

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

CAP. CXXXII.

An Act for the Appointment of additional Taxing Masters for the High Court of Chancery in *Ireland*, and to regulate the Appointment of the Principal Assistants to the Masters in the Superior Courts of Law in *Ireland*. [5th *September* 1848.]

WHEREAS by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Appointment of a Taxing Master of the High Court of Chancery in* Ireland, it was amongst other things enacted, that from and after the First Day of *November* One thousand eight hundred and forty-five the taxing of Costs in the High Court of Chancery in *Ireland* should be conducted by an Officer to be denominated "The Taxing Master," who should discharge his Duties in Person, except where otherwise provided by said Act: And whereas *John O'Dwyer* Esquire, Barrister at Law, was appointed Taxing Master under the said Act, and *Edward Tandy*, Solicitor, was appointed his Principal Assistant or Clerk: And whereas it has been found that One Taxing Master is insufficient for the due Performance of the Business of the said Office, and that in consequence thereof a large Arrear of Business has accumulated therein: And whereas it is expedient that Two additional Taxing 8 & 9 Vict. c. 115.

Masters should be appointed, and the Office of Principal Assistant be abolished: 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 passing of this Act the taxing of Costs in the High Court of Chancery in *Ireland* shall be conducted by Officers, to be denominated "The Taxing Masters," each of whom shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, and may be removed from his Office by the Lord Chancellor of *Ireland* for Misconduct; and the Business to be transacted by each such Taxing Master shall be the taxing of Costs as aforesaid, and also such other Business (if any) connected with the Court of Chancery in *Ireland* as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls in *Ireland* for the Time being, shall from Time to Time by any Order direct; and the Places, Times, and Manner in which the same shall be conducted shall be such as the Lord Chancellor shall from Time to Time by any Order direct.

Taxation of Costs in Court of Chancery, Ireland, to be conducted by Taxing Masters, who shall discharge the Duties in Person.

II. And be it enacted, That, in addition to *John O'Dwyer* Esquire, the Taxing Master appointed under the said recited Act, his present Principal Assistant, *Edward Tandy* Esquire, shall be one of such additional Taxing Masters, and that the Lord Chancellor of *Ireland* shall have Power to appoint some fit and competent Person to be another additional Taxing Master, being a Solicitor who shall for not less than Ten Years have practised as a Solicitor of the said Court; and that as often as any Taxing Master appointed under the said recited Act or this Act, or to be appointed, or any of his or their Successors, shall die or resign, or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master, qualified as aforesaid, in the Room of the Taxing Master who shall so die, resign, or be removed: Provided always, that no such Appointment as last aforesaid shall be made while there shall be One Taxing Master continuing in Office, unless the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall have given their Consent to the making of such Appointment.

In addition to the present Taxing Master, Two new ones to be appointed.

III. And be it enacted, That each such Two additional Taxing Masters under this Act, and any Successor to be appointed in the Room of either of them, or of the said *John O'Dwyer* Esquire, shall be entitled to receive such annual Salary, not exceeding Eight hundred Pounds, as the Commissioners of Her Majesty's Treasury shall direct; and that the Three Taxing Masters shall have, in addition to the Clerk now employed in the said Taxing Office, One or more Clerks, as the Lord Chancellor, with the Consent of the said Commissioners of Her Majesty's Treasury, shall from Time to Time by any Order direct and appoint; and the Lord Chancellor may from Time to Time remove such Clerk or Clerks, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and the said Clerks shall respectively receive such Salaries as may be directed by the Commissioners of Her Majesty's Treasury.

Salaries of additional Taxing Masters.

Power to appoint additional Clerks in Taxing Masters Office.

IV. And

Salaries, &c. to grow due from Day to Day, but to be payable quarterly out of the Consolidated Fund.

IV. And be it enacted, That all Salaries under the said recited Act or this Act shall grow due from Day to Day, but shall be payable on the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and the Tenth Day of *October* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, by the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Expense necessarily incurred for hiring suitable Offices for the Business of such Taxing Masters, and also for the necessary Books, Stationery, and binding of Books of Costs, and other incidental Expenses of the said Offices, including such Expenses of the Nature aforesaid as have heretofore been incurred in the Office of the Taxing Master, but were not provided for by the said recited Act, shall likewise be paid out of the said Consolidated Fund.

Expenses, &c. of Offices to be paid out of Consolidated Fund.

Power to Treasury to order retiring Allowances to be paid to Taxing Masters, under Provisions of 4 & 5 W. 4. c. 24.

V. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct to be paid out of the said Consolidated Fund to any Person executing the Office of a Taxing Master under the said recited Act or this Act, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, a Superannuation or annual Allowance not exceeding the Proportions with reference to the Amount of his Salary and Period of his Service specified in and subject to the Provisions of the Act of the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, 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.*

Powers and Provisions of 8 & 9 Vict. c. 115. to apply to Taxing Masters and Clerks appointed under this Act.

VI. And be it enacted, That any such additional Taxing Master appointed or to be appointed under this Act, and any succeeding Taxing Master, shall have and perform the like Duties and have and exercise the like Powers and Authorities as any Taxing Master appointed under the said recited Act; and, subject to the Enactments herein before contained, and so far as may be consistent with the same, the several Provisions of the said recited Act shall extend and be applied to any Taxing Master and to any Clerk or Clerks respectively appointed or to be appointed under this Act, as fully and effectually as if such Taxing Master or Clerk or Clerks were appointed by or under the said recited Act.

Taxing Masters to present to Lord Chancellor annually a Return of Bills taxed, and of untaxed Bills lodged with them for Taxation, &c.

VII. And be it enacted, That each of the said Taxing Masters shall make out and present to the Lord Chancellor an annual Return, made up to the Thirty-first Day of *December* preceding, containing a Statement of the Number of untaxed Bills of Costs lodged with him for Taxation during the Year next preceding, and of the aggregate Amount of the Sums included in such Bills of Costs, also a Statement of the Number of Bills of Costs taxed by him during such preceding Year, and of the aggregate Amount of the Sums included in such Bills of Costs, and also a Statement of the Number of Bills of Costs so lodged with him and remaining untaxed at the End of such Year, and

and of the aggregate Amount of the Sums included in such last-mentioned Bills of Costs, together with such further Information as to the Business of the said Office as the Lord Chancellor may from Time to Time require.

On Vacancy of Office of Principal Assistant, Taxing Masters to select a Clerk from their Office to fill up the Vacancy, who, when approved by the Treasury, shall perform the Duties as prescribed by 7 & 8 Vict. c. 107.

VIII. And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate and reduce the Expenses of the Offices attached to the Superior Courts of Law at* Dublin *payable out of the Consolidated Fund*, it is amongst other things enacted, that when and so often as any Vacancy shall occur, by Death, Resignation, or otherwise, of any of the Assistants or Clerks thereby created, such Vacancy shall be filled by the Assistant or Clerk next in Seniority in the Department; and it is expedient to make more particular Provision in that Behalf, in order to ensure the Selection of the most competent Persons in the Department to fill the Office of Principal Assistant to the Master: Be it therefore enacted, That when and so often as a Vacancy shall occur as aforesaid in the Office of Principal Assistant to the Masters of the said Courts, it shall be lawful for the Master of each such Courts to select and appoint from amongst the Assistants and Clerks then employed in the Office under his Superintendence such Person as he may deem best fitted to be the Principal Assistant to the Master, and so soon as the Commissioners of Her Majesty's Treasury for the Time being shall have signified in Writing their Approval of the Selection and Appointment made by the Master, and not before, the Person so selected and appointed shall be the Principal Assistant to the Master, as created and described in the said recited Act and the Schedules thereunto annexed.

Act may be amended, &c.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1848.