ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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CAP. XLIV.

An Act to provide for the Payment of a Salary (in lieu of Fees) to the Judge of the Prerogative Court and Court of Faculties in *Ireland*.

[23d *June* 1827.]

WHEREAS the Offices of Judge or Commissary of His Majesty's Court of Prerogative for Causes Ecclesiastical, and Commissary of His Majesty's Court of Faculties, in and throughout the whole of that Part of the United Kingdom called *Ireland*, are Judicial Offices, and have always hitherto been held and enjoyed by one and the same Person: And whereas it is expedient that Provision should be made for the Payment of a certain annual Salary to the Judge or Person holding or who shall hold the said Offices jointly, and that such Salary should be in lieu of all Fees and Emoluments whatsoever receivable by such Judge or Person, and that all such Fees should be applied to the Public Use: 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 passing of this Act, the Office of Judge or Commissary of His Majesty's Court of Prerogative for Causes Ecclesiastical, and the Office of Commissary of His Majesty's Court of Faculties, in and throughout that Part of the United Kingdom called *Ireland*, both which Offices are held and enjoyed by the present Judge or Commissary thereof, shall from thenceforth for ever continue

The Offices of Judge of the Prerogative and Faculty Courts in Ireland shall be considered and held as one Office.

continue to be jointly held and enjoyed by one and the same Person, and shall from Time to Time for ever be granted and held as one Office, and that the Person holding such Office shall be styled the Judge or Commissary of His Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout *Ireland*; and that no Fees or pecuniary Profits whatever, other than and except the Salary permitted by this Act, shall, from and after the Fifth Day of *July* One thousand eight hundred and twenty-seven, be received by or shall be payable to or to the Use of the Person holding or who shall hold the said Office in respect of the Execution of the said Office, any Act or Acts of Parliament, or any Law, Usage, or Custom to the contrary in anywise notwithstanding; and that from and after the said Fifth Day of *July* One thousand eight hundred and twenty-seven, all Fees and pecuniary Profits heretofore payable to the Use of the Holder of the Office or Offices aforesaid, shall be collected and applied to the Public Service in manner hereinafter mentioned and directed.

Fees shall not be received for the Use of the Judge, but shall be applied to the Public Service.

II. And be it further enacted, That from and after the Fifth Day of *July* One thousand eight hundred and twenty-seven, there shall be issued and paid and payable to the Judge or Commissary of His Majesty's Court of Prerogative and Court of Faculties aforesaid for the Time being, 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 have been directed by any former Act or Acts of Parliament to be paid out of the said Consolidated Fund, but with Preference to all other Payments which shall or may be hereafter charged upon or payable out of the said Fund, the annual Sum of Three thousand Pounds; and the said Sum of Money to be issued in pursuance of this Act shall from Time to Time thenceforth be payable and paid quarterly, free and clear of all Taxes and Deductions whatsoever, on the Tenth Day of *October*, the Fifth Day of *January*, the Fifth Day of *April*, and the Fifth Day of *July* in every Year, the first Payment thereof to be made on the Tenth Day of *October* One thousand eight hundred and twenty-seven.

Salary of 3,000*l.* to be paid to the said Judge out of the Consolidated Fund, by quarterly Payments.

III. Provided always, and be it further enacted, That whenever any Person holding the Office of Judge or Commissary of His Majesty's Court of Prerogative and Court of Faculties aforesaid shall during the Course of any Quarter resign his said Office, or shall die, then the Person so resigning the said Office, or the Executors or Administrators of such Person so dying, (as the Case may be,) shall be entitled to such proportionable Part of the said Salary as shall have accrued during such Part of the said Quarter as such Person shall have executed such Office as aforesaid; and every Judge or Commissary of His Majesty's Court of Prerogative and Court of Faculties, to be appointed at any Time after the said Fifth Day of *July* One thousand eight hundred and twenty-seven, shall, on the Quarter Day next after his Appointment, be entitled to have and receive, out of the said Consolidated Fund, such Proportion of the said Salary as shall have arisen from the Date of his Appointment.

A Proportion of the Quarter's Salary to be payable on Resignation or Death, and on new Appointment.

IV. And

IV. And be it further enacted, That from and after the Fifth Day of *July* One thousand eight hundred and twenty-seven, the Judge or Commissary of His Majesty's said Court of Prerogative and Court of Faculties shall not practise or be capable of practising as a Barrister or Advocate in any Court or Place, or in Conveyancing or giving Opinions, or in any other Manner whatsoever, as a Barrister or Advocate. Judge of the said Court shall not practise as a Barrister or Advocate.

V. And be it further enacted, That the respective Registrars or Deputy Registrars of His Majesty's Court of Prerogative and Court of Faculties in and throughout *Ireland* shall, from and after the said Fifth Day of *July* One thousand eight hundred and twenty-seven, receive and collect all the Fees belonging to the said Office of Judge or Commissary of the Court of Prerogative and Court of Faculties respectively, and shall, within Fourteen Days after the Tenth Day of *October*, the Fifth Day of *January*, the Fifth Day of *April*, and the Fifth Day of *July* in each and every Year, deliver, into the Office of His Majesty's Commissioners for auditing the Public Accounts in *Ireland* for the Time being, an Account, signed by such Registrars or Deputy Registrars respectively, of all Fees received by such Registrars or Deputy Registrars respectively by virtue of this Act, for the Quarter ending on such Tenth Day of *October*, Fifth Day of *January*, Fifth Day of *April*, and Fifth Day of *July* respectively, vouched and verified by an Affidavit at the Foot of such Account by such Registrar or Deputy Registrar, to be sworn before any Master in Chancery, who is hereby authorized and required to administer the Oath for that Purpose; and in case of the Death of any such Registrar or Deputy Registrar respectively, then their Executors or Administrators shall, within Six Calendar Months next after their Deaths respectively, deliver in like Manner, to the said Commissioners for auditing the Public Accounts, an Account, signed by such Executors or Administrators respectively, of all Fees received by such Registrars or Deputy Registrars, from the latest Day which he or they shall have so accounted to his or their Death, which Account shall be verified in like Manner by such Executors or Administrators, or some or one such Executor or Administrator; and it shall be lawful for the said Commissioners for auditing the Public Accounts, or the major Part of them, and they are hereby authorized and required to inquire into and to audit and settle, with all convenient Speed, every such Account so delivered in, and to verify, under their Hands, the Balance due thereon; and every such Registrar or Deputy Registrar, or his Executors or Administrators, having Assets, shall, within Six Days after each such Account respectively shall be so audited and certified, pay into the Receipt of His Majesty's Exchequer in *Ireland*, according to the Course of the said Exchequer, all such Sum and Sums of Money as shall be so certified as the Balance in his or their Hands, which Payment shall thereupon be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*. Registrars shall deliver quarterly, to the Auditors of Public Accounts, an Account of Fees received, and pay the Amount into the Exchequer, to be carried to the Consolidated Fund.

VI. And be it further enacted, That in case any such Registrar or Deputy Registrar of His Majesty's Court of Prerogative and Court of Faculties in *Ireland* as aforesaid, or his Executors or Administrators, Penalty on not accounting for or paying Fees,

20*l.* per Cent. on the Amount.

tors, shall at any Time or Times neglect or make Default in delivering in such Account as herein-before directed to the said Commissioners for auditing the Public Accounts, within the Periods aforesaid respectively specified for that Purpose, or in paying into the said Exchequer such Balance as aforesaid, within the said Space of Six Days after such auditing, then and in every such Case such Registrar or Deputy Registrar, or such Executors or Administrators, having Assets sufficient to make such Payment, shall pay into the said Exchequer, together with such Balance, Interest for the same at the Rate of Twenty Pounds *per Centum* from the Expiration of the said Period of Six Days, until such Balance shall be paid in as aforesaid.

Acquittance from the Exchequer shall be produced to the Commissioners for auditing the Public Accounts.

VII. And to the End that the Payment of such Balance may be ascertained, be it further enacted, That upon Payment of such Balance an Acquittance or Discharge for the same shall be signed by the proper Officer in the Exchequer, which shall be produced and exhibited by the said respective Registrars or Deputy Registrars to the said Commissioners for auditing the Public Accounts within One Calendar Month from the Date thereof, or at the Time of the presenting the ensuing Quarter's Account, whichever shall first happen, or by the Executors or Administrators of any such Registrar or Deputy Registrar within Three Calendar Months from the Date thereof; and the said Commissioners for auditing the Public Accounts are hereby required to demand such Acquittance or Discharge, and to have the same produced to them, before they shall audit and certify any subsequent Account for any such Registrar or Deputy Registrar in manner herein-before directed.

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