ANNO QUARTO

GEORGII IV. REGIS.

****

C A P. XXXVIII.

An Act for settling the Compensation to the Holders of certain Offices in the Courts of Law in *Ireland*, abolished under an Act passed in the First and Second Years of the Reign of His present Majesty, for regulating the same. [27th *June* 1823.]

WHEREAS by an Act made in the Session of Parliament holden in the First and Second Years of the Reign of His present Majesty, intituled *An Act to regulate the Proceedings* 1 & 2 G. 4.
in the Civil Side of the Court of King's Bench, and also in the Court of c. 53.
Common Pleas, and in the Pleas or Common Law Side of the Court of Exchequer, in Ireland, it is among other Things enacted, that from and after the Commencement of the said Act the Rights of the Holders of the Office of Prothonotary and Filacer and Keeper of the Writs, Processes, Rules, Orders, and Records in the Civil Side of the Court of King's Bench, and of the Office of Prothonotary of the Court of Common Pleas, and of the Office of Filacer and Exigenter of the said Court of Common Pleas, of, in, and to the said Offices respectively, should severally cease and determine; and that the Holders of the said Offices respectively should receive, during the Terms of their natural Lives respectively, certain Allowances, according to the Provisions of the said Act, in Compensation and Consideration of the Loss incurred by them respectively, by the ceasing and determining of their several Rights in the said Offices respectively; and for ascertaining the Amount of the Allowances and Com-

pensations to be made to the said Holders of the said Offices, it is enacted, that the Commissioners appointed to inquire into the Duties, Salaries, and Emoluments of the Officers, Clerks, and Ministers of Justice in all Temporal and Ecclesiastical Courts in *Ireland*, should make Inquiry into the Salaries and Emoluments of the several Offices herein-before mentioned and specified, and should ascertain the annual Amount of such Salaries and Emoluments respectively, in manner in the said Act specified; and that the said Commissioners of Inquiry, or any Three of them, should certify under their Hands and Seals the Amount of the yearly Income of every such Officer, on the Average of Seven Years, as reduced by the Exclusion of certain Emoluments, Fees, Profits, Disbursements, and Deductions in the said Act specified, so as to state only the net annual Income of the said Officers respectively, according to the Mode of estimating the same directed by the said Act; and that the said Certificate should contain a Statement of the particular Fees, Profits, and Emoluments on which such Averages should have been taken as aforesaid, and also of the Fees, Profits, and Emoluments which should be excluded from such Averages; and that the said Certificate should be filed in the Office of the Auditor General in *Dublin* Castle, and should remain there as a Record; and it is also by the said recited Act further enacted, that from and after the filing of the said Certificate of the said Commissioners there should be issued and paid to each of the Holders of the said several Offices herein-before mentioned and specified, out of the Consolidated Fund, an annual Sum equal to the Sum which should be so ascertained by such Certificate to be the net annual Amount of the Income and Emolument of each of the said Offices respectively, in full of all Compensation under the said recited Act, unless any legislative Provision should be made as in the said Act is mentioned; and it is also by the said recited Act further enacted, that Copies of all such Certificates of the said Commissioners of Inquiry should be laid before both Houses of Parliament, and that in case no legislative Provision should be made for the Compensation of the several Officers whose Claims should have been so decided upon by the Commissioners of Inquiry, in the Course of the Session in which such Certificate should be laid before Parliament, the said Certificate should become final and conclusive to all Intents and Purposes whatsoever; and it is also by the said recited Act further enacted, that the said Commissioners of Inquiry should investigate the Fees and Emoluments of the Crier and Usher of the Court of Exchequer, and that their Report on the same should be laid before Parliament, and that such Report should be made in like Manner as in the said Act is provided for the Certificate of the average Profits of the said Offices of Prothonotaries and Filacer: And whereas the said Commissioners of Inquiry have proceeded under the said recited Act to make Inquiry into the Salaries and Emoluments of the several Offices herein-before mentioned, pursuant to the Directions of the said Act, and in so doing certain particular Fees, Profits, and Emoluments were included and admitted by some Three, being a Majority of the said Commissioners of Inquiry, as Part of the annual Incomes of such Offices respectively (certain others of the said Commissioners dissenting from, and not agreeing to include or admit such Fees, Profits, or Emoluments as Part of such Incomes), and

certain other particular Fees, Profits, and Emoluments were so admitted and included by some other Three, being a Majority of such Commissioners, (certain others of the said Commissioners dissenting and disagreeing as aforesaid); but inasmuch as all the several Fees, Profits, and Emoluments of the said Offices were not included and admitted by the same Three Commissioners, as Part of the annual Income of such Offices respectively, no Three of the said Commissioners considered themselves justified in certifying under their Hands and Seals the total Amount of the yearly Income of the said Offices, arising from the average Amount of all such Fees, Profits, or Emoluments as have been included and admitted as Part of the Income of such Offices by some Three, being a Majority of the said Commissioners; and the said Commissioners have in consequence made and filed several Certificates, each of such Certificates stating Two distinct separate Amounts of the several net yearly Incomes of each of the said before-mentioned Offices respectively, according to the different Views which had been taken by the several Commissioners with respect to such Fees, Profits, and Emoluments as aforesaid, in neither of which Amounts can any Three of the said Commissioners concur, so as to agree in signing and sealing a Certificate of such Amount as required by the said Act; and it has therefore become necessary that some legislative Provision should be made for the Compensation of the Parties heretofore holding the said Offices respectively; 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 from and after the Fifth Day of *April* One thousand eight hundred and twenty-three, in lieu of such Sums as under the said recited Act might have been issued out of the Consolidated Fund, as being equal to the Sums which ought to have been ascertained by any Certificate or Certificates, under the Hands and Seals of the said Commissioners of Inquiry or any Three of them, to be the net annual Amount of the Income and Emolument of each of the said Offices respectively, there shall be issued and paid and payable to the Persons who, at the Time of the passing of the said recited Act, were Holders of the several Offices following; that is to say, the Office of Prothonotary, and Filacer, and Keeper of the Writs, Processes, Rules, Orders, and Records in the Civil Side of the Court of King's Bench, the Office of Prothonotary of the said Court of Common Pleas, and the Office of Filacer and Exigenter of the said Court of Common Pleas, and the Offices of Crier and Usher of the Court of Exchequer, and to the Assigns of such Holders of such Offices respectively, yearly and every Year during the Term of the respective natural Lives of such Persons respectively, and according to the Rights and Titles of such Persons respectively, out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in full of all Compensation under the said recited Act, such Sums as shall be equal to the highest Amount of the net Incomes of the said several Offices respectively, specified in any such Certificate or Certificates respectively; and such annual Sums so equal to the highest Amount of such net Incomes so respectively specified, shall be paid and payable to all and every such Persons and Person, and their and his Assigns respectively, during the Term of the several natural

In lieu of Sums authorized by recited Act, such Sums shall be issued to certain Officers out of Consolidated Fund as shall be equal to the highest Amount of Income specified in Certificates of Commissioners;

natural Lives of all and every such Persons and Person, and according to the Rights and Titles of all and every such Persons and Person respectively, by Four equal Quarterly Payments in each and every Year, free and clear of all Taxes and Deductions whatsoever; on the Fifth Day of *July*, the Tenth Day of *October*, the Fifth Day of *January*, and the Fifth Day of *April* in ~~each~~ and every Year; the first Quarterly Payment thereof to become due and payable on the Fifth Day of *July* One thousand eight hundred and twenty-three; and that within One Calendar Month after the passing of this Act, there shall also be issued and paid out of the said Consolidated Fund to all and every such Persons and Person, the Rights of whom to any such Offices were abolished by the said Act, or to the Assigns or personal Representatives of them, and every or any of them, according to their several and respective Rights and Titles respectively, such Sums of Money as shall be equal to the rateable Proportion of such annual Sums respectively, from the Sixteenth Day of *June* One thousand eight hundred and twenty-one, (being the Time of the Commencement of the said recited Act, and of the Abolition of the Rights of the said Officers) up to the Fifth Day of *April* One thousand eight hundred and twenty-three; and also that there shall be paid to the Representatives of any and every Person entitled to any such annual Sum, such Proportion of any such Quarterly Payments as aforesaid, as at the Time of the Decease of any and every such Person respectively shall be due from the Quarter Day next preceding the Time of such Decease, according to their Rights and Titles respectively; and that the Payment of all such annual and other Sums shall be as good, valid, and effectual to all Intents and Purposes, in full of all Compensations under the said recited Act, as if such Certificates under the Hands and Seals of the said Commissioners of Inquiry, or any Three of them, respecting such Compensations as are required by the said recited Act, had been duly made and filed in the Office of the Auditor General in *Dublin* Castle, pursuant to the Provisions of the said recited Act.

as shall also be issued for Arrears from 16th June 1821 up to 5th April 1823;

and Proportion of the Quarter up to the Decease of the Parties entitled.

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