for or on account of or in trust for him or any other Person named by him, any Gratuity, Perquisite, or Reward, or any Thing of Value, other than the lawful Fees and Emoluments herein-before directed to be taken and received and accounted for as aforesaid, or other than the Salary or Remuneration allowed or to be allowed to every such Master or Person aforesaid, it shall be lawful for the said Lord Chief Justice or Lord Chief Baron of the Court to which such Master or Person shall belong, and he is hereby empowered and required, upon his being satisfied that the Person charged is guilty of so offending, to remove him from his Office or Employment; and the Person so removed shall be and is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in the said Courts respectively, or of otherwise serving Her Majesty, Her Heirs or Successors, in any Manner whatsoever.

Masters, Clerks, and Messengers not to take Gratuities on pain of Dismissal.

XX. And be it further enacted, That the Masters of the said Courts respectively shall cause all Fees received by them, and all Disbursements made thereout for Salaries and other necessary Expences, to be duly and regularly entered in One or more Books to be kept for that Purpose in their Offices, distinguishing the Fees received under their several Heads, and also the Particulars and Amount of

Masters to keep Books of Account, and render Accounts quarterly to Treasury.

every Disbursement; and shall quarterly, within One Month after the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, render a true and faithful Account in Writing to the Commissioners of Her Majesty's Treasury for the Time being of all such Fees and Disbursements, in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the said Commissioners shall from Time to Time think proper to require and direct; and if upon the Examination of any such Account it shall appear to the said Commissioners that any Fees have not been duly accounted for, or that any unreasonable or improper Charge or Deduction has been made in such Account, it shall be lawful for the said Commissioners finally to settle and adjust the same in such Way as they may think reasonable and proper, and the Masters of the said Courts by whom such Account shall have been rendered shall and they are hereby required to alter and amend the said Account accordingly: Provided always, that the Masters of the said Courts respectively shall submit their Books of Account to the Inspection of the said Commissioners of Her Majesty's Treasury, or any Person or Persons whom they may employ for that Purpose, whenever the said Masters shall be required so to do.

Allowance to Masters and other Officers on their Retirement from Office.

XXI. And be it further enacted, That every Person appointed or to be appointed under the Provisions of this Act as a Master of the said Courts respectively, or as a Clerk or Messenger in the Offices of any of such Masters, and who was entitled to and has received Compensation or Salary in respect of the Office formerly held by him under the Act herein-before mentioned passed in the Eleventh Year of the Reign of King *George* the Fourth and the First Year of the Reign of His said late Majesty, or under that Act and any other Act or Acts of Parliament regulating or relating to his Office or Situation, who shall hereafter resign his Office or Situation, giving Two Months Notice in Writing of such Resignation to the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, shall be entitled to receive, during his Life, such annual Sum as the Commissioners of Her Majesty's Treasury shall think proper to fix and appoint, not exceeding in any Case the net annual Value of the Office or Situation formerly held by him, and not being less in any Case than Three Fourths thereof, provided that such annual Sum shall exceed the Superannuation Allowance to be ascertained as herein-after mentioned; and every Person appointed or to be appointed to any Situation as aforesaid under this Act, where such annual Sum shall amount to a less Sum than the Superannuation Allowance to be ascertained as herein-after mentioned, or who was not entitled to and has not received Compensation in respect of any former Office held by him under the Provisions of the said Act, and who shall hereafter resign his Office or Situation with the Sanction and under the Authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong in consequence of his being incapable, from Infirmity of Mind or Body, to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the said Commissioners of Her Majesty's Treasury shall

shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in any Office or Situation in either of the said Courts, or in any other public Office or Situation prior to the passing of this Act, and shall proceed according to the Principles laid down by an Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*; and all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the Masters, Clerks, and Messengers of the said Courts respectively, and the necessary Expences of the said Offices. 4 & 5 W. 4. c. 24.

No Compensation allowed for Loss of Right of Appointment.

XXII. Provided always, and be it further enacted, That in the Event of any Reduction being hereafter made in the Number of the Masters, Clerks, or Messengers created or authorized by this Act, the Lord Chief Justice, Lord Chief Baron, and Masters of the said Courts respectively for the Time being shall not be entitled to Compensation for the Loss of any Right of Appointment vested in them or either of them by virtue of this Act.

Masters empowered and required to tax Costs indiscriminately in the said Courts.

XXIII. And whereas it would tend to the Despatch of Business, and would assimilate the Practice and promote Uniformity in the Allowance of Costs, if the Masters of the said Courts appointed or to be appointed under this Act were empowered to tax Costs which have arisen or may arise in each of the said Courts indiscriminately; be it therefore enacted, That, from and after the First Day of *January* One thousand eight hundred and thirty-eight, the Masters of the said Courts appointed or to be appointed as aforesaid are hereby authorized, empowered, and required, subject to such Rules and Orders as herein-after mentioned, to tax all Bills of Costs indiscriminately which shall have arisen or which may arise in Cases of a Civil Nature in any of the said Courts, or in the Court of Error in the Exchequer Chamber, although such Costs may not have arisen in respect of Business done in the Court to which such Masters may belong; and the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, shall and they are hereby required, by any Rule or Order to be from Time to Time made either in Term or Vacation, to establish such Regulations as may be necessary for the Purpose of enforcing Uniformity of Practice in the Allowance of Costs in the Common Law Courts, and of ensuring as far as may be practicable an equal Division of the Business of Taxation amongst the Masters of the said Courts; and such Judges shall appoint some convenient Place in which the said Business of Taxation shall be transacted for all the said Courts.

XXIV. And

Treasury empowered to grant Compensation to certain Persons for the Loss of the Sale of and Appointment to Offices abolished by this Act.

XXIV. And whereas by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to abolish the Sale of Offices in the Court of King's Bench in* England, *to make Provision for the Lord Chief Justice of the said Court, and to grant an additional Annuity to the said Lord Chief Justice on Resignation of his Office*, it was recited, that the several Offices of Clerk of the Rules on the Plea Side, Clerk of the Papers on the Plea Side, Clerk of the Declarations, Clerk of the Common Bails, Estreats, and Posteas, and Clerk of the Dockets, all in the Court of King's Bench, were in the Gift of the Chief Clerk of the said Court, and were deemed to be saleable by him; and also that the Offices of the Clerks of the Inner and Outer Treasury, Clerks of Nisi Prius in *London* and other Cities, and on the several Circuits, and Bagbearer on the Plea Side, also in the Court of King's Bench, were in the Gift of the Custos Brevium of the said Court, and were deemed to be saleable by him, and that it was expedient to abolish the Sale of such Offices, without Prejudice however to the Rights of any of the Persons then holding the same, or having the Right of Appointment thereto: And whereas by another Act passed in the Sixth Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to abolish the Sale of Offices in the Court of Common Pleas in* England, *to make Provision for the Lord Chief Justice of the said Court, and to grant an additional Annuity to the said Lord Chief Justice on Resignation of his Office*, it was recited that the Offices of Second Prothonotary and Clerk of the Juries were appointed by the Lord Chief Justice on the Nomination of the Custos Brevium, and that each of the Three Prothonotaries of the said Court had the Appointment of One Secondary, and such Rights of Appointments were continued to the Persons then in Possession of the said Offices of Custos Brevium and Prothonotaries respectively: And whereas the Persons who were so respectively declared by the said recited Acts to be in Possession of the Right of Sale, Nomination, or Appointment in and to the several Offices mentioned in the said Acts are still possessed of and have continued to exercise the said Rights: And whereas the Office of Signer of the Writs in the Court of Queen's Bench is also in the Gift, Nomination, or Appointment of the Chief Clerk of the said Court: And whereas all the said Offices will be abolished by this Act, and it is only just and reasonable that Provision should be made for granting Compensation upon equitable Principles for all Injury to or Loss of the same; be it further enacted, That if since the said Twenty-fourth Day of *May* One thousand eight hundred and thirty any Party or Parties shall, in the Exercise of any such Right, have been nominated or appointed to any Office or Offices so declared to be the Subject of such Right, or if any such Office shall be now vacant by Death, or the Party now holding any such Office shall hereafter die, it shall and may be lawful for the Person or Persons possessed as aforesaid of the Right of Sale, Nomination, or Appointment in and to such Office or Offices respectively, or to whom but for this Act such Right would have come by virtue of any Interest now vested, except as regards Compensation for the Interest to which any such Instrument as herein-after mentioned shall relate, or for the Person or Persons in whose Favour any such Right may have been

6 G. 4. c. 82.

6 G. 4. c. 83.

been exercised, to apply to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for Compensation for the Loss of the aforesaid Right of Sale, Nomination, or Appointment in and to such Office or Offices respectively, or for any Injury affecting such Office or Offices, or for the Loss of such Office or Offices by the Abolition thereof under this Act; and in every such Case the said Lord High Treasurer or any Three of the Commissioners of Her Majesty's Treasury shall forthwith examine into such Application by all and every such Means as he or they shall think proper; and thereupon it shall and may be lawful for him or them and they are hereby required to order and direct, by Warrant under his or their Hands, that such annual or gross Sum by way of Compensation shall be paid to or to the Use of such Person or Persons, and at such Time or Times respectively as the said Lord High Treasurer or the said Commissioners of Her Majesty's Treasury shall in his or their Discretion deem just and equitable, regard being had to the Value of such Offices as ascertained and certified under the Provisions of the aforesaid Act of the Eleventh Year of the Reign of King *George* the Fourth and the First Year of the Reign of His said late Majesty; and all such Compensations, whether annual or in gross, shall be issued and paid and payable (without any Fee or Deduction whatsoever) out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that if upon the Death of any of the Officers now holding for Life any of the Offices abolished by this Act, any Person shall be able to prove to the Satisfaction of the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the Time being, that he would in such Event have been entitled, under any Instrument of a Date prior to the said Twenty-fourth Day of *May* One thousand eight hundred and thirty, to be appointed to succeed to such Office if the same had not been abolished by this Act, it shall be lawful for the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the Time being to award Compensation to such Person upon equitable Principles, having regard to all the Circumstances of the Case; and such Compensation, when awarded, shall be payable out of the Consolidated Fund in manner aforesaid: Provided also, that an Account of all Compensations granted shall, within Fourteen Days next after the same shall have been granted as aforesaid, be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following: Provided also, that all the lawful Powers and Authorities by which the said Commissioners of Her Majesty's Treasury are authorized to purchase any of the Offices, Rights, or Interests in this or any other Act mentioned or referred to, shall continue in full Force and Effect, notwithstanding the Abolition of the said Offices, Rights, or Interests by this or any other Act or Acts.

Treasury empowered to grant Compensation to certain Of-

XXV. And whereas by the Act herein-before recited, passed in the Eleventh Year of the Reign of King *George* the Fourth and First Year of the Reign of His said late Majesty, certain Officers belonging to the Superior Courts of Common Law, who were appointed prior

ficers of the Court of Common Pleas who were in Office prior to 24th May 1830.

prior to the Twenty-fourth Day of *May* One thousand eight hundred and thirty, are entitled to receive Compensation for any Loss thereafter sustained by them in their Fees and Emoluments in consequence of the Amendments and Alterations in the Process, Practice, Pleadings, and other Proceedings of the said Courts: And whereas by another Act passed in the First and Second Years of the Reign of His said late Majesty, to explain and amend the same Act, the Warden of the *Fleet* Prison was declared to be within the true Intent and Meaning of the said first-mentioned Statute, but no Provision was made for the several Persons holding the Offices of Clerk of the Papers in the said Prison, and the Tipstaffs of the Court of Common Pleas, who were severally appointed to their Offices by the said Warden prior to the said Twenty-fourth Day of *May* One thousand eight hundred and thirty: And whereas the Clerk of the Papers at the Queen's Bench Prison, and the Tipstaffs of the Court of Queen's Bench, have been and now are compensated under the Provisions of the said first-recited Act, and it is only just and reasonable that the same Description of Officers in the Court of Common Pleas, whose Duties and Emoluments are similar in their Nature to those attached to the Court of Queen's Bench, should be placed upon the same Footing; be it therefore enacted, That the Commissioners of Her Majesty's Treasury shall ascertain the gross and net annual Value of the Offices of the said Clerk of the Papers at the Fleet Prison, and the Tipstaffs of the Court of Common Pleas respectively, according to a fair Average of the lawful Fees and Emoluments of such Offices for a Period of Ten Years next preceding the Twenty-fourth Day of *May* One thousand eight hundred and thirty, or such other Average of Years as the said Commissioners may think proper, and according to the same Rules and Principles as were adopted by the Commissioners in ascertaining the Value of other Offices in the Superior Courts of Common Law under the Provisions of the said recited Acts; and in case the net Amount of the Fees and Emoluments actually received by either of the said Officers has in any Year, since the said Twenty-fourth Day of *May* One thousand eight hundred and thirty, fallen short, or shall hereafter fall short of the net annual Value of their Offices as aforesaid, every such Officer shall be entitled to receive from and after the said Twenty-fourth Day of *May*, and so long as he or they shall continue in Office, from the Lord High Treasurer or Commissioners of Her Majesty's Treasury, the full Amount of the Difference between the net Sum actually received by such Officer and the net Value of his Office; and the Amount so to be paid shall be charged and chargeable and be paid and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same Way as other Officers belonging to the Superior Courts of Common Law are now paid; and in case the net Amount of the lawful Fees and Emoluments actually received by either of the said Officers in any Year since the said Twenty-fourth Day of *May* has exceeded or shall hereafter exceed the net annual Value of their Offices ascertained as aforesaid, the Surplus shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund, at such Times and in such Manner as the said Commissioners of Her Majesty's Treasury shall think proper to direct.

XXVI. And

XXVI. And be it further enacted, That the Provisions and Powers contained in the before-recited Act passed in the Eleventh Year of the Reign of King *George* the Fourth and the First Year of the Reign of His late Majesty, intituled *An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law*, shall, so far as the same is applicable, extend to all Cases in which any Office shall be abolished by the Authority of this or any subsequent Act, and the Person, his Heirs, Executors, or Administrators, who in case such Office were not abolished would, under the Provisions of the last-recited Act, have been entitled to receive the Difference between the net Amount of the Fees and Emoluments which would have become due in such Office and the certified Value thereof, or who under that Act and any other Act or Acts of Parliament relating to his Office or Situation would have been entitled to receive any Compensation, Salary, or official Income, shall be entitled, from the Time of the Abolition of such Office, to receive the full Amount of such certified Value, Compensation, Salary, or official Income in Four equal quarterly Payments, on the Fifth Days of *April*, *July*, and *January*, and the Tenth Day of *October* in each Year, to be paid and payable out of the Consolidated Fund of the United Kingdom, without any Fee or Deduction whatsoever, until a full and fair Compensation shall have been fixed and appointed for such Person under the Powers and Provisions of the said recited Act; and when such Compensation shall have been so fixed and appointed for such abolished Office, the same shall be in like Manner a Charge upon and shall be paid out of the said Consolidated Fund, without any Fee or Deduction whatever, by such equal quarterly Payments as last aforesaid, together with a proportional Part of such annual Sum for the Time which at the Decease of the Person entitled thereto shall have elapsed since the last Payment thereof.

Persons whose Offices are abolished to receive full Amount of Compensation under 11 G. 4. & 1 W. 4. c. 58. until the Treasury shall otherwise determine under the Provision of that Act.

XXVII. Provided always, and be it enacted, That in fixing the Amount of Compensation to be awarded under the said last-recited Act due regard shall be had to the different Circumstances of the several Offices abolished by this Act, and to the Nature and Extent of the Duties from which the Persons holding certain of such Offices will be relieved by the Abolition thereof.

In fixing Compensation regard to be had to the Nature of the Offices abolished.

XXVIII. And whereas by an Act passed in the Seventh Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for the public registering of Deeds, Conveyances, and Wills, and other Incumbrances, which shall be made of or shall affect any Honors, Manors, Lands, Tenements, or Hereditaments within the County of* Middlesex, *after the Twenty-ninth Day of* September *One thousand seven hundred and nine*, and by another Act passed in the Twenty-fifth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for appointing the Deputy or Secondary of the Chief Clerk to enrol Pleas in the King's Bench, called the Master of the King's Bench Office, One of the Registers or Masters for the Inrolment of Deeds, Wills, and other Conveyances in the County of* Middlesex, *in the Place and Stead of such Chief Clerk*, it is provided that the Clerk of the Warrants in the Court of Common Pleas, and the Master

Clerk of the Warrants in Court of Common Pleas and Master or Secondary of the Court of Queen's Bench continued in the Office of Registers of Deeds in Middlesex, notwithstanding the Abolition of

their Offices in the Courts at Law.

ter or Secondary of the Court of King's Bench, for the Time being, shall be Two of the Officers for executing the Duties of Registers and Masters for the Matters and Things in the said first-recited Act contained: And whereas the said Offices of Clerk of the Warrants in the Court of Common Pleas and the Master or Secondary of the Court of Queen's Bench will be abolished by this Act, and Doubts may arise whether those Officers can any longer continue legally to execute the Duties of such Registers and Masters as aforesaid; be it therefore enacted, That nothing in this Act contained shall extend or be construed to extend to abolish the Office of Registers or Masters for the Inrolment of Deeds, Wills, and other Conveyances in the County of *Middlesex*, or for any other Matters or Things in the said first-recited Act contained, or to deprive any of the Persons now holding such Office of Registers or Masters of that Office, and that such Persons shall and may henceforth, and until otherwise provided for by Law, continue to hold and enjoy such Office, and execute all the Powers and Duties appertaining thereto, in the same Manner to all Intents and Purposes as if this Act had not been passed; and if the Clerk of the Warrants in the Court of Common Pleas, or the Master or Secondary of the Court of Queen's Bench, abolished by this Act, and who now hold the Office of such Registers or Masters as aforesaid, shall die or resign, or otherwise be discharged from the Office of Registers or Masters, it shall be lawful for the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas for the Time being, until otherwise directed by Parliament, to nominate and appoint some fit and proper Person to fill the Office of such Register or Master, such Person being a Master in one of the said Superior Courts of Common Law at *Westminster*, or a Barrister or an Attorney in the same in actual Practice of not less than Five Years standing, in the Place or Stead of the Person so dying, resigning, or being discharged from such Office; and the Person so nominated and appointed by the Lords Chief Justices as aforesaid shall, previously to his entering upon or executing such Office, take such Oath or Oaths, and afterwards execute such Office, and the Powers and Duties appertaining thereto, in the same Manner to all Intents and Purposes as the Persons executing the same would by Law be required and authorized to take and execute if this Act had not been passed.

Act may be altered this Session.

XXIX. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

OFFICES abolished by this Act from and after the First Day of July One thousand eight hundred and thirty-seven.

On the Plea Side of the Court of Queen's Bench:

The Office of
- The Chief Clerk.
- Secondary or Master of the Queen's Bench Office.
- Clerk of the Rules.
- Clerk of the Papers.
- Clerk of the Docquets and Judgments.
- Signer of the Writs.
- Clerk of the Declarations.
- Clerk of the Common Bails or Appearances, Estreats and Posteas.
- Custos Brevium et Recordorum.
- Clerk of the Inner and Upper Treasuries.
- Clerk of the Outer Treasury.
- Clerks of the Nisi Prius for London, Middlesex, and the several Circuits in England and Wales.
- Bagbearer to the Custos Brevium.
- Clerk of the Errors.
- Filacer, Exigenter, and Clerk of the Outlawries.
- Signer of the Bills of Middlesex.

In the Court of Common Pleas:

The Office of
- The Custos Brevium.
- Prothonotaries.
- Secondaries.
- Clerk of the Judgments.
- Clerk of the Reversals of Outlawries.
- Clerk of the Docquets.
- Clerk of the Warrants, Enrolments, and Estreats.
- Clerk of the Essoigns.
- Clerk of the Treasury.
- Clerk of the Jurata.
- Treasury Keeper.
- Clerk of the Juries.
- Clerk of the Errors.
- Filacers for the several Counties, Cities, and Towns in England and Wales.
- Exigenter and Clerk of the Supersedeas.
- Clerk of the Outlawries.

On the Plea Side of the Court of Exchequer:

The Office of
The Masters and Prothonotaries.
Clerk of the Rules.
Filacer.
Clerk of Errors.
Clerk of the Pleas.

SCHEDULE (B.)

PERSONS appointed by this Act as the Masters of the Superior Courts of Common Law.

The Five Masters on the Plea Side of the Court of Queen's Bench, namely:—

Thomas Le Blanc, Esquire.
Fortunatus Dwarris, Esquire.
Sir Archer Denman Croft, Baronet.
Richard Goodrich, Esquire.
James Bunce, Esquire.

The Five Masters of the Court of Common Pleas; namely:—

Henry Belward Ray, Esquire.
Alexander Atherton Park, Esquire.
John Henry Cancellor, Esquire.
Edward Griffith, Esquire.
Edward Robert Porter, Esquire.

The Five Masters on the Plea Side of the Court of Exchequer; namely:—

Thomas Dax, Esquire.
Kenrick Collett, Esquire.
Edmund Walker, Esquire.
Stephen Richards, Esquire.
George Chilton, Esquire.

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