ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

CAP. CXXII.

An Act to make Proviſion for ſecuring, for a Time to be limited, the Profits of the Office of Clerk of the Pleas of His Majeſty's Court of Exchequer in *Ireland*. [1ſt *July* 1816.]

WHEREAS the Office of Clerk of the Pleas in His Majeſty's Court of Exchequer in *Ireland* is an antient Office, to which divers Fees and pecuniary Profits do belong: And whereas the ſaid Office lately became vacant by the Death of the Right Honourable *Robert* late Earl of *Buckinghamſhire*, who held and enjoyed the ſame for many Years, under an Appointment to the ſaid Office made by His preſent Majeſty: And whereas His Royal Highneſs the Prince Regent, in the Name and on the Behalf of His Majeſty, purpoſes and intends to make a Grant of the ſaid Office, ſubject nevertheleſs to ſuch Regulations touching the Fees and Emoluments ariſing and to ariſe from the ſame, ſince ſuch Vacancy as aforeſaid, or received or to be received, or belonging to the ſame, or under colour of belonging to the ſame, as may be thought expedient: And whereas alſo the Chief Baron of the ſaid Court of Exchequer, claiming the Right of appointing to the ſaid Office, hath executed an Inſtrument purporting to appoint *Waller O'Grady* Eſquire to the ſaid

Office; and the ſaid *Waller O'Grady* hath executed an Inſtrument purporting to appoint *John Pollock* Eſquire Chief or Firſt Deputy Clerk of the Common Pleas of the ſaid Court of Exchequer; and hath alſo executed one other Inſtrument purporting to appoint *Joſeph Farran* Eſquire to be Second Deputy Clerk of the Common Pleas of the ſaid Court of Exchequer; and the ſaid *Waller O'Grady* and the ſaid *John Pollock* have openly in the ſaid Court taken the Oaths required by Law to be taken by the Principal in the ſaid Office, and by the Chief or Firſt Deputy reſpectively; and the ſaid *Joſeph Farran* hath alſo taken the Oaths required by Law to be taken by the Second Deputy before the Chief Baron or one other of the Barons of the ſaid Court; and the ſaid *Waller O'Grady*, *John Pollock*, and *Joſeph Farran*, or ſome or one of them, have or hath ſince executed or aſſumed to execute the Duties of the ſaid Office, and received and taken all Fees and pecuniary Profits thereof, by themſelves or by certain other Perſons in their Employment, and holding the Places or Situations after-mentioned under the Appointment of the ſaid *Waller O'Grady*, *John Pollock*, and *Joſeph Farran*, or ſome or one of them, that is to ſay, Clerk of the Satisfactions and Plaintiffs Judgements Book, Filacer and Clerk of the Pleadings, Clerk of the Attachments, Clerk of the Rules, Clerk of the Writs, and Clerk of the Alphabets: And whereas a Suit hath been inſtituted to bring to a judicial Deciſion the Claim ſo made by the Chief Baron of the ſaid Court of Exchequer, and the Right of appointing to the ſaid Office, and other Suits may be inſtituted reſpecting the Right of a Grantee of His Majeſty to the ſaid Office, or to the Fees and Emoluments thereof; and it is therefore juſt that the Fees and pecuniary Profits of the ſaid Office ſhould be ſecured, for a Time to be limited, in Manner herein-after mentioned; be it therefore 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 within Ten Days after the Firſt Day of *Auguſt* in the preſent Year One thouſand eight hundred and ſixteen, the ſaid *Waller O'Grady*, *John Pollock*, and *Joſeph Farran*, and the ſeveral Perſons who ſhall from Time to Time hold or be in the Places or Situations of Clerk of the Satisfactions and Plaintiffs Judgments Book, Filacer and Clerk of the Pleadings, Clerk of the Attachments, Clerk of the Rules, Clerk of the Writs, and Clerk of the Alphabets, ſhall deliver and tranſmit to the Auditor General of the Exchequer of *Ireland*, at his Office in *Dublin*, One or more Account or Accounts, ſigned with their Names and in their proper Hand Writings reſpectively, wherein they ſhall either jointly or ſeverally, as they ſhall think proper, ſtate all and every Sum and Sums of Money received by them reſpectively, or by any Clerk or Clerks, or other Perſon or Perſons, for their Uſe, or by or under their Authority, or with their Privity or Permiſſion reſpectively, or for which they or any Perſon or Perſons on their Behalf reſpectively ſhall have given Credit, for or on account or by reaſon of the Fees or pecuniary Profits of or by or under colour of the ſaid Office of Clerk of the Pleas, or of the Places or Situations before mentioned, or any of them, from the Day of the Death of the ſaid Earl of *Buckinghamſhire*, to the ſaid Firſt Day of *Auguſt* incluſive; and if any other Perſon or Perſons ſhall, on or before the ſaid Day, claim to be ſuch Officer, or ſuch Chief or Firſt or Second Deputy, or any ſuch Clerk

The Perſons herein-mentioned and their Clerks ſhall, within Ten Days after 1ſt Aug. 1816, deliver to the Auditor General an Account of the ſeveral Fees taken by them ſince the Deceaſe of the Officer laſt appointed by the Crown;

as herein-before mentioned, and act as such respectively, and receive or give Credit for any of the Fees or pecuniary Profits aforesaid, then and in every such Case, every such Person, shall in like Manner, within Ten Days after the said First Day of *August*, deliver or transmit to the said Auditor General an Account, signed by him, her, or them as aforesaid, and stating as aforesaid; and every Person, who at any Time after the said First Day of *August* shall claim to be such Officer or Deputy or Clerk holding any of the Places or Situations herein-before enumerated, shall within Ten Days after every First Day of *November*, First Day of *February*, First Day of *May*, and First Day of *August* in every Year during the Continuance of this Act, in like Manner deliver or transmit to the said Auditor General, at his Office as aforesaid, an Account, signed by him or them respectively, in his or their proper Hand Writings respectively, wherein they shall respectively state all and every Sum and Sums of Money received by them, or by any Clerk or Clerks, or other Person or Persons for their Use, or by or under their Authority, or with their Privity or Permission respectively, or for which they shall have given Credit respectively to any Person or Persons, for or on account or by reason of the Fees or pecuniary Profits of the said Office of Clerk of the Pleas, or Clerk holding any of the Places or Situations before mentioned, for or during the Quarter or Three Calendar Months ending on such First Day of *November*, First Day of *February*, First Day of *May*, and First Day of *August* respectively.

and quarterly afterwards, within Ten Days after 1st November, 1st February, 1st May, and 1st August.

II. And be it further enacted, That in case of the Decease of the said *Waller O'Grady*, *John Pollock*, or *Joseph Farran*, or of any of the Persons who shall from Time to Time hold or be in any of the Places or Situations herein-before mentioned, the Executors or Administrators of the Party so deceasing shall, within Three Months after the Decease of such Party, deliver and transmit to the said Auditor General an Account signed by such Executors or Administrators, or One of them, of all Money received by such Party, or for the Use or under the Authority or with the Privity or Permission of such Party, or for which such Party shall have given Credit for or on account of such Fees as aforesaid, up to the Day of the Decease of such Party, so far as such Executors or Administrators shall be enabled to obtain any Knowledge thereof by the Books, Papers, or Accounts of such Party, or by any other Information within the Power of such Executors or Administrators, or any of them.

In case of the Death of the Persons herein-mentioned, Executors to account.

III. And be it further enacted, That every Account, before the same shall be so delivered as aforesaid, shall be verified by each and every Person whose Name shall be so subscribed thereto, by Affidavit at the Foot thereof, to be sworn before One of the Barons of His Majesty's Exchequer of *Ireland*, (which Oath any such Baron is hereby authorized and required to administer) and which Affidavit shall state that the Account to which the same relates is a full, true, and just Account according to the Import thereof, to the best of the Knowledge and Belief of the Person or Persons whose Name or Names shall be subscribed thereto.

Account shall be verified on Oath before a Baron of the Exchequer.

IV. And be it further enacted, That each and every Person who shall deliver in such Account as aforesaid, or, in any other Manner under the Provisions

All Sums admitted by such Ac-

counts to have been received, shall be paid into the Bank of Ireland to Account of the Clerk of the Pleas.

visions of this Act, shall, within Three Days after the Date of such Affidavit, pay or cause to be paid into the Bank of *Ireland* to an Account to be kept in the Books of the said Bank, and to be intituled, "In the Matter of the Office of Clerk of the Pleas in the Court of Exchequer," the full Amount of all and every Sum and Sums of Money which each and every Person shall in such Account admit to have been so received by him, or by his Testator or Intestate, or by any Clerk or Clerks, or other Person or Persons for his Use, or by or under his Authority, or with his Privity or Permission, or for which he, or any Person or Persons on his Behalf, shall have so given Credit; subject nevertheless to any such Deduction as is herein-after provided to be made from Time to Time.

Proviso for Executors paying on account of their Testators, &c.

V. Provided always, and be it further enacted, That any Person who shall make such Affidavit as an Executor or Administrator shall be at Liberty to add thereto a Statement of the Amount in value of the Assets of the Testator or Intestate which have come to his, her, or their Hands or Power, and whether any and what Part thereof is in Money or Bank Notes, and what is the Nature of such Part thereof as may not then be in Money or Bank Notes; and also a Statement of the Sum, if any paid thereout, for Funeral Expences; and such Executor or Administrator shall thereupon bring into the said Bank within the said Time, in Priority to all other Demands, the Balance of so much of the said Assets as shall then be in Money or Bank Notes, after deducting what shall have been so paid for Funeral Expences, and the Residue shall be a Debt recoverable by Extent in Manner herein-after provided.

Penalty on refusing to deliver Account 500*l.*

Delivery thereof may be compelled by Attachment, &c.

Extent may be issued for compelling Payment of Sums due.

VI. And be it further enacted, That if any of the Persons aforesaid shall refuse, neglect, or omit so to deliver in or verify such Account, or to make such Payment thereon, then and in every such Case every such Person so offending shall for every such Offence forfeit to His Majesty, His Heirs and Successors, the Sum of Five hundred Pounds Sterling; and it shall and may be lawful to and for the said Court of Exchequer, on Application duly made by His Majesty's Attorney-General, to compel, by summary Order and Attachment, and Sequestration thereon, if necessary, the delivering and verifying of such Account as aforesaid, at such Time as such Court shall direct; and if at any Time after Three Days from the Date of the Affidavit at the Foot of any Account furnished under this Act, it shall be made appear to any Baron of the Exchequer in *Ireland*, by an attested Copy of such Account and by Affidavit, that any Sum due under such Account, whether so due by a Principal Deputy or Clerk, or by any Executor or Administrator, remains unpaid, then such Baron shall immediately make an Order for an Extent to levy the same as a Debt to the Crown, which Extent shall accordingly issue in the usual Form as against an original Debtor or an Executor or Administrator respectively; and the net Money levied thereon shall in like Manner be paid into the said Bank in the said Matter of the Office of Clerk of the Pleas in the Court of Exchequer.

Money so paid into the Bank shall be invested in

VII. And be it further enacted, That all Money which shall be paid into the said Bank to the Account in the said Matter, shall, under the Orders of the said Court of Exchequer, be laid out and invested in the Purchase of

such *Irish* Government Stock as the said Court shall direct, to the Credit of the said Account in the said Matter; and the Interest of such Stock, and all Accumulations thereon, shall, in like Manner and under the like Orders, be from Time to Time so laid out and invested. Government Securities.

VIII. Provided always, and be it enacted, That neither the said *John Pollock*, nor the said *Joseph Farran*, nor any of the Clerks herein-before mentioned shall, nor shall any of them, be compelled or compellable under the Provisions of this Act, to pay into the said Bank any Sum or Sums of Money, on any of the Accounts aforesaid, which at any Time before the passing of this Act shall have been *bonâ fide* paid by the said *John Pollock* or *Joseph Farran*, or by any of the said Clerks respectively, to the said *Waller O'Grady*, or to any Person or Persons by his Authority, but the said *Waller O'Grady* shall be compellable so to pay the same. Deputies not compellable to pay into the Bank any Money paid to W. O'Grady before passing of this Act.

IX. And be it further enacted, That if any Person shall in any such Affidavit as aforesaid swear any Thing false, he shall, on being convicted thereof, be adjudged guilty of wilful and corrupt Perjury; and Proof of the Hand-writing of the Person by whom any such Affidavit shall purport to have been sworn, and of the Person or Persons by whom the same shall purport to have been administered as aforesaid, and of his or their having at the Time in question been reputed to fill the Office or Offices by virtue of which the said Oath shall purport to have been administered by him, shall in all Cases be sufficient Proof that the same was so duly sworn, and shall be conclusive thereof against any Person who shall have so subscribed the same. Penalty of Perjury on false Oaths.

X. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time to authorize and permit the Persons who for the Time being shall actually perform, exercise, and discharge the Duties of the said Office of Clerk of the Pleas, to deduct out of the Payments so required to be made into the Bank of *Ireland* as aforesaid, or after such Payments shall have been made into the said Bank, to receive and to be paid thereout such Sum or Sums of Money as shall by the said Lord Lieutenant be deemed a sufficient and adequate Remuneration to such Persons for discharging the Business and Duties of the said Office, after paying the Salaries and Allowances of the Under Clerks therein employed, and defraying the Expences of the said Office. Remuneration for discharging the Duties of the Office to be paid.

XI. And be it further enacted, That all Sums which shall be so paid into the said Bank of *Ireland*, under the Provisions of this Act, shall, notwithstanding the Expiration or Repeal of this Act, remain in the said Bank until Provision shall be made by some other Act or Acts of Parliament to be passed for the Purpose of directing and authorizing the Payment and Application of the same, and to be paid and applied in such Manner as shall or may be directed or authorized by such Act. Money paid into the Bank to remain till the Application is provided for by Parliament.

XII. And

Continuance of Act.

XII. And be it further enacted, That this Act shall be and continue in force for Two Years from the passing thereof, and from thence until the End of the then next Session of Parliament.

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