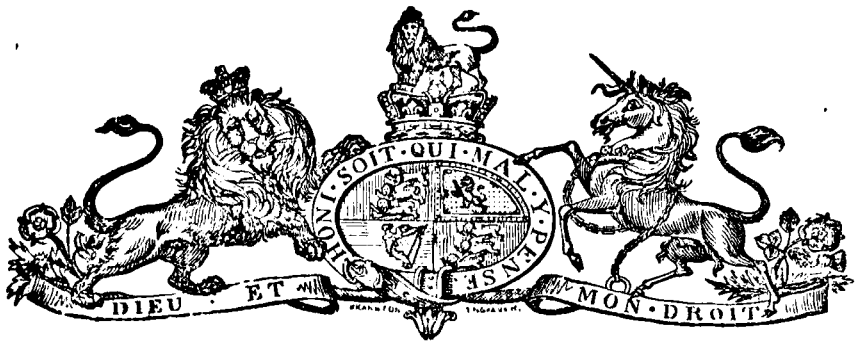


ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. XCVII.

An Act for the Discontinuance of the Attendance of the Masters in Ordinary of the High Court of Chancery in the Public Office, and for transferring the Business of such Public Office to the Affidavit Office in Chancery. [22d *July* 1847.]

WHEREAS by an Act passed in the Thirteenth Year of His late Majesty *Charles* the Second it was amongst other things enacted, that from and after the Three-and twentieth Day of *October* in the Year One thousand six hundred and sixty-one there should be One Public Office kept as near the Rolls as conveniently might be, in which the Masters in Ordinary, or One of them, should constantly attend for the Administration of Oaths and other Purposes therein mentioned: And whereas it is expedient that the said Masters should no longer attend in Person at the said Public Office, and that the Duties required by the said recited Act should be otherwise provided for: Be it therefore enacted by the Queen'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this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby repealed, and that the Attendance of the said Masters at the Public Office be discontinued

Attendance of Masters in Ordinary discontinued.

continued from and after the Time at which this Act shall come into operation.

Lord Chancellor may appoint a Second Assistant Clerk of Affidavits.

II. And be it enacted, That it shall be lawful for the Lord Chancellor to appoint One fit and proper Person to assist in the Performance of the Duties of the Clerk of Affidavits and of the Assistant Clerk of Affidavits, and of the other Duties hereby transferred to them, to be called the Second Assistant Clerk of Affidavits, and that the Duties by the said recited Act directed to be done and performed by the Masters in Ordinary in the Public Office shall hereafter be done and performed by the said Clerk of Affidavits and the Assistant Clerks of Affidavits, in such Place and in such Manner and subject to such Regulations as the Lord Chancellor shall from Time to Time order and direct, and they and each of them are hereby authorized to do and perform the same.

Lord Chancellor may order Remuneration to be paid to the Clerk and Assistant of Affidavits.

III. And be it enacted, That there shall be paid to the said Clerk of Affidavits and the said Assistant Clerks of Affidavits such Remuneration, either in Salary and Fees, or partly by Salary and partly by Fees, as the Lord Chancellor shall think fit, not exceeding in the whole One thousand two hundred Pounds to the Clerk of Affidavits, Eight hundred Pounds to the First and Four hundred Pounds to the Second Assistant Clerk of Affidavits; and that it shall be lawful for the Lord Chancellor to make such Order and Orders as may be necessary for Payment of so much of such Remuneration as shall consist of Salary out of the Fund intituled "The Suitors Fee Fund Account," and for the Payment of any Part of the Fees to be received to the Account of the said Fund.

Appointment of Second Assistant Clerk of Affidavits.

Saving Rights of W. T. Smith.

1 & 2 W. 4. c. 56.

5 & 6 Vict. c. 103.

6 & 7 Vict. c. 73.

IV. And be it enacted, That *William Thodey Smith*, the presen Clerk of the said Public Office, be and he is hereby appointed the Second Assistant Clerk of Affidavits under this Act, and that the Salary or Remuneration he shall receive under the Provisions of this Act shall be and the same is hereby declared to be in lieu of and as Compensation for the Loss sustained by him in respect of the Fees hitherto received by him as Clerk of the said Public Office: Provided always, and it is hereby declared, that this Act shall not take away, diminish, or in any way prejudice the Rights and Interests of *William Thodey Smith* to and in the Compensation granted, awarded, and ordered to be paid to him under and by virtue of the Three several Acts of Parliament herein-after mentioned; that is to say, an Act made and passed in the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act to establish a Court in Bankruptcy*, an Act made and passed in the Sixth Year of Her present Majesty, intituled *An Act for abolishing certain Offices of the High Court of Chancery in* England, and an Act made and passed in the Seventh Year of Her present Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in* England *and* Wales; and that the Rights and Interests of the said *William Thodey Smith* under each of the said Acts respectively shall be and continue the same to all Intents and Purposes as if this Act had not been passed, and as if he had continued to hold his Office of Clerk of the Public Office,

but nevertheless only for such Period as he shall hold the Office of Second Clerk of Affidavits under this Act.

Lord Chancellor may also, with Consent of Treasury, order retiring Annuities to disabled Officers, not exceeding Two Thirds of their Salaries.

V. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, by any Order made on a Petition presented to him for that Purpose after the Tenth Day of *August* next after the passing of this Act, to order (if he shall think fit) to be paid to any Person executing the Office of Clerk of Affidavits, Assistant Clerk of Affidavits, or Second Assistant Clerk of Affidavits, or of Chief Clerk or Junior or Copying Clerk to the Master in Ordinary of the Court of Chancery, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same, an Annuity not exceeding Two Third Parts of the yearly Salary which such Person shall be entitled to at the Time of presenting such Petition, to be paid out of the Interest and Dividends of the Government or Parliamentary Securities which may be at any Time standing in the Name of the Accountant General of the High Court of Chancery to an Account intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and an Account intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them; and the Annuity mentioned in such Order shall be paid by the Governor and Company of the Bank of *England* out of the Interest and Dividends aforesaid (but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any Act of Parliament already directed or authorized to be paid thereout) by even and equal Payments on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year during the Life of such Person; and the Executors and Administrators of such Person shall be entitled to receive and shall be paid such proportionate Part of the said Annuity as shall have accrued from the next preceding quarterly Day of Payment to the Day of his Death.

Commencement of Act.

VI. And be it enacted, That this Act shall commence and take effect from the Tenth Day of *August* next.

Out of what Fund Compensations awarded under Provisions of 10 & 11 Vict. c. 60. to be paid.

VII. And whereas by an Act passed in this Session of Parliament, intituled *An Act to abolish One of the Offices of Master in Ordinary of the High Court of Chancery*, it was enacted, that it should be lawful for the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, to award such Compensation (if any), and in such Manner and upon such Conditions as he might think fit, to *George Barrett* and *Edward Wright*, the late Chief and Second Clerks of *Andrew Henry Lynch*, or either of them, in consideration of the Loss they or he may have sustained by reason of the Abolition of the said Office by the said Act: And whereas no Provision was made in the said Act for the Payment of such Compensation; be it therefore enacted, That such Compensation shall be paid by the Accountant General, by virtue of an Order for that Purpose to be made

made by the said Lord Chancellor, out of the Fund intituled "The Suitors Fee Fund Account."

Lord Keeper may act for Lord Chancellor for Purposes of this Act.

VIII. And be it enacted, That in construing this Act all Things directed to be done by the Lord Chancellor shall and may be done by a Lord Keeper or the First Commissioner for the Custody of the Great Seal of the United Kingdom of *Great Britain* and *Ireland*.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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