ANNO SEXTO

GEORGII IV. REGIS.

CAP. LV.

An Act to regulate the Proceedings as to sealing of Writs in the Court of Exchequer in *Ireland*.

[22d *June* 1825.]

WHEREAS the Custody of the Seal of the Court of Exchequer in *Ireland* doth, in right of his Office, belong to the Chancellor of the Exchequer of *Ireland* for the Time being, and certain Fees have of right been payable and paid for and upon the sealing of divers Writs issuing out of the said Court, and which Fees have been from Time to Time collected by the Clerk of the Seal for the Use of the Chancellor of the said Exchequer for the Time being; and it is expedient that the said Fees should in future be received by the Clerk of the Seal, and should be carried to the Consolidated Fund of the United Kingdom, and that the Chancellor of the said Exchequer for the Time being should receive a Compensation in lieu of the same, and that Regulations should be made for that Purpose: 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 *July* One thousand eight hundred and twenty-five, it shall be the Office and Duty of the Person who shall from Time to Time be appointed by the Chancellor of the said Exchequer to be the Clerk of

Clerk of the Seal shall seal Writs;

the Seal in the said Court, to affix the Seal of the said Court to all Writs issuing out of the said Court, in like Manner as hath heretofore been usual and accustomed, and as is required by Law, and to perform all such other Duties appertaining to the Office of Clerk of the Seal as have been or ought to be performed by any Clerk of the Seal for the Time being, and as are required and directed by this Act; and that such Clerk of the Seal from Time to Time for the Time being shall also be the Registrar of Attornies Licences in the said Court, and in the several Departments of the said Court, and shall perform all such and the like Duties as such Registrar, as have been or may or ought to be performed by the Registrars of Attornies Licences in the Courts of King's Bench and Common Pleas, or either of them.

and to be Registrar of Attornies Licences.

Clerk of the Seal shall execute that Office in Person, with an Assistant.

II. And be it further enacted, That from and after the Fifth Day of *July* One thousand eight hundred and twenty-five, the said Clerk of the Seal and Registrar of Attornies Licences in the said Court of Exchequer, to be from Time to Time appointed to hold the said Office, shall execute the Duty of his said Office of Clerk of the Seal in Person, with the Power only of appointing a Person to assist him in the said Office, and to be paid by such Clerk of the Seal, and for whom such Clerk of the Seal shall be answerable, and who, under the Direction of such Clerk of the Seal, or in the occasional Absence of such Clerk of the Seal, shall perform the Duties of the said Office, and shall be deemed and called the Assistant Clerk of the Seal.

In case of Sickness, &c. Clerk of Seal may appoint a Deputy.

III. Provided always, and be it enacted, That in case it shall happen that such Clerk of the Seal shall be incapacitated by Sickness from performing the Duties of his said Office, or shall have Occasion to be absent from his said Office for any Period of Time exceeding Thirty Days, then and in either of such Cases it shall and may be lawful for such Clerk of the Seal, by Deputation in Writing under his Hand and Seal, by and with the Consent in Writing of the Chancellor of the said Exchequer for the Time being, to appoint a Deputy to execute the Duties of the Office of Clerk of the Seal during such Period as shall be specified in such Deputation, and to be called the Deputy Clerk of the Seal; and the Name of such Deputy, and also the Occasion of appointing him, and the Approbation of such Chancellor of the Exchequer, and the Time for which such Appointment is to continue, shall be specified and set forth in such Deputation; and such Deputation shall be signed and indorsed by such Chancellor of the Exchequer; and the Period mentioned in such Deputation may be prolonged, if necessary, by such Clerk of the Seal, with the Approbation of such Chancellor of the Exchequer, by the Indorsement of such Chancellor of the Exchequer, and of such Officer upon such Deputation.

Clerk of the Seal shall take Fees according to Table annexed to Act, and no others.

IV. And be it further enacted, That from and after the Fifth Day of *July* One thousand eight hundred and twenty-five, it shall and may be lawful for the Clerk of the Seal of the said Court for the Time being, and Registrar as aforesaid, to ask, demand, have, receive, and take, for affixing the Seal of the said Court to the several Writs mentioned and specified in the Schedule or Table to this Act annexed,

the several Fees and Sums of Money in the said Table respectively mentioned, and none other or greater Fees or Sums of Money whatever, in *British* Currency, being such and the same Fees as have been claimed by the several Chancellors of the Exchequer in *Ireland*, for the Seal of the said Court, and under an Order of the House of Lords in *Ireland*, and as are set forth in the Ninth Report of His Majesty's 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*; and that the said Clerk of the Seal and Registrar as aforesaid, from Time to Time for the Time being, shall not ask, demand, or receive, from any of the Suitors of the said Court, or from any Solicitor or Attorney of or in the said Court, or of or in any Department of the said Court, or from any Person or Persons whomsoever, any Fee or Sum or Sums of Money whatever, on account of or for the Performance of, or under pretence of performing any Act, Matter, or Thing whatsoever, not mentioned, specified, or set forth in the said Table (save and except the Salary payable to such Officer under the Provisions of this Act), any Law, Usage, or Custom to the contrary in anywise notwithstanding; and that the said Table shall be taken as Part of this Act to all Intents and Purposes whatsoever; and if any such Clerk of the Seal and Registrar as aforesaid for the Time being, shall ask or demand, or shall have, take, receive or accept any Gift, Fee, Reward, Gratuity or Remuneration, contrary to the Provisions of this Act, he shall for every such Offence forfeit and lose the Sum of One hundred Pounds, to be recovered by any Person who will sue for the same, by Action of Debt, Bill, Plaint or Information in any of His Majesty's Courts of Record in *Dublin*, in which no Essoign, Protection, Wager of Law, nor more than One Imparlance shall be allowed; and that one Moiety of every such Penalty shall be for the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person who shall sue for the same.

Penalty 100*l.*

V. And be it further enacted, That every Person who at any Time after the said Fifth Day of *July* One thousand eight hundred and twenty-five shall for the Time being hold the Office of Clerk of the Seal and Registrar of Attornies Licences as aforesaid, shall be entitled to, and shall have and receive and retain out of the Fees to be received under this Act, the yearly Sum of Two hundred Pounds *British* Currency, for the Performance of all the Duties of the said Office of Clerk of the Seal and Registrar as aforesaid, by himself or his Assistant or Deputy, under the Directions of this Act, and such Clerk of the Seal shall, within Twenty-one Days after the Tenth Day of *October*, Fifth Day of *January*, Fifth Day of *April*, and Tenth Day of *July*, in every Year, during the Continuance of such Clerk in such Office, deliver and transmit to the Vice Treasurer of *Ireland* at his Office in *Dublin*, an Account, signed by such Clerk of the Seal in his proper Hand-writing, wherein he shall state all and every Sum and Sums of Money received by him or by any Assistant or Deputy for his Use, or for which Credit shall have been given to any Person or Persons for or on account or by reason of the Fees mentioned and specified in the Table to this Act annexed, for

Clerk of the Seal shall have a Salary of 200*l.* out of the Fees, and shall make Quarterly Returns on Oath of the Amount of the Fees received (or credited) and pay the same (deducting his Salary, &c.) into the Exchequer, to be carried to the Consolidated Fund.

or

or during the Quarter ending on every such Tenth Day of *October*, Fifth Day of *January*, Fifth Day of *April*, or Fifth Day of *July* respectively; and that upon the Decease of any such Clerk of the Seal, the Executors or Administrators of such Clerk of the Seal, or in case of his quitting the said Office, the said Clerk of the Seal, or his Executors or Administrators, shall, within One Calendar Month next after the Decease of any such Clerk of the Seal, or after the quitting of the said Office by any such Clerk of the Seal, deliver and transmit to the said Vice Treasurer an Account, signed by such Executors or Administrators, or one of them, or by the said Clerk of the Seal, as the Case may require, of all Money received by or for such Clerk of the Seal, or for which Credit shall have been given for or on account of such Fees as aforesaid, up to the Day of the Decease of such Clerk of the Seal, or up to the Day of his quitting the said Office (so far with relation to such Executors or Administrators as they shall be enabled to obtain Knowledge thereof); and that every such Account, before the same shall be delivered as aforesaid, shall be verified by the Person or Persons whose Name shall be subscribed thereto by Affidavit at the Foot thereof, to be sworn before One of the Barons of the said Exchequer (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 shall be subscribed thereto; and each and every Person who shall deliver in such Account as aforesaid shall, within Three Days next after the Date of such Affidavit, pay or cause to be paid into the Receipt of the Exchequer in *Ireland* 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 for which Credit shall have been so given as aforesaid, deducting thereout so much and such Sums as shall be due and payable to such Clerk of the Seal in respect of the Proportion of the said annual Salary of Two hundred Pounds accruing due during the Period of such Account, and also such Sum for the current and necessary Expences of the said Office of Clerk of the Seal, as shall be from Time to Time allowed by a Certificate of the Chancellor of the said Exchequer, upon an Account of such Expences to be furnished by such Clerk of the Seal; and all and every Sum and Sums of Money so received by such Clerk of the Seal (after such Deductions and Allowances as aforesaid) shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Proviso for Executors delivering Account of their Testators, &c.

VI. 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 the Hands or Power of such Executor or Administrator, 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 Executors or Administrators shall thereupon pay into the said Receipt of Exchequer, within the Time aforesaid, in Priority to

all

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.*

VII. And be it further enacted, That if any of the Persons aforesaid shall refuse or neglect or omit to deliver in or verify any such Account, or to make such Payment thereon as by this Act is required, 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; 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 or Solicitor General in *Ireland*, to compel, by summary Order and Attachment, and Sequestration thereon, if necessary, the delivery and verifying of any 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 said Exchequer by an attested Copy of such Account, and by any Affidavit, that any Sums due under such Account remain 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, as the Case may require, and the net Money levied thereon shall be paid into the Receipt of the Exchequer in *Dublin*, and shall be carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Delivery thereof may be compelled by Attachment;

and Payment of Sums due by Extent.

Compensation of 600*l.* per Annum to Chancellor of said Exchequer out of Consolidated Fund.

VIII. And be it further enacted, That from and after the Fifth Day of *July* One thousand eight hundred and twenty-five, there shall be issued and paid to the Chancellor of the Exchequer of *Ireland*, from Time to Time for the Time being, and during the Continuance of any and every such Chancellor of the Exchequer in his said Office, as a Compensation for the Loss which will be sustained by such Chancellor of the said Exchequer by reason of this Act, the Sum of Six hundred Pounds *British* Currency, yearly and every Year, out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, after paying and reserving sufficient to pay all such Sum and Sums of Money as shall have been directed by any former Act or Acts of Parliament to be paid out of the Consolidated Fund, but with Preference to all other Payments which shall or may hereafter be charged upon or payable out of the said Fund.

Compensation and Salary under this Act payable quarterly;

and in proportion on Death or Re-

IX. And be it further enacted, That the said several annual Sums to be paid or allowed in pursuance of this Act, shall from Time to Time be payable and paid quarterly, free and clear from all Taxes and Deductions whatsoever, on every Tenth Day of *October*, Fifth Day of *January*, Fifth Day of *April*, and Fifth Day of *July*, in each and every Year, the first Payment thereof to be made on the Tenth Day of *October* One thousand eight hundred and twenty-five: Provided always, that whenever any Person holding or who shall hold the

signation and Succession to Office.

the said Office of Chancellor of the Exchequer of *Ireland*, or the said Office of Clerk of the Seal and Registrar of Attornies Licences in the said Court of Exchequer respectively, shall, during the Course of any Quarter, resign or quit such Office respectively, or shall die, then the Person so resigning or quitting, or the Executors or Administrators of such Person so dying (as the Case may be), shall be entitled to such proportionate Part of such annual Sum as shall have accrued during such Part of such Quarter as such Person shall have executed the Office in respect of which such annual Sum shall be payable; and every Officer to be appointed in lieu of the Person who shall so resign or quit his Office or die (as the Case may be) shall, on the Quarter Day next after his Appointment, be entitled to have and receive such Proportion of such annual Sums respectively as shall have arisen from the Date of his Appointment.

TABLE

TABLE to which this Act refers.

NAMES OF WRITS.	Fee on each. £	s.	d
Custodiam, and all other Writs to which the Seal at large is to be put	0	7	6
Appraisement	0	2	6
Seizure	0	2	6
Privilege	0	2	6
Sequestration	0	2	6
Dedimus	0	2	6
Assistance	0	2	6
Protection	0	2	6
Commission to examine	0	2	6
All Commissions of the Chancery Side	0	2	6
All Commissions of Common Law Side	0	2	6
Elegit	0	1	0
Injunction	0	1	0
Delivery	0	1	0
Levari Facias	0	1	0
Amoveas Manus	0	1	0
Fieri Facias	0	1	0
Venditioni Exponas	0	1	0
Capias ad satisfaciendum	0	1	0
Habere Facias	0	1	0
Supersedeas	0	1	0
Procedendo	0	1	0
Habeas Corpus ad satisfaciendum	0	1	0
Habeas Corpus cum Causâ	0	1	0
Subpœna on Decretal Order	0	1	0
Record de Nisi Prius	0	2	6
Distringas Juratores	0	1	6
Capias quo minus	0	0	6
Attachment	0	0	6
Scire Facias	0	0	6
Attachment to the Serjeant at Arms	0	1	0
Attachment to the Pursuivant	0	1	0
Distringas nuper vice	0	0	6
Habeas Corpus ad respondendum	0	0	6
Non-pros	0	0	6
Breve de inquirenda	0	0	6
Venire Facias	0	0	6
Proclamation	0	0	6
Subpœna	0	0	6
Habeas Corpus super Cessi	0	0	6
Duces Tecum	0	0	6
Every Four Fines in the levying Process	0	1	0

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