



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. CIII.

An Act for abolishing certain Offices of the High Court of Chancery in *England*.

[10th *August* 1842.]

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, That from and after the Twenty-eighth Day of *October* next after the passing of this Act the following Offices of the High Court of Chancery, namely, the Offices of Clerks of the Enrolments and the Deputies of such Clerks, Comptrollers of the Hanaper, Six Clerks, Sworn Clerks, and Waiting Clerks, (except as to the Recovery of Fees and Charges for Business done heretofore, or to be done on or before the said Twenty-eighth Day of *October*, and of all Costs and Expences occasioned by the Non-payment of such Fees and Charges, and saving to every Person who shall be a Sworn Clerk or Waiting Clerk on the said Twenty-eighth Day of *October*, except while he shall hold any Office or Employment under this Act, all the Rights of being admitted and practising as a Solicitor in the Courts of Equity, and of being admitted and practising as an Attorney in the Courts of Law, to which he would have been entitled as such Sworn Clerk or Waiting Clerk if this Act had not been passed,) shall be and the same are hereby abolished.

Offices of Clerks of Enrolment and their Deputies, Comptrollers of the Hanaper, Six Clerks, Sworn Clerks, and Waiting Clerks, (except as to Recovery of bygone Fees, and to certain Rights,) abolished.

Transfer of
Enrolments,
Records, &c.

II. And be it enacted, That from and after the said Twenty-eighth Day of *October* all Enrolments, Records, and other Documents in the Custody of the Officers of the said abolished Offices, and all their Bill Books, Cause Books, and Indexes in respect of the said abolished Offices, shall be transferred to the Custody of such Persons as the Master of the Rolls shall from Time to Time by any Order direct.

Duties, &c.
of Six Clerks
in relation
to Causes in
the Petty
Bag;

III. And be it enacted, That from and after the said Twenty-eighth Day of *October* the Clerks in the Petty Bag shall be nominal Attornies in all Causes in the Petty Bag in which Six Clerks might have been such Attornies if this Act had not been passed, and the Entry by any Clerk of the Petty Bag of Rules in Causes in the Petty Bag shall have all the Effect such Entry could have had if this Act had not been passed, and a similar Entry had been made by a Six Clerk; and from and after the said Twenty-eighth Day of *October* all Enrolments which if this Act had not been passed would have been under the Management of the Clerks of the Enrolments and their Deputies shall be under the Management of an Officer to be denominated the "Clerk of Enrolments in Chancery," and all Duties and Authorities which if this Act had not been passed could have been performed and exercised by the said Six Clerks as Comptrollers of the Hanaper and Riding Clerk shall be performed and exercised by the said Clerk of Enrolments in Chancery, and such Clerk of Enrolments in Chancery shall be entitled under this Act to a Salary of One thousand two hundred Pounds *per Annum*; and from and after the said Twenty-eighth Day of *October* the Records, Writs, and Rules of the High Court of Chancery which if this Act had not been passed would or might have been under the Management of the Six Clerks and Sworn Clerks or Waiting Clerks of the said Court shall be under the Management of Officers to be denominated "Clerks of Records and Writs," every one of whom shall be entitled under this Act to a Salary of One thousand two hundred Pounds *per Annum*; and from and after the said Twenty-eighth Day of *October* the taxing of Costs in the said Court shall be conducted by Officers to be denominated "Taxing Masters," every one of whom shall have been a Sworn Clerk of the said Court, or shall for Twelve Years, or for Periods making together Twelve Years or upwards, have practised as a Solicitor of the said Court, and every such Taxing Master shall be entitled under this Act to a Salary of Two thousand Pounds *per Annum*; and every Clerk of Enrolments in Chancery, Clerk of Records and Writs, and Taxing Master, shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, or any Regulation to be made under this Act, and may be removed from his Office by the Lord Chancellor for Misconduct; and the Business to be transacted by such Clerk of Enrolments in Chancery, Clerks of Records and Writs, and Taxing Masters, respectively, shall be as well the Management of Enrolments, Comptrollership of the Hanaper, Management of Records, Writs, and Rules, and the taxing of Costs as aforesaid, as also such other Business (if any) connected with the Court of Chancery as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors

Clerk of
Enrolments;

Clerks of
Records and
Writs;

Taxing
Masters;

Tenure of
Office.
Duties to be
discharged
in Person.

Removal.
General Pro-
vision as to
Business of
Clerk of En-
rolments in
Chancery,
Clerk of Re-
cords and
Writs, and

Chancellors for the Time being, or any Two of them, shall from Time to Time by any Order direct; and the Places, Times, and Manner in which the same shall be conducted shall be, in the Case of Taxing Masters, such as the Lord Chancellor, and in the Case of the other Officers such as the Master of the Rolls, shall from Time to Time by any Order direct.

Taxing
Masters.

IV. And be it enacted, That *David Drew* Esquire, One of the Deputies of the Clerks of the Enrolments, shall be the First Clerk of Enrolments in Chancery; *Frederick Bedwell*, One of the Sworn Clerks of the Court of Chancery, *John Alexander Berrey*, One of the Agents in the Six Clerks Office, *John Veal*, One other of the Agents in the Six Clerks Office, and *Seth Charles Ward*, One other of the Sworn Clerks of the Court of Chancery, the First Clerks of Records and Writs; and *Henry Ramsay Baines*, One other of the Sworn Clerks of the Court of Chancery, *Robert Bayly Follett*, One of the Solicitors of the Court of Chancery, *George Gatty*, One other of the Sworn Clerks of the Court of Chancery, *Philip Martineau*, One other of the Solicitors of the Court of Chancery, and *Richard Mills* and *John Wainwright*, Two others of the Sworn Clerks of the Court of Chancery, Esquires, the First Taxing Masters, under this Act; and that as often as the Clerk of Enrolments in Chancery, or any Clerk of Records and Writs hereby appointed, or any of his Successors, shall die, or resign or be removed from his Office, the Master of the Rolls shall have Power to appoint a Clerk of Enrolments in Chancery, or a Clerk of Records and Writs, (as the Case may be,) in the Room of the Clerk of Enrolments in Chancery or Clerk of Records and Writs who shall so die, resign, or be removed; and that as often as any Taxing Master hereby appointed, or any of his Successors, shall die, or resign or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master in the Room of the Taxing Master who shall so die, resign, or be removed: Provided always, that it shall not be imperative on the Master of the Rolls to make any such Appointment of a Clerk of Enrolments in Chancery or Clerk of Records and Writs, while he shall consider the same unnecessary; provided further, that no such Appointment as aforesaid shall be made by the Master of the Rolls unless with the Approbation of the Lord Chancellor, nor shall any such Appointment as aforesaid be made of a Clerk of Records and Writs while there shall be Four or more such Clerks, nor of a Taxing Master while there shall be Six or more such Masters, unless the Lord Chancellor, with such Advice and Consent as aforesaid, shall by any Order declare such Appointment to be necessary.

First Clerk
of Enrol-
ments.

First Clerks
of Records
and Writs.

First Taxing
Masters.

Filling up of
Vacancies in
Office of
Clerk of
Enrolments
or Clerk of
Records and
Writs;

and in the
Office of
Taxing Mas-
ter.

V. And be it enacted, That the Lord Chancellor may from Time to Time, with such Advice and Consent as aforesaid, appoint additional Taxing Masters, and the Master of the Rolls may from Time to Time, with such Approbation as aforesaid, appoint additional Clerks of Records and Writs: Provided always, that no such additional Appointment shall be made by the Master of the Rolls unless the Lord Chancellor, with such Advice and Consent as aforesaid, shall by any Order declare such Appointment to be necessary; provided further, that the Number of Clerks of Records and Writs under this Act

Appoint-
ment of addi-
tional Clerks
of Records
and Writs
and of Tax-
ing Masters.

Limitation.

Act

Act shall not at any one Time exceed Six, and the Number of Taxing Masters under this Act shall not at any one Time exceed Nine.

Appoint-
ment of De-
puty in case
of Absence
of Clerk of
Enrolments,
Clerk of
Records and
Writs, or
Taxing
Master.

VI. And be it enacted, That in case of Absence, from Illness or other reasonable Cause, it shall be lawful for any Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act, to appoint a Deputy, such Deputy, and also the Occasion for such Appointment, being first approved in the Case of a Taxing Master by the Lord Chancellor, and in the other Cases by the Master of the Rolls; and that in case any Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master under this Act, being absent as aforesaid, shall neglect to appoint such Deputy, or to renew the Appointment of a Deputy, the Lord Chancellor in the Case of a Taxing Master, and in the other Cases the Master of the Rolls, may appoint a Deputy; and every Deputy to be appointed as aforesaid shall have all the Powers and Authorities of his Principal, and shall be paid such Sum out of the Salary of his Principal as the Lord Chancellor in the Case of a Taxing Master, and in other Cases as the Master of the Rolls, shall direct; and during Vacations the whole of the Business of the following Officers, (namely,) the Clerk of Enrolments in Chancery, and Clerks of Records and Writs, may be performed by such One or more of the same Officers, and upon such Terms, as the Master of the Rolls shall by any Order direct.

Such Officers
and the Clerk
of Affidavits
may admin-
ister Oaths
and take
Affirmations.

VII. And be it enacted, That it shall be lawful for every Clerk of Enrolments in Chancery, Clerk of Records and Writs, and Taxing Master, under this Act, and also the Clerk of Affidavits of the Court of Chancery, to administer the Oaths and take the Affirmations and Attestations of Honour which he may from Time to Time be required to administer and take by any Order made by the Lord Chancellor, with such Advice and Consent as aforesaid.

Persons
swearing be-
fore such
Officers to
be subject
to Penalties
for Perjury.

VIII. And be it enacted, That all Persons swearing, affirming, or attesting before any Clerk of Enrolments in Chancery, or Clerk of Records and Writs, or Taxing Master, under this Act, or Clerk of Affidavits, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing or Perjury contained therein as if the Matter sworn, affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery, or any of the Masters in Ordinary thereof.

Power to
Clerk of En-
rolments in
Chancery
to appoint
Clerks, and
remove them,
and fill up
Vacancies.

IX. And be it enacted, That every Clerk of Enrolments in Chancery under this Act may appoint, to assist him in his Business, Three Clerks, and as many more as the Master of the Rolls shall from Time to Time by any Order direct; and that every Clerk of Enrolments in Chancery may from Time to Time remove such Clerks, and fill up all Vacancies in the Number of such Clerks, whether occasioned by Death, Resignation, or Removal; and every such Clerk shall be entitled under this Act to such Salary as the Master of the Rolls shall by any Order direct, provided that the whole Amount payable for such Salaries shall not in any One Year exceed the Sum which, if equally divided between them, would admit of a Salary of Two

Two hundred and fifty Pounds for every such Clerk; and that every Clerk of Records and Writs under this Act may appoint to assist him in his Business Three Clerks, and as many more as the Master of the Rolls shall from Time to Time by any Order direct; and that every Clerk of Records and Writs may from Time to Time remove such Clerks, and fill up all Vacancies in the Number of such Clerks, whether occasioned by Death, Resignation, or Removal; and every such Clerk shall be entitled under this Act to such Salary as the Master of the Rolls shall by any Order direct, provided the whole Amount for such Salaries shall not in any One Year exceed the Sum which, if equally divided between them, would admit of a Salary of Two hundred and fifty Pounds for every such Clerk; and that every Taxing Master under this Act may appoint, to assist him in his Business, One Clerk, and as many more as the Lord Chancellor shall from Time to Time by any Order direct; and every Taxing Master may from Time to Time remove such Clerks, and fill up all Vacancies in the Number of such Clerks, whether occasioned by Death, Resignation, or Removal; and every such Clerk shall be entitled under this Act to a Salary of Two hundred and fifty Pounds *per Annum*: Provided always, that no Clerk shall be appointed by a Clerk of Enrolments in Chancery, or Clerk of Records and Writs, to fill up a Vacancy, while he shall have Three or more Clerks, unless the Master of the Rolls shall by any Order declare such Appointment to be necessary, and no Clerk shall be appointed by a Taxing Master to fill up a Vacancy while he shall have a Clerk or Clerks, unless the Lord Chancellor shall by any Order declare such Appointment to be necessary.

Power to Clerk of Records and Writs to appoint Clerks, and remove them, and fill up Vacancies.

Power to Taxing Master to appoint and to remove Clerks, and fill up Vacancies.

No Appointment to be made on any Vacancy unless declared necessary.

X. And be it further enacted, That if any Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, or any Clerk of any Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, shall, for any thing done or pretended to be done relating to his Office or Employment under this Act, or under colour of doing any thing relating to his said Office or Employment, wilfully demand or accept, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or any thing of Value, other than what is allowed or directed to be taken by him under this Act, or any Order made under this Act, the Person so offending may, upon Complaint made to the Lord Chancellor, be removed from any Office or Employment he may hold under this Act.

Officers and Clerks not to take Gratuities.

XI. And be it enacted, That from and after the Twenty-eighth Day of *October* next after the passing of this Act no Person while he holds any Office or Employment under this Act shall practise as a Barrister, or as a Solicitor or Attorney; and that from and after the said Twenty-eighth Day of *October* every Solicitor or Attorney who shall accept any Office or Employment under this Act shall be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of Attornies of any of Her Majesty's Courts of Record at *Westminster* on which his Name may be.

Persons employed under this Act not to practise as Barristers, Solicitors, &c. Solicitors, &c. accepting Office to be struck off the Rolls.

Persons whose Offices and Employments are abolished or affected may make Claims for Compensation.

XII. And be it enacted, That it shall be lawful for every Person who shall at the passing of this Act be a Clerk of the Enrolments, Deputy of such Clerk, Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, Waiting Clerk, Agent, or Record Keeper, and whose Office or Employment shall be abolished or affected by this Act, to make a Claim for Compensation within Twelve Calendar Months after the passing of this Act to the Lord Chancellor, who shall proceed, in such Manner and upon such Average as he may think proper, to inquire what Compensation ought to be made to any such Claimant, and what were the Fees and Emoluments in respect of which the same should be allowed; and in every Case in which such Claim shall be established to the Satisfaction of the Lord Chancellor he is hereby authorized and empowered to determine, by an Order, the Amount of the annual Compensation which shall seem to him to be just and reasonable for the Loss sustained by such Claimant, being in the Case of a Clerk of the Enrolments or Deputy as aforesaid, or Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, or Waiting Clerk, not less than Three Fourths nor more than the Whole, and in the Case of an Agent or Record Keeper not less than Two Thirds nor more than the Whole, of the Sum which shall be determined by the Lord Chancellor to be the net annual Value of such Fees and Emoluments: Provided always, that no other Period shall be fixed for any such Average as aforesaid than Three Years, expiring on any Day between the passing of this Act and the First Day of *November* next, or some Portion of such Three Years; and that for the Purpose of taking any Average in the Case of a Sworn Clerk or Waiting Clerk the Fees and Emoluments of any Business previous to the Acquisition of such Business by any Sworn Clerk or Waiting Clerk claiming Compensation in respect thereof shall be deemed to have been the Fees and Emoluments of such Sworn Clerk or Waiting Clerk: Provided further, that no Average shall be taken or Compensation awarded in respect of any Business which shall be acquired after the passing of this Act.

Executors of Persons dying before Compensation awarded may make Claim.

XIII. And be it enacted, That the Executors or Administrators of every Person who at the passing of this Act shall be a Clerk of the Enrolments or Deputy as aforesaid, Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, Waiting Clerk, Agent, or Record Keeper, and who shall die after the said Twenty-eighth Day of *October* next after the passing of this Act, and before Compensation shall be awarded to him, shall be entitled to make such Claim and receive such Compensation for the Time which shall elapse between the Twenty-eighth Day of *October* next after the passing of this Act and the Day of the Death of such Clerk of the Enrolments, Deputy as aforesaid, Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, Waiting Clerk, Agent, or Record Keeper, as such Clerk of the Enrolments, Deputy as aforesaid, Comptroller of the Hanaper, Riding Clerk, Six Clerk, Sworn Clerk, Waiting Clerk, Agent, or Record Keeper would if living have been entitled to claim and receive, and such Compensation shall form Part of the Personal Estate of such Clerk of the Enrolments, Deputy as aforesaid, Comptroller of the Hanaper, Riding Clerk, Sworn Clerk, Six Clerk, Waiting Clerk, Agent, or Record Keeper.

XIV. And

XIV. And inasmuch as the Business of a Sworn Clerk and of a Waiting Clerk has been treated as a Subject of Sale and Succession, and has commonly been sold for Half the Profits during the Seven Years next after a Sale; be it therefore enacted, That a yearly Sum equal to Half the annual Sum to be awarded as Compensation to any Sworn Clerk or Waiting Clerk, or which, in the Case of any Sworn Clerk or Waiting Clerk who shall die before the said Twenty-eighth Day of *October* next after the passing of this Act, or after the said Twenty-eighth Day of *October* and before Compensation shall be awarded to him, might have been awarded to him if he had survived the said Twenty-eighth Day of *October* and the Award of Compensation, shall for Seven Years, to be computed from the said Twenty-eighth Day of *October* next after the passing of this Act, or the Day of the Decease of such Sworn Clerk or Waiting Clerk, (whichever shall last happen,) be paid to the Executors, Administrators, or Assigns of such Sworn Clerk or Waiting Clerk, as Part of his Personal Estate.

Half Com-
pensation for
Seven Years
after Death
of Sworn
Clerk to be
paid to his
Executors.

XV. And be it enacted, That it shall be lawful for the Lord Chancellor to award such Compensation, if any, as he may think fit to the Persons who, on the Twenty-eighth Day of *October* next after the passing of this Act, shall be Clerk of the Public Office in Chancery; and Junior Clerks or Copying Clerks of the Masters in Ordinary of the High Court of Chancery, for any Loss they may respectively sustain under this Act, and also to Persons whose Emoluments may be diminished or abolished under this Act by reason of any Change or Discontinuance of the sealing or signing of Writs.

Compensa-
tion to Clerk
of Public
Office and
Junior and
Copying
Clerks of
Masters in
Ordinary, &c

XVI. And be it further enacted, That it shall be lawful for the Lord Chancellor, in the meantime and until Compensation shall be awarded and determined in manner aforesaid, to order such Allowances on account of such Compensation as he shall think fit.

Allowances
on account
of Compen-
sation.

XVII. And be it further enacted, That an Account of all such Compensations and Allowances as shall be granted under this Act shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, 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.

Account of
Compensa-
tions, &c. to
be laid on
Table of
House of
Commons.

XVIII. And be it enacted, That during such Time as any Person hereby appointed to any Office, or hereafter to be appointed to any Office connected with any Court of Law or Equity, or under the Crown, or in any public Department under the Crown, shall continue in such Office, such Portion (if any) as the Lord Chancellor shall direct of the annual Compensation (if any) payable to such Person under this Act shall cease to be payable to such Person: Provided always, that no Compensation shall be so reduced as to make the annual Amount to be received during such Time as aforesaid by any such Person in respect of Compensation and Salary together less than the full net annual Value of the Fees and Emoluments in respect of which such Compensation shall have been awarded.

Portion of
Compensa-
tion to cease
during Te-
nure of
Office.

XIX. And

Retiring Allowance may be granted.

XIX. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order made on a Petition presented to him for that Purpose after the Twenty-eighth Day of *October* next after the passing of this Act, to order (if he shall think fit) to be paid to any Person executing the Office of Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, or shall have continued in his Office for Twenty Years, and shall be desirous of resigning the same, an Annuity not exceeding Two Third Parts of the yearly Salary which such Person shall under this Act be entitled to at the Time of presenting such Petition, to be paid out of the Funds and in the Manner upon and in which Salaries under this Act are charged: Provided always, that the Time during which any Person hereby appointed or to be hereafter appointed to the Office of Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act, shall have been a Six Clerk, Sworn Clerk, Waiting Clerk, or Agent, shall be added to the Time during which such Person shall be Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act, and shall for the Purposes of this Clause be deemed and taken as Part of the Time during which such Person shall have continued in the Office of Clerk of Enrolments in Chancery, Clerk of Records and Writs, or Taxing Master, under this Act: Provided always, that the Retiring Allowance to any Person to whom Compensation shall have been granted under this Act shall merge in such Compensation, except so far as such Allowance shall exceed in yearly Amount the yearly Sum so granted to such Person for Compensation.

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

XX. And be it enacted, That all Salaries, Compensations, Allowances on account of Compensation, and Retiring Allowances, under this Act, shall grow due from Day to Day, but shall be payable on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* 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, out of the Fund standing in the Name of the Accountant General of the High Court of Chancery, intituled "The Suitors Fee Fund Account."

Fees to continue and be paid to the Suitors Fund.

XXI. And be it enacted, That from and after the said Twenty-eighth Day of *October* next after the passing of this Act, and thenceforth, except so far as the Lord Chancellor, with such Advice and Consent as aforesaid, shall from Time to Time by any Order otherwise direct, all Fees for Business heretofore done by Clerks of the Enrolments or their Deputies, Comptrollers of the Hanaper, Riding Clerks, Six Clerks, Sworn Clerks, or Waiting Clerks, in respect of the said abolished Offices, and which from and after the said Twenty-eighth Day of *October* shall be done by any Officer of the Court of Chancery, either under the Provisions of this Act or any Order duly made for providing for the Performance of such Business, shall continue payable, and that from and immediately after the Transfer, by this Act or any Order made as aforesaid, to any of the Officers under this Act,

of any Business heretofore done by any other Officers of the said Court, all Fees now or at the Time of such Transfer payable for such Business shall (except so far as the Lord Chancellor, with such Advice and Consent as aforesaid, may from Time to Time by any Order otherwise direct,) continue payable; and all Fees to continue payable as aforesaid shall be received by the Officers of the said Court by whom the Business shall be done for which such Fees shall be payable, and shall be paid into the Bank of *England*, to be placed to the Account there standing in the Name of the said Accountant General, intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with such Advice and Consent as aforesaid, shall by any Order direct.

XXII. And whereas it is expedient that the said Fund should at all Times be kept up to an Amount sufficient to satisfy the Charges thereon as well under this Act as under any former Act: And whereas in consequence of this Act, and the Regulations to be made under it, some of the Fees heretofore or under this Act payable to the said Fund may be abolished and others may be diminished, by which the said Fund may be reduced so as to be insufficient for the Purposes of this Act and of the other Charges on the said Fund; be it therefore enacted, That it shall be lawful for the Lord Chancellor, with such Advice and Consent as aforesaid, from Time to Time by any Order to impose such Fees on any Proceedings in the Court of Chancery; or on Business in any of the Offices of the said Court, (including the Offices under this Act,) as he may think necessary or expedient for maintaining the said Fund, so that it may at all Times be sufficient to satisfy all the Charges thereon as well under this Act as any former Act.

Power to impose Fees on Proceedings and Business in Court of Chancery and Offices thereof.

XXIII. And be it enacted, That if on the Twenty-eighth Day of *October* in any Year after the Year One thousand eight hundred and forty-two there shall be a Surplus standing to the Credit of the said Account intituled "The Suitors Fee Fund Account," after Payment of the several Charges hereby or by any former Act imposed thereon, it shall be lawful for the Lord Chancellor by any Order to direct that such Part thereof as to the said Lord Chancellor shall seem fit shall be invested in the Purchase of Parliamentary or Government Securities in the Name of the said Accountant General, to be placed to the Account intituled "Account of Monies placed out to provide for the Officers of the High Court of Chancery;" and it shall be lawful for the Lord Chancellor, in like Manner, to direct the Investment of the Dividends or Interest to accrue from Time to Time on the Securities now or at any Time hereafter under this Act or any former Act to be placed to the said last-mentioned Account, or so much of such Dividends and Interest as he shall think fit, in the Purchase of Parliamentary or Government Securities, in the Name of the said Accountant General, to be by him placed to the Credit of the said last-mentioned Account; and as often as there shall be a Deficiency in the said Account intituled "The Suitors Fee Fund Account" at any of the Times appointed for Payment of any of the Charges hereby or by any former Act imposed thereon, it shall be lawful for the Lord Chancellor to direct

Provision in case of Surplus or Deficiency of Fee Fund.

the said Accountant General to make good such Deficiency, by carrying over and placing to the said Account intituled "The Suitors Fee Fund Account" a Sum sufficient for that Purpose out of the Interest and Dividends to arise from the Government or Parliamentary Securities standing to the said Account intituled "Account of Monies placed out to provide for the Officers of the High Court of Chancery," or by a Sale of so much of the said Securities as may be necessary for that Purpose; and as often as such last-mentioned Securities, and the Interest and Dividends thereof, shall be insufficient to meet any such Deficiency, it shall be lawful for the Lord Chancellor to direct the said Accountant General to make good such last-mentioned Deficiency, by carrying over and placing to the said Account intituled "The Suitors Fee Fund Account" a Sum sufficient for that Purpose out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to Two several Accounts in the Bank of *England* standing in the Name of the said Accountant General, and intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them: Provided always, that the Charges under this Act on any of the aforesaid Funds shall rank next after the Charges thereon at the passing of this Act.

Priority of
Compensa-
tions over
all other
Charges
under this
Act.

Power to
purchase
Compensa-
tions and
Retiring
Allowances.

XXIV. And be it enacted, That as between Compensations and Allowances on account of Compensations, and the Salaries and other Monies hereby charged on the Funds herein-before mentioned, Compensations and Allowances on account of Compensations shall have Priority of Payment over all such Salaries and other Monies; and further, that it shall be lawful for the Lord Chancellor to purchase all or any of the Compensations and Retiring Allowances awarded under this Act; and the Money to be paid for every such Purchase shall be paid out of the said Fund intituled "An Account of Monies placed out to provide for the Officers of the High Court of Chancery," but without Prejudice to the Charges under this or any former Act for the Time being existing on the said Fund: Provided always, that no such Purchase shall be made unless with the Consent of the Party entitled to the Compensation or Retiring Allowance so to be purchased.

Power to
invest sur-
plus Interest
of Suitors
Fund.

XXV. And be it enacted, That the surplus Interest and annual Produce which hath arisen and shall arise from the Monies placed out on the several Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors in the High Court of Chancery," beyond what shall be sufficient to answer the Purposes of this and the several other Acts relating to such Securities, and also the Interest produced from the Securities purchased
with

with such surplus Interest and annual Produce, shall from Time to Time be placed out in the Purchase of Government or Parliamentary Securities, in the Name of the Accountant General of the said Court, and placed to the Credit of the said Account intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery."

XXVI. And be it enacted, That if at any Time hereafter the Whole or any Part of the Monies placed out to the Two several Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or to be placed out in pursuance of this Act, shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the said Court may and shall direct the Whole or any Part of such Monies to be called in, and the Securities in which the same, and the surplus Interest and Dividends herein-before mentioned, shall be placed, to be sold and disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the Common and General Cash belonging to such Suitors.

Money placed out, if required to answer Demands of Suitors, to be called in.

XXVII. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to authorize the Change of any Security or Securities or of any Part of the Securities to be purchased in pursuance of this Act.

Power to change Securities.

XXVIII. And be it enacted, That it shall be lawful for the Master of the Rolls from Time to Time to appoint such Messengers as he shall consider necessary for the Business of the Offices under this Act, and also such Servants as he shall consider necessary for the Care and cleaning of the said Offices, and from Time to Time to remove any such Messengers and Servants, and appoint others; and the Wages of every Messenger and Servant shall be such, and shall be paid out of the Funds hereby charged with Salaries, or such of them, and at such Times and in such Manner, as the Master of the Rolls shall by any Order direct.

Provision as to the Appointment of Messengers and Servants.

XXIX. And be it enacted, That the Ground and Hereditaments by an Act passed in the Fifteenth Year of His late Majesty King George the Third, intituled *An Act for applying the Funds provided for rebuilding the Offices of the Six Clerks of the King's Court of Chancery by an Act made in the Fourteenth Year of the Reign of His present Majesty, intituled 'An Act for rebuilding the Office of the Six Clerks of the King's Court of Chancery, and for erecting Offices for the Register and Accountant General of the said Court, for the better preserving the Records, Decrees, Orders, and Books of Account kept in such Offices,' in building Offices for the said Six Clerks in the Garden of Lincoln's Inn, instead of rebuilding the present Six Clerks Offices in Chancery Lane; and for other Purposes,* vested

The Building, &c. of the Six Clerks Office and Enrolment Office vested in the Accountant General for the Purposes of this Act and of the Enrolment Office.
15G. 3. c. 56.

Dividends of
"Money
arising by
Sale of the
Six Clerks
Office" to
become Part
of the Suitors
Fee Fund.

vested in the Six Clerks, together with all Buildings thereon, shall, for all the Estate of the said Six Clerks therein under the said Act, and subject to the Restrictions and with the Exemptions in the said Act mentioned, from and immediately after the Twenty-eighth Day of *October* next after the passing of this Act be vested in *William Russell* Esquire, Accountant General of the said Court of Chancery, and his Successors in the said Office for ever, in Trust to permit the same to be used for such Purposes as the Lord Chancellor, with such Advice and Consent as aforesaid, shall from Time to Time by any Order direct; and further, that all Dividends henceforth to arise from One thousand five hundred and seventeen Pounds Nine Shillings and Five-pence Three Pounds *per Centum* Consolidated Bank Annuities, transferred into the Name of the said Accountant General under the said recited Act, and now standing in such Name to an Account intituled "Money arising by Sale of the Six Clerks Office," shall be carried to and become Part of the said Fund intituled "The Suitors Fee Fund Account."

Provision as
to the Ex-
penses of
the Offices
under this
Act.

XXX. And be it enacted, That it shall be lawful for the Master of the Rolls, by virtue of any Order made for that Purpose, to order Payment, at such Times and in such Manner, and out of such of the Funds hereby charged as he shall think fit, of all such Sums as shall appear to him to be reasonable and proper to be paid for the enrolling Deeds and Documents, and the making and writing of Office and other Copies of Records and other Documents under the Control of the Officers appointed by this Act, or any of them, and for the Care and cleaning of the Rooms and Buildings in which the Offices of Persons employed under this Act may be held, and for any Rent for any such Buildings or Rooms, and for the Repairs and fitting up of such Buildings and Rooms, and for the Books and Stationery which may be required for the Business of the said Offices, and for Coals and Candles and other necessary Articles for the said Offices, and for the Discharge of Taxes (including Land Taxes), Rates, and other Assessments charged upon or payable in respect of the said Offices and Buildings, or any of them, or to which the Officers under this Act, or any of them, may be liable in respect thereof.

Orders may
be made for
carrying Act
into execu-
tion.

XXXI. And be it enacted, That it shall be lawful for the Lord Chancellor, with such Advice and Consent as aforesaid, to make and issue such Orders as he shall think fit, as well in relation to any Matter connected with the said abolished Offices, and not hereby otherwise provided for, as for carrying the Provisions of this Act into execution, and also to make and issue such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as he shall think fit, for the Performance of the Business heretofore done in the said abolished Offices, and for establishing and settling the Practice of the Offices hereby created.

Orders under
the Act may
be varied.

XXXII. And be it enacted, That any Order or Orders for the Time being made under this Act may from Time to Time be annulled, altered, or varied by the like Authority by which any such Order or Orders shall have been made, and new Orders may from Time to Time be made for any of the Purposes of this Act by the respec-
tive

tive Authorities by which Orders are hereby authorized to be made.

XXXIII. And be it enacted, That out of the Monies standing to the said Account intituled "The Suitors Fee Fund Account," and also out of the Interest arising from the said Account intituled "Account of Monies placed out to provide for the Officers of the High Court of Chancery," and also out of the Interest arising from the said Two Accounts intituled respectively "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or such One or more of the said several Funds as the Lord Chancellor shall think fit, the Costs and Charges incurred in preparing, procuring, and passing this Act shall be paid, in such Manner as the Lord Chancellor shall by any Order direct.

For defraying the Expences of preparing and passing this Act.

XXXIV. 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 effect 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*, it is provided that the Sworn Clerk to execute the Office of Enrolment in the High Court of Chancery who is appointed to enrol for the County of *Middlesex* shall be one of the Officers for executing the Duties of Registers and Masters for the Matters and Things in the same Act contained: And whereas the said Office of Enrolment will be abolished by this Act, and Doubts may arise whether the said Officer can any longer continue legally to execute the Duties of such Register and Master 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 Enrolment of Deeds, Wills, and other Conveyances in the County of *Middlesex*, or for any other Matters or Things in the said 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 Sworn Clerk whose Office shall be abolished by this Act, and who now holds the Office of such Register or Master as aforesaid, or any of his Successors as such Register or Master, shall die or resign, or otherwise be discharged from the Office of Register or Master, it shall be lawful for the Lord Chancellor, until it shall be 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 Clerk of Enrolments in Chancery or a Clerk of Records and Writs under this Act, or a Barrister, or a Solicitor, or an Attorney in actual Practice, of not less than Five Years standing,

Clerk of Enrolment in the Court of Chancery for the County of Middlesex continued in the Office of Register of Deeds in Middlesex, notwithstanding the Abolition of his Office in the Court of Chancery.

7 Ann. c. 20.

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 Lord Chancellor 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.

Power to
postpone Act
for Six
Months.

XXXV. Provided always, and be it enacted, That if the Lord Chancellor, with such Advice and Consent as aforesaid, shall, by any Order made and issued before the said Twenty-eighth Day of *October* next after the passing of this Act, declare that the Commencement of this Act shall be postponed, then and in such Case the Day fixed in such Order for the Commencement of this Act shall be taken to have been substituted for the said Twenty-eighth Day of *October* throughout every Part of this Act, except this present Clause: Provided always, that the Commencement of this Act shall not by any such Order be postponed for more than Six Calendar Months next after the said Twenty-eighth Day of *October*.

Act not to
affect other
Powers of
Lord Chan-
cellor.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall be construed to affect the general Powers vested in the Lord Chancellor, either solely or otherwise, under any former Act.

Interpreta-
tion of "Lord
Chancellor."

XXXVII. And be it enacted and declared, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of *Great Britain* for the Time being.

Act may be
amended, &c.
this Session.

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