

ANNO QUADRAGESIMO OCTAVO.

GEORGII III. REGIS.

CAP. CVIII.

An Act for carrying into complete Execution and Effect certain Provisions contained in an Act passed in the Forty-third Year of His present Majesty, for making Compensation to the Patentee Officers of the Pleas Side of the Court of Exchequer in *Ireland*, as far as respects the Compensation to *John M'Clintock*, and *William Foster M'Clintock*, Esquires, Patentee Officers of the Office of Serjeant at Arms of the said Court of Exchequer. [25th *June* 1808.]

WHEREAS by an Act made in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act to render the Process of His Majesty's Courts of King's Bench, Common Pleas, and Exchequer, in Personal Actions in* Ireland, *more beneficial, and also to prevent frivolous and vexatious Arrests; and to repeal so much of an Act passed in the Parliament of* Ireland *in the Twenty-first and Twenty-second Years of the Reign of His present Majesty*, intituled, *'An Act for enlarging the Time for Trials by Nisi Prius, in the City and County of* Dublin, *and for making the Process of the Court of Exchequer more effectual;' as relates to compelling the Appearance of Defendants in personal Actions;* it is among other Things enacted, That Compensation should be made to the several Officers on the Pleas or Law Side of the Court of Exchequer in *Ireland*, for the Loss they may sustain by the Reduction of their lawful Fees and Emoluments, in consequence of the Operation of the said Act, in Manner following: 43 G. 3. c. 53.

that is to say, the Chief Justice of His Majesty's Court of King's Bench in *Ireland* for the Time being, the Master of the Rolls in *Ireland* for the Time being, and the Chief Justice of His Majesty's Court of Common Pleas for the Time being, or any Two of them should, within Three Months after the passing of the said Act, enquire by Examination upon Oath as well as otherwise, and ascertain what had been the Average Annual Amount for Three Years, ending on the last Day inclusive of *Easter* Term, One thousand eight hundred and three, of the lawful Fees and Emoluments received severally by or for the Patentee Officers aforesaid, and should certify under their Hands the respective Amount thereof to the Lord High Treasurer, or Lords Commissioners of the Treasury for the Time being in *Ireland*, and which Certificate should be final and conclusive to all Intents and Purposes: And whereas at the Time of the passing the said Act *John M'Clintock* and *William Foster M'Clintock* Esquires, held the Office of Serjeant at Arms of the said Court of Exchequer under Letters Patent from His Majesty: And whereas it appears that Doubts have arisen as to the true Intent and Construction of the Certificate made in pursuance of the said Act to the Lords Commissioners of His Majesty's Treasury in *Ireland* of the Average Annual Amount of the lawful Fees and Emoluments received by or for the said *John M'Clintock* and *William Foster M'Clintock*, as Serjeant at Arms of the said Court of Exchequer, and it is necessary for the Purpose of making the Compensation intended by the said Act that the said Amount should be distinctly certified: And whereas the Time limited for making the said Certificate under the said Act has elapsed, and it is necessary to empower the said Chief Justices of the King's Bench and Common Pleas in *Ireland*, and the said Master of the Rolls in *Ireland*, all for the Time being, or any Two of them, to enquire anew into the said Amount, and to certify anew the said Amount to the Lords Commissioners of His Majesty's Treasury in *Ireland*, so that it may appear what was the said Average Annual Amount of the said lawful Fees and Emoluments for the said Three Years: May it therefore please your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful, any Thing in the said Act contained to the contrary notwithstanding, to and for the Chief Justice of the Court of King's Bench in *Ireland* for the Time being, the Master of the Rolls in *Ireland* for the Time being, and the Chief Justice of the Common Pleas in *Ireland* for the Time being, and they or any Two of them are hereby required within Three Months after the passing of this Act, to enquire, by Examination upon Oath as well as otherwise, which Oath they, or any One of them, are and is hereby empowered to administer, and shall ascertain what shall have been the Average Annual Amount for Three Years ending on the last Day inclusive of *Easter* Term in the Year One thousand eight hundred and three, of the lawful Fees and Emoluments received severally by or for the said *John M'Clintock* and *William Foster M'Clintock*, or their Deputy, and shall certify under their Hands in Writing the respective Amount thereof to the Lord High Treasurer, or the Lords Commissioners of the Treasury for the Time being in *Ireland*, and which Certificate shall be final and conclusive to all Intents and Purposes.

For Inquiry into Amount of Fees and Emoluments received by Messrs. M'Clintock.

II. And

Commissioners for auditing public Accounts in Ireland, to inquire into Diminution of their Fees.

II. And be it further enacted, That the Commissioners for auditing the public Accounts in *Ireland* for the Time being, or any Three of them, shall, on the Requisition in Writing of the said *John M'Clintock* and *William Foster M'Clintock*, during the Time that they or either of them shall continue to hold the said Office of Serjeant at Arms, assemble on such Day or Days in each Year between the last Day of *Trinity* Term and the First Day of *Michaelmas* Term as they shall think fit, and inquire, as well by Examination on Oath as otherwise, which Inquiry they or any Three of them are hereby empowered to make, and which Oath they or any Three of them are hereby empowered to administer, and shall ascertain whether there shall have been any and what Diminution in the Amount of the lawful Fees and Emoluments of the said *John M'Clintock* and *William Foster M'Clintock*, Serjeant at Arms as aforesaid, for the Year ending on the last Day of *Easter* Term immediately preceding such Examination, when compared with the Average Annual Amount which shall be certified in pursuance of this Act to the Lord High Treasurer, or to the Lords Commissioners of the Treasury in *Ireland* for the Time being, by the said Lord Chief Justice of the King's Bench, the Master of the Rolls, or the Chief Justice of the Common Pleas, or any Two of them, the Amount of which Diminution so ascertained shall, upon the same being certified in Writing, under the Hands of the said Commissioners for auditing the Public Accounts, or any Three of them, to the Lord High Treasurer, or the Lords Commissioners of the Treasury for the Time being in *Ireland*, forthwith become a Charge on the Consolidated Fund of *Ireland*, and shall be issued as if the Amount of such Diminution had been specifically mentioned in this Act, and shall be payable and paid accordingly, by the said Lord High Treasurer, or the Lords Commissioners of the Treasury for the Time being in *Ireland*, to the said *John M'Clintock* and *William Foster M'Clintock*, so long as they or either of them shall continue to hold the Office of Serjeant at Arms in the said Court of Exchequer without any Deduction for Pells, Poundage, or otherwise.

On Certificate to the Treasury, shall become a Charge on the Consolidated Fund of Ireland.

Public Act.

III. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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