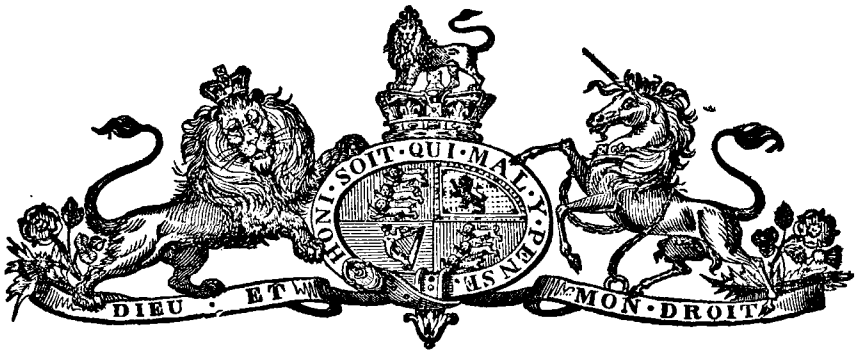


ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. XCIV.

An Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court.

[31st *August* 1848.]

WHEREAS it is expedient to regulate the Offices of the Clerks of the Petty Bag of the High Court of Chancery, the Practice of the Common-Law Side of that Court, and also the Enrolment Office of the said Court: 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 from and after the First Day of *January* One thousand eight hundred and forty-nine the Offices of the said Senior, Second, and Third Clerks of the Petty Bag of the said High Court of Chancery shall be and the same are hereby abolished, and shall then cease and determine, without Prejudice nevertheless to the Rights and Remedies of the present Holder of any of the said Offices to receive or recover any Money which shall or may then be due or payable to him by virtue of his Office for Fees or otherwise.

After 1st Jan. 1849 the Offices of the Senior, Second, and Third Clerks abolished.

II. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and forty-nine there shall be an Officer of the said Court who shall be and be called the Clerk of the

Clerk of the Petty Bag to be appointed, who is to

execute his Duties in Person, except in case of Sickness, &c., when he may appoint a Deputy, with Consent of the Master of the Rolls.

the Petty Bag, and who shall execute and perform the Duties of his Office in Person, and not by Deputy: Provided always, that whenever the Clerk of the Petty Bag for the Time being, by reason of Sickness or other unavoidable Cause, shall be unable to perform the Duties of or shall have occasion to be absent from the Business of his Office, it shall be lawful for such Clerk, by any Writing under his Hand, with the Approbation of the Master of the Rolls, in Writing under his Hand, to appoint to be his Deputy such Person, and for such Time, to be limited in such Appointment and Approbation, as the Master of the Rolls shall or may approve of as fit and proper for that Purpose: Provided also, that whenever the said Clerk for the Time being shall from any Cause be unable to execute or perform or be absent from the Attendance upon the Duties of his Office, without having appointed or renewed the Appointment of a Deputy in manner aforesaid, it shall be lawful for the Master of the Rolls, by any Writing under his Hand, to appoint such Person to be and act as the Deputy of such Clerk during such Inability or Absence of the said Clerk for the Time being as the said Master of the Rolls shall think fit; and every Deputy appointed in manner aforesaid, and who shall accept of such Appointment, shall during the Time for which he shall be appointed have and possess all and every of the same or the like Powers and Authorities as the Clerk of the said Petty Bag for the Time being, and shall perform and be subject to all and every of the like Duties and Regulations as the said Clerk for the Time being; and every Deputy appointed in manner aforesaid shall be paid such Sum out of the Salary of his Principal as the Master of the Rolls shall by any Writing under his Hand direct; and the Appointment and Approbation of every such Deputy as aforesaid shall be filed of Record, and preserved in the Office of the Petty Bag, or such other Office as the Master of the Rolls shall order or direct,

Appointment of First and other Clerks of Petty Bag, who are to hold Office during good Behaviour, and on Vacancy to be filled up by the Master of the Rolls.

III. And be it enacted, That *Francis George Abbott* shall be the First Clerk of the Petty Bag; and that whenever and so soon as any Vacancy shall occur in the Office of the said *Francis George Abbott* or any future Clerk of the Petty Bag, whether by Death, Resignation, Removal, or otherwise, the Master of the Rolls shall, by some Writing under his Hand, appoint some fit and proper Person to be Clerk of the Petty Bag, every Person so appointed being a Person who for the Space of Five Years has been an Attorney of One of Her Majesty's Superior Courts of Common Law, or a Solicitor of the High Court of Chancery, and has during that Period actually practised as such Attorney or Solicitor, and for whose Appointment no pecuniary or other Consideration whatsoever shall be directly or indirectly paid, given, or received; and the said *Francis George Abbott*, and every qualified Person so appointed as aforesaid, shall hold his Office during good Behaviour, and shall or may be removed from his Office by the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, for such Misconduct or other Cause as by him shall be deemed sufficient to justify such Removal; and every such Appointment of a Clerk as aforesaid, and every Order for the Removal of a Clerk from his Office, shall be filed of Record in the said Office, or such other Office of the said Court as the said Master of the Rolls shall order or direct.

IV. And

Clerk of the Petty Bag to perform all the Duties and be subject to all the Regulations of the Senior and other Clerks, but not to be an Attorney of the Court.

IV. And be it enacted, That the Clerk of the Petty Bag for the Time being appointed by or in pursuance of this Act shall have, possess, and exercise all and every of the Powers, Authorities, Rights, and Privileges which now are or heretofore have been held, possessed, or exercised by the said Senior, Second, and Third Clerks whose Offices are hereby abolished; and the said Clerk of the Petty Bag for the Time being shall also perform and be subject and liable to all and every of the Services, Duties, and Regulations which the said Senior, Second, and Third Clerks, or any of them, now are or but for the passing of this Act would be bound to perform or be subject or liable to: Provided always, that the said Clerk of the Petty Bag for the Time being shall not by virtue of his Office be an Attorney of the said Court, and shall not, directly or indirectly, by himself or together with any Partner, in his own Name or in the Name of any other Person, practise, be, or act as the Attorney, or the Agent of any Attorney, of any Person whomsoever, in, about, or for the Purpose of any Action, Suit, Writ, Proceeding, Matter, or Thing in the said Office of the Petty Bag, or upon or in the Common-Law Side of the said Court of Chancery.

Clerk of the Petty Bag not to act as Attorney or Solicitor.

V. And be it enacted, That no Person to be appointed to the Office of Clerk of the Petty Bag at any Time after the said *Francis George Abbott* shall have ceased to hold the said Office shall at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor, or as the Agent of the Attorney or Solicitor, in any Court of Law or Equity: Provided also, that in case the Salary payable to the said *Francis George Abbott* in pursuance of this Act shall at any Time hereafter be increased so as to amount to Eight hundred Pounds *per Annum*, then and in such Case the said *Francis George Abbott* shall not at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, or other Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor, or as the Agent of any Attorney or Solicitor, in any Court of Law or Equity.

Salary of Clerk of Petty Bag.

VI. And be it enacted, That the said Clerk of the Petty Bag shall receive by way of Salary for performing the Duties of his Office the Sum of Six hundred Pounds *per Annum*, but subject and without Prejudice to the Payment of all Salaries or Sums or Money by any Act or Acts in force directed or authorized to be paid thereout, the said Salary to commence and be computed from the First Day of *January* One thousand eight hundred and forty-nine, and be paid and payable quarterly, under Orders to be for that Purpose made by the Lord Chancellor: Provided always, that in case Parliament or the Lord Chancellor shall, with the Advice and Assistance of the Master of the Rolls, at any Time or Times hereafter transfer to the said Office of the Petty Bag any further or other Portion of the Business of or in the said Court of Chancery, or shall assign any Business or Service for the Suitors of the High Court of Chancery to be done or transacted by the said Clerk of the Petty Bag, then and in every such

such Case it shall be lawful for the said Lord Chancellor (if he shall think fit), with such Advice and Assistance as aforesaid, to order and direct that the Salary of the said Clerk of the Petty Bag shall be increased to such Amount, not exceeding Eight hundred Pounds *per Annum*, but subject as aforesaid, as the Lord Chancellor, with such Advice and Assistance as aforesaid, shall think proper and reasonable, having due Regard to the whole of the Duties to be performed by such Clerk.

Clerk of Petty Bag may appoint such Clerks to assist him as the Master of the Rolls may direct, who shall be paid by Salary.

VII. And be it enacted, That the Clerk of the Petty Bag may appoint to assist him in the Business of his Office such Clerk or Clerks as the Master of the Rolls shall from Time to Time by any Order direct, and may from Time to Time remove any such Clerk, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal, and that every such Clerk shall be entitled under this Act to such Salary as the Lord Chancellor shall, with the Advice and Assistance of the Master of the Rolls, by any Order direct; provided that if there shall be only One such Clerk his Salary shall not exceed the Sum of Two hundred and fifty Pounds *per Annum*, and that if such Clerks shall be more than One at the same Time the Amount of such Salaries shall not in any One Year exceed the Sum which if equally divided between them would admit of a Salary of Two hundred and fifty Pounds for each such Clerk.

Salaries and Expenses to be paid out of the Suitors Fee Fund.

VIII. And be it enacted, That the Salaries of the said Clerk of the Petty Bag, and of his Clerks or Assistants, together with the necessary and unavoidable Expenses of the Petty Bag Office, shall be paid and payable out of and be charged and chargeable upon the Fund standing in the Name of the Accountant General of the High Court of Chancery, and intituled "The Suitors Fee Fund Account" (but subject as aforesaid).

Penalty on Officers for taking Gratuities, &c.

IX. And be it enacted, That if any Officer or Clerk of the said Court, appointed or to be appointed under or by virtue of this Act, shall, for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, or for forbearing to do any Act properly appertaining thereto, demand or accept, or allow any Person whatsoever to take for him or on his Account, or for or on account of or in trust for him, or any other Person named by him, any Gratuity, Perquisite, or Reward, or anything of Value other than and except the lawful Fees of his Office for which he is accountable, and the Salary or Remuneration allowed or to be allowed to such Officer or Clerk, it shall be lawful for the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, and he is hereby empowered and required, in every such Case, upon his being satisfied that any such Officer or Clerk charged with any such Offence is guilty thereof, to remove him from his Office or Employment; and every Person so removed shall be and he is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in any of the Courts of Law or Equity in the United Kingdom, or of otherwise serving Her Majesty, Her Heirs or Successors, in any Manner whatsoever; and every Order for removing any such

 Officer

Officer or Clerk as aforesaid shall be filed of Record in such Office as the Master of the Rolls shall order or direct.

Power to Lord Chancellor and Master of the Rolls to regulate the Transfer of Business from Time to Time.

X. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls for the Time being, from Time to Time to transfer any of the Business heretofore done in the said Office of the Clerk of the Petty Bag to any other Office of the High Court of Chancery, and to transfer any Portion of the Business of any other Office of the High Court of Chancery to the Office of the Clerk of the Petty Bag, and thereupon the Officers respectively charged with the Duties of such Offices to which such Business shall be transferred shall do and perform the Duties consequent on such Transfer in like Manner as if the same had been theretofore performed in such Office to which the same shall be transferred, subject to such Regulations, as to the Payment of Fees and otherwise, as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall order or direct.

Seal of Office to be provided and kept, and may be cancelled or altered from Time to Time.

XI. And be it enacted, That a Seal shall be provided and kept for the said Court, which shall be and be called the Chancery Common-Law Seal, and such Seal shall be in such Form as the Lord High Chancellor, with the Advice and Assistance of the Master of the Rolls, shall or may from Time to Time order or direct; and the said Lord Chancellor, with such Advice and Assistance as aforesaid, shall or may from Time to Time order or direct that any Seal for the Time being so provided or kept as aforesaid shall be cancelled or laid aside, and another Seal substituted, kept, and used in lieu thereof; and all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever shall take notice of the said Seal, and receive Impressions thereof in Evidence, in like Manner as Impressions of the Great Seal are received in Evidence, and shall also take Notice of and receive in Evidence, without further Proof, all and every of such Writs, Proceedings, Instruments, Documents, and Writings whatsoever which shall purport or appear to be sealed or stamped with the said Chancery Common-Law Seal for the Time, in like Manner as if the same had been sealed with the Great Seal.

Copies of Documents sealed to be admissible in Evidence.

XII. And be it enacted, That every Document sealed with the said Chancery Common-Law Seal for the Time being, and purporting to be a Copy of any Record or other Document of any Description, shall be deemed to be a true Copy of such Record or other Document, and shall, without further Proof, be admissible and admitted and received in Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Record or other Document as would or might be admissible or admitted or received if tendered in Evidence, as well for the Purpose of proving the Contents of such Record or other Document, as also proving such Record or other Document to be a Record or Document of or belonging to the said Court of Chancery, but not further or otherwise.

Writs, &c. issued out of Petty Bag Office to be sealed with the Chancery Common-Law Seal.

XIII. And be it enacted, That all such Writs, Records, Instruments, Documents, Proceedings, and Writings such as are or have been usually issued or delivered out of the Petty Bag Office, and made under or sealed with the Great Seal, except Writs of Summons and Writs of Election issued on the calling of a new Parliament, and Writs of Restitution issued on the Appointments of Archbishops and Bishops, shall be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being; and every Writ, Record, Document, Instrument, Proceeding, and Writing which shall or may be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being shall be of the like Validity and shall have the same Force and Effect as if the same had been or were made or sealed with the Great Seal.

Specifications and Disclaimers enrolled under 5 & 6 W. 4. c. 83. to be enrolled in the Enrolment Office only.

XIV. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-nine every Specification or Instrument in Writing for describing or ascertaining any Invention, and to be enrolled in Chancery in pursuance of Letters Patent under the Great Seal, shall be enrolled in the Enrolment Office of the Court of Chancery; and every Disclaimer and Memorandum of Alteration to be enrolled in pursuance of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, shall also be enrolled in the said Enrolment Office, whether the Specification of the Invention to which such Disclaimer or Memorandum of Alteration shall relate shall or shall not have been enrolled in the said Enrolment Office; and the Enrolment of every such Disclaimer and Memorandum of Alteration in the said Enrolment Office shall be and be deemed to be the Enrolment thereof in the proper Office, in pursuance of the Provisions of the said Act.

Seal as approved by Master of the Rolls to be provided for the Enrolment Office.

XV. And whereas it is expedient to facilitate the Proof of the due Enrolment of Specifications, Deeds, and other Instruments in the said Enrolment Office, and also of Copies of the Enrolments thereof: Be it therefore enacted, That such a Seal or Stamp as the Master of the Rolls shall approve of shall be provided and kept in the said Enrolment Office, and from Time to Time, when the Master of the Rolls shall think fit, a new Seal or Stamp shall be provided in place of any Seal or Stamp for the Time being kept and used in the said Office, and whenever any new Seal or Stamp shall be so provided the old Seal shall be forthwith cancelled; and the Seal for the Time being kept and used in the said Enrolment Office in pursuance of this Act shall be and be called the Seal of the Enrolment Office in Chancery, and all Courts and other Tribunals, Judges, Justices, Officers, and other Persons whomsoever, shall take notice of the said Seal of the Chancery Enrolment Office, and shall take notice of and receive in Evidence every Instrument and Writing purporting or appearing to be sealed or stamped therewith, without Proof that the same has been so sealed or stamped.

Certificates of Enrolment to be given,

XVI. And be it enacted, That the Clerk of the said Enrolment Office, or his Deputy or Assistant, shall, upon Request, and Payment

of the proper Fees payable in respect thereof, indorse or write upon every Specification, Instrument, and Document which at any Time heretofore has been or at any Time hereafter shall be enrolled in the said Enrolment Office, a Certificate that such Specification, Instrument, or Document has been or was enrolled in Chancery, and the Day on which such Enrolment was made, and shall cause such Certificate to be sealed or stamped with the said Seal of the Chancery Enrolment Office; and every such Certificate purporting or appearing to be so sealed or stamped shall be admitted and received in Evidence by all Courts and other Tribunals, Judges, Justices, and others, without further Proof, and as sufficient *primâ facie* Evidence that the Specification, Document, or Instrument therein mentioned was duly enrolled in the Court of Chancery on the Day and at the Time mentioned in such Certificate.

and, when sealed, shall be admitted as Evidence.

XVII. And be it enacted, That every Document or Writing sealed or stamped or purporting or appearing to be sealed or stamped with the said Seal of the Chancery Enrolment Office, and purporting to be a Copy of any Enrolment or other Record, or of any other Document or Writing of any Description whatsoever, including any Drawings, Maps, or Plans thereunto annexed or indorsed thereon, shall be deemed to be a true Copy of such Enrolment, Record, Document, or Writing, and of such Drawing, Map, or Plan (if any) thereunto annexed, and shall, without further Proof, be admissible and admitted in Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Enrolment, Record, Document, or Writing could or might be admissible or admitted in Evidence, as well for the Purpose of proving the Contents of such Enrolment, Record, Document, or Writing, and the Drawing, Map, or Plan (if any) thereunto annexed, as also proving such Enrolment, Record, Document, or Writing to be an Enrolment, Record, Document, or Writing of or belonging to the said Court of Chancery, and that such Enrolment, Record, Document, or Writing was made, acknowledged, prepared, filed, or entered on the Day and at the Time when the original Enrolment, Record, Document, or Writing shall purport to have been made, acknowledged, prepared, filed, or entered.

Copies of Enrolments stamped with Seal of Enrolment Office to be admitted in Evidence.

XVIII. And be it enacted, That if any Person shall falsely make, forge, or counterfeit any Seal made, provided, used, or kept in pursuance of this Act for or in the said Court or any Office thereof, or shall falsely make or alter any Seal, so as to resemble, purport, or appear to be a Seal made, provided, used, or kept in pursuance of this Act or for or in the said Court or any Office thereof, or shall use or tender in Evidence or utter any Impression made by any Seal so falsely made, forged, counterfeited, or altered as aforesaid, knowing the same to have been so falsely made, forged, counterfeited, or altered as aforesaid, or shall forge or shall unlawfully and falsely make or alter any Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of, or appearing or purporting to be of or belonging to or made or prepared

Punishment for forging or altering any Seal or Document.

prepared in or issuing out of, any such Office as aforesaid, or out of the said Court of Chancery, or shall use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely made or altered as aforesaid, knowing the same to have been so unlawfully or falsely made or altered, or shall unlawfully and falsely seal or stamp with any Seal made, prepared, kept, or used for or in any of the said Offices, or for or in the said Court of Chancery, any Writ, Record, Document, Instrument, Proceeding, or Writing purporting or appearing to be or resembling, or intended to purport or appear to be or resemble, a Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of any of the said Offices or the said Court of Chancery, or shall fraudulently use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely sealed or stamped as aforesaid, then and in every such Case every Person so offending, and every Person knowingly and willingly aiding, abetting, or assisting any Person in committing any such Offence, and being thereof lawfully convicted, shall be adjudged guilty of Felony.

Power to Lord Chancellor, &c. to fix a Table of Fees.

XIX. And be it enacted, That it shall and may be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, and he is hereby required, on or before the First Day of *January* One thousand eight hundred and forty-nine, to establish and ordain a Table of Fees to be thereafter taken by the said Clerk of the Petty Bag, and for the Lord Chancellor, with such Advice and Assistance as aforesaid, from Time to Time afterwards to vary and modify the same as he shall think fit, and the Fees so for the Time being established or ordained shall be deemed and taken to be the lawful Fees of the Petty Bag Office: Provided always, that no Fees whatever shall be demanded or received by the Clerk of the Petty Bag, or by any Person employed by him in the said Office, for or in respect of any Act, Duty, or Service required to be done, performed, or rendered by him, them, or any of them in the course of any Proceedings carried on in the said Office directly at Her said Majesty's Instance, Suit, and Charge; and the said Clerk of the Petty Bag, and the several Persons employed by him in the said Office, are hereby authorized and required to perform and render such Acts, Duties, and Services as may be required in the course of such last-mentioned Proceedings, without Payment of any Fee whatsoever in respect thereof.

No Fees to be taken in respect of Duties performed at Her Majesty's Suit.

Clerk of Petty Bag to keep Accounts of Fees received, and pay the same into the Suitors Fee Fund.

XX. And be it enacted, That the said Clerk of the Petty Bag shall cause a true and accurate Account to be kept of all Fees received in his Office or by virtue thereof, and shall pay the full and just Amount of such Fees into the Bank of *England*, to be placed to the Account there standing in the Name of the Accountant General, intituled "The Suitors' Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall by any Order direct.

XXI. And

Solicitors to be entitled to practise as Attornies in the Common-Law Side of Chancery.

XXI. And be it enacted, That every Person who has heretofore been admitted a Solicitor of the said Court of Chancery, and who is now a Solicitor of the said Court, shall, by virtue of his Admission and this Act, become and be an Attorney of the said Court; and every Person hereafter to be admitted a Solicitor of the said Court shall be also admitted and become an Attorney of the said Court; and the Solicitor of Her Majesty, the Solicitor of each of the several public Boards of this Realm, and every Person so to become or be admitted an Attorney of the said Court as aforesaid, shall be allowed and entitled to practise as an Attorney on the Common-Law Side of the said Court of Chancery, any Law or Usage to the contrary notwithstanding, upon Payment, nevertheless, of such Fees as shall or may be payable in respect of the Business transacted by the said Attornies; and all such Documents, Proceedings, Writings, Acts, Duties, Services, Matters, and Things as before the passing of this Act were or ought to be prepared, conducted, done, or performed by the said Senior, Second, and Third Clerks of the Petty Bag respectively, as the Attornies of or for their Clients respectively, shall or may, from and after the said First Day of *November* One thousand eight hundred and forty-eight, be prepared, conducted, done, and performed by such Clients respectively in their own proper Persons, or by some Person who shall become or be admitted and actually be an Attorney of the said Court by virtue of this Act, and not by any other Person whomsoever.

Writs may be tested in Term-Time, or in Vacation.

XXII. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag shall or may be issued or tested on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Writ so issued or tested on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Court of Chancery, ought to be tested on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day of the issuing or testing of such Writ was actually a Day in Term-Time.

Writs may be made returnable in Term-Time or in Vacation.

XXIII. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag, whether the same shall or may be returnable in the same Court or in any other of Her Majesty's Superior Courts of Common Law, shall or may be made returnable and returned on any Day certain to be in such Writ mentioned (not being a *Sunday*, *Good Friday*, or *Christmas Day*), whether such Day shall be in Term-Time or in Vacation, or forthwith after the Execution thereof; and every such Writ which shall be made returnable or returned on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Office of the Petty Bag, ought to be made returnable or to be returned on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same Writ shall or may be returned or made returnable was actually a Day in Term-Time: Provided always, that in every Case in which any particular Period of Time ought to elapse between the Teste and Return of any Writ, such Writ, if made returnable forthwith after the

Execution thereof, shall be returned immediately after the Execution thereof, and after such Period shall have elapsed.

Proceedings of the Court may be in either Term-Time or in Vacation.

XXIV. And be it enacted, That every Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in or by the said Court of Chancery at any Time after the said First Day of *January* One thousand eight hundred and forty-nine, shall or may be so made, taken, transacted, done, or performed on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing as aforesaid, which shall be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Vacation, or on any Day in Term-Time or in Vacation, and which, according to any present Law, or any present Practice or Usage of the said Office of the Petty Bag, can or ought only to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, or as in Term-Time, or as on any or some particular Day or Days in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same shall or may be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed, was actually a Day in Term-Time, and as if the same was actually made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, and not in Vacation, and the Day or one of the Days in Term-Time required by any such Law, Practice, or Usage as aforesaid.

Writs of Scire facias may be directed to Sheriff of any County.

XXV. And be it enacted, That any Writ of Scire facias for repealing, cancelling, or vacating any Letters Patent or Charter, which shall or may at any Time hereafter be issued in any Action at the Suit of Her Majesty, hereafter to be commenced, whether at the Instance of any of Her Majesty's Subjects or otherwise, shall or may be directed and sent to the Sheriff of any County in *England* or *Wales*, although the Record upon which such Writ shall be founded or issued may be or remain in the County of *Middlesex* or any other County, and that it shall not be necessary that any such Writ which at any Time hereafter may be issued and directed to the Sheriff of any such County as aforesaid shall be a Testatum Writ, or founded upon any previous Writ directed or sent to the Sheriff of *Middlesex* or any other County.

Prosecutors Names to be inserted in Writs of Scire facias.

XXVI. And be it enacted, That in every Action of Scire facias hereafter to be commenced at the Instance of any Person, being One of Her Majesty's Subjects, for the Purpose of repealing, cancelling, or vacating any Letters Patent or Charter, the Name and Addition of such Person shall be inserted in the Writ for commencing such Action as the Person suggesting or informing Her Majesty of the Matters or Reasons for which such Letters Patent or Charter may be sought to be repealed, and such Person shall be and be deemed to be the Prosecutor of such Action and Writ; and the Name and Address of the said Prosecutor's Attorney (if any) shall be indorsed upon

upon the same Writ, and upon all Pleadings (if any) in the Action: Provided always, that nothing in this Act contained shall authorize the issuing of any such Writ of Scire facias aforesaid without the Fiat or Leave of Her Majesty's Attorney General.

Declarations, &c. in Scire facias to be delivered, and not filed.

XXVII. And be it enacted, That in case any Defendant in any such Action of Scire facias already or hereafter to be commenced for repealing, cancelling, or vacating any Letters Patent or Charter shall appear in the said Court of Chancery in Person or by Attorney to answer the Writ issued in such Action, it shall not be necessary to file any Declaration, but the Prosecutor of such Action or his Attorney shall deliver the Declaration to such Defendant or his Attorney, and shall also at the same Time deliver to such Defendant or his Attorney the Notice of Objections (if any) required by the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, and it shall not be necessary at any Time hereafter to file any Notice of Objections required by the said last-mentioned Act, but only to deliver the same to the Defendant or his Attorney, as required by this Act.

5 & 6 W. 4. c. 83.

Pleas in Scire facias to be delivered, and not filed.

XXVIII. And be it enacted, That in any such Action of Scire facias as aforesaid no Demurrer, nor any Plea or Pleading subsequent to the Declaration, shall be filed in the said Office of the Petty Bag or otherwise in the said Court of Chancery; and that in every such Action, every such Plea and subsequent Pleading shall be delivered by the Party pleading it or his Attorney to the opposite Party or his Attorney, and that the Issue in any such Action shall be delivered only, and not filed, and shall or may be made up and delivered by either Party or his Attorney to the opposite Party or his Attorney; and for the Purposes of this Enactment, and also for the Purposes of managing and conducting every such Action of Scire facias as may contain the Name of any Prosecutor, such Prosecutor shall be deemed to be a Party thereto, and to represent the Plaintiff therein, subject nevertheless to the Control of Her Majesty's Attorney General, in like Manner as if this Act had not been passed.

Isssues in Scire facias may be tried in any of the Superior Courts.

XXIX. And be it enacted, That in case any Issue respecting any Matter of Fact to be tried by the Country has at any Time heretofore been or shall at any Time hereafter be joined between Her Majesty and any Patentee or other Person in any Action of Scire facias heretofore or hereafter to be commenced, for the Purpose of cancelling, repealing, or vacating any Letters Patent or Charter, or Recognizance, then and in every such Case the Record shall be made up and filed in the Office of the Petty Bag; and it shall and may be lawful to try such Issue in Fact in any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer of Pleas; and in every such Case the Writ of Venire facias juratores for summoning a Jury to try such Issue shall or may be made returnable and returned in such of the said Three Courts as the Issue is intended to be tried in; and a Transcript of the said Record in Chancery, containing such Issue, shall or may thereupon be sent or taken into the Court in which such Writ of Venire facias shall be made returnable, in like Manner as

Records

Records containing Issues between Her Majesty and any Patentee or other Person may now be sent or taken by the said Court of Chancery into the Court of Queen's Bench, and it shall not be necessary to issue any Writ of Mittimus or other Writ for the sending or taking such Transcript into either of the said Courts; and in case such Writ of Venire facias shall be made returnable in either of the said Courts of Common Pleas or Exchequer of Pleas, such Court shall, upon the Transcript of the said Record being brought into such Court, proceed to try such Issue either at Bar or at Nisi Prius as such Court shall think fit, and in like Manner as such Issue would or might have been tried in the Court of Queen's Bench in case such Writ of Venire facias had been made returnable in that Court, and the said Transcript, or the original Record, had been taken or deemed to be taken by the Lord Chancellor into that Court; and upon any such Transcript as aforesaid being taken or brought into either of the said Courts of Common Pleas or Exchequer of Pleas such Court shall or may issue such Writs, make such Rules, and proceed therein in all respects for the Trial or other lawful Determination of the Issue therein contained, in like Manner as the Court of Queen's Bench could or might have done if such Transcript or the original Record had been taken into the Court of Queen's Bench, and with full Power to set aside or vacate any Trial, Verdict, or other Proceeding in like Manner as could or might have been done by the said Court of Queen's Bench; and upon the Trial of any such Issue as aforesaid had or completed a Transcript of the Verdict of the Jury and Proceedings of the Court upon such Issue or the Trial thereof shall be taken into the said Court of Chancery, to the end that the said last-mentioned Court shall or may give Judgment therein according to the Law and Custom of *England*; and no Writ of Mittimus or other Writ shall be necessary for the Purpose of remanding or taking a Transcript of any such Verdict and Proceedings as aforesaid into the said Court of Chancery.

Issues upon Traverses to be tried in like Manner as Issues in Scire facias.

XXX. And be it enacted, That every Issue of Fact to be tried by the Country which has already been joined or which may at any Time hereafter be joined upon any Traverse to an Inquisition shall or may be tried in any or either of Her Majesty's Superior Courts of Law, in like Manner as by this Act provided with respect to the Trial of Issues in Fact by the Country in Actions of Scire facias to repeal, cancel, or vacate Letters Patent or Charters.

Record of Issue to be filed in the Office of the Petty Bag.

XXXI. And be it enacted, That in case any Issue in Law, on Demurrer or otherwise, shall be joined in any Action of Scire facias, or upon any Traverse of an Inquisition, then and in such Case the Record of such Issue shall be made up and filed in the Office of the Petty Bag, and a Transcript of the said Record shall or may thereupon be sent or taken into any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer; and such Court shall, upon the Transcript being brought into any such Court, proceed to hear and determine the same, in like Manner as Records of Issues in Law from the Common-Law Side of the said Court of Chancery may now be heard and determined in the Court of Queen's Bench; and upon the Determination of any such Issue in Law a Transcript of the Judgment

ment of such Court upon such Issue shall be taken into the said Court of Chancery, to the end that the said last-mentioned Court shall or may give Judgment therein according to the Law and Custom of *England*.

Costs to be taxed.

XXXII. And be it enacted, That in all Cases where any Party shall be entitled to the Costs of any such Issues, or of any other Proceedings or Matters provided for by this Act, in any of the said Courts, such Costs shall be taxed and regulated by One of the Masters of the said Court respectively, who shall indorse his Allocatur on the Postea or Rule, as the Case may be, before the same shall be taken or returned into the Court of Chancery as aforesaid.

Writs and Proceedings to be prepared by Parties or their Attornies.

XXXIII. And be it enacted, That every Writ which shall or may, at any Time after this Act shall come into operation, lawfully issue out of the said Office of the Petty Bag, under the said Chancery Common Law Seal, at the Instance of any Person, and every Record and Proceeding whatsoever on the Common-Law Side of the said Court of Chancery, shall be prepared, ingrossed, and issued by the Party requiring or conducting the same, subject nevertheless to such Rules and Regulations as shall or may be made and for the Time being in force, by virtue of this Act or otherwise, for regulating the Practice of the Common-Law Side of the said Court of Chancery, and also subject to the Payment of such lawful Fees as shall or may be payable for or in respect thereof; and upon Payment of such Fees, and complying with such Rules, such Writs, Records, and Proceedings shall (when necessary, and if lawful and regular,) be duly sealed.

Judges may dispose of Matters raising or incident to any Action on the Common-Law Side of the Court of Chancery.

XXXIV. And be it enacted, That in every Action, Suit, and Proceeding now pending or which at any Time hereafter shall be commenced or pending in the said Court of Chancery on the Common-Law Side thereof, it shall be lawful for the Superior Courts of Common Law, and the Judges thereof respectively, and they are hereby respectively required, to hear and determine all such Matters or Applications arising in or incident to any such Action, Suit, or Proceeding as aforesaid, as before the passing of this Act might have been heard and determined by the Lord Chancellor and the Master of the Rolls, or either of them, and also to transact, do, and perform all such Business, Matters, and Things in, about, touching, or concerning any Action, Suit, or Proceeding on the Common-Law Side of the said Court of Chancery as by virtue of any Orders or Regulations for the Time being in force by virtue of this Act may be transacted, done, or performed by such Judge, subject nevertheless and according to the Provisions of this Act, and the Laws, Rules, and Regulations for the Time being in force for the Regulation of the said Court, and the Practice and Proceedings thereof.

Master of the Rolls may make Orders for the Custody, &c. of the Records.

XXXV. And be it enacted, That it shall and may be lawful for the Master of the Rolls to make such Rules, Orders, and Regulations from Time to Time for the Transfer, Care, and Custody of the Records, Enrolments, Indexes, Books, Documents, or other Proceedings now or hereafter to be filed, lodged, or be in the said Office of the Petty Bag, or in the Custody of the said Clerk of the said

Office, and the Endorsement thereof, and the filing of Writs and other Proceedings, and all other Matters and Things relating to the Matters aforesaid, as to the Master of the Rolls shall seem fit and proper.

General Rules and Orders may be made.

XXXVI. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time hereafter to make such Alterations, Orders, Rules, and Regulations as he shall, with such Advice and Assistance as aforesaid, think fit, in and respecting the said Office of the Petty Bag, and the Business and Practice thereof, the Duties of the said Clerk, and the Transaction, Management, and Conduct of the Business thereof, and also in and respecting the Modes of suing out, preparing, ingrossing, issuing, sealing, signing, serving, executing, and returning Writs, Process, Rules, Notices, and other Instruments issuing out of or authorized or required by the said Court or the Practice thereof, and also from Time to Time to rescind, alter, or vary such Alterations, Orders, Rules, and Regulations: Provided always, that no such Alterations, Orders, Rules, or Regulations as aforesaid shall be contrary to or inconsistent with the Provisions of this Act.

Officers Privilege of suing abolished.

XXXVII. And be it enacted, That no Person whomsoever who now is or at any Time hereafter shall be an Officer of the said Court of Chancery shall at any Time after the passing of this Act have or be entitled as such Officer to any Privilege to commence or prosecute any Action or Suit in the said Court of Chancery, other than and except such Actions and Suits as may be commenced in the said Court by every or any other Person.

Proviso as to existing Actions by or against Officers.

XXXVIII. Provided always, and be it enacted, That nothing herein-before contained shall hinder or prevent any Action or Suit already commenced by or against any Officer of the said Court of Chancery from being prosecuted, and that the Parties in or to every such Action or Suit shall or may, by themselves or by their Attorneys respectively (to be by them respectively appointed), prosecute and defend such Action or Suit, and that Judgment shall or may be given in such Action or Suit, or such Action or Suit or otherwise disposed of, in like Manner as if this Act had not been passed, subject nevertheless to such Rules, Orders, and Regulations as shall or may be made in pursuance of this Act.

Parties or Attornies to cause Names to be entered in a Book at the Petty Bag Office.

XXXIX. And be it enacted, That every Person, Party to any Action, Suit, or Proceeding now pending in the said Court of Chancery on the Common-Law Side thereof, shall, before taking any fresh Step in or about any such Action, Suit, or Proceeding, cause to be entered in a Book to be kept in the said Petty Bag Office, if he intends to act in Person and not by Attorney therein, his own Name and Address, and if he intends to act by Attorney and not in Person, then the Name and Address of his Attorney; and if any such Person or Attorney resides more than Three Miles from the said Office, some Place within that Distance shall be mentioned and entered in the said Book, at or to which Pleadings, Notices, and other Proceedings may be left or sent for such Person or his Attorney; and every Attorney shall, before he acts as the Attorney of any Person in the said Court, cause

cause to be entered in such Book as aforesaid his Name and also his Address, or some Place at or to which Pleadings, Notices, or other Proceedings may be left for or sent to him.

Affidavits may be sworn before Clerk of Petty Bag.

XL. And be it enacted, That any Affidavit, Affirmation, or Declaration to be sworn or made or taken, and read or used in the said Court, shall or may be sworn, made, or taken by or before the Clerk of the Petty Bag for the Time being, who is hereby authorized and required to administer, receive, or take the necessary and proper Oath, Affirmation, or Declaration to every Person desirous of swearing, making, or taking any such Affidavit, Affirmation, or Declaration as aforesaid; and every Person who shall wilfully and corruptly swear, affirm, or declare falsely in any such Affidavit, Affirmation, or Declaration shall be guilty of Perjury, and shall be prosecuted and punished accordingly.

Saving the Jurisdiction of Lord Chancellor and Master of the Rolls.

XLI. And be it enacted, That nothing in this Act expressed or contained shall take away or in anywise diminish or prejudice the Jurisdiction or any of the Powers, Rights, or Privileges of the Lord Chancellor, as Judge of the said Court of Chancery, or otherwise howsoever, or the Jurisdiction or any of the Powers, Rights, or Privileges of the Master of the Rolls, as the Keeper of the Records of the said Court, or as a Master or Judge of the said Court, or otherwise.

Forms of Writs to be settled and approved by Lord Chancellor, &c.

XLII. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time to ordain, settle, and approve of the Form of any Description of Writ or Writs which may be deemed necessary to be issued for the Purpose of giving Effect to any Description of Judgment, Order, Proceeding, or Matter of or pending in or to be taken in the said Court of Chancery, or for the Furtherance of the Business of or originating in the said Court of Chancery.

Courts of Common Law to take cognizance of Writs.

XLIII. And be it enacted, That every of Her Majesty's Courts of Common Law, and all other Courts, Judges, Officers, and others, shall take cognizance of all and every of Writs as aforesaid, and give effect thereto in such Manner as may be requisite, and, if necessary, the Judges of such Courts respectively shall and they are hereby required to make such Rules and Regulations for the Practice of their respective Courts thereupon as to them respectively shall seem fitting, which shall be signed by the Judge or by the major Part in Number of the Judges of the said Courts respectively, and if there be more than One Judge of any such Court the Chief Judge of such Court (if there be a Chief Judge) shall be One.

Monies paid into Court for Her Majesty's Use shall continue to be received as heretofore, &c.

XLIV. And be it enacted, That all Monies paid into the said Court for Her Majesty's Use shall continue to be received as heretofore by the said Clerk of the Petty Bag, and the several Accounts of Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of Her Majesty in the said Office of the Petty Bag, required by any Act now in force to be rendered and made by the said Clerk of the Petty Bag, and all other Acts,

Acts, Duties, and Services now done, performed, and rendered by the said Clerk of the Petty Bag touching the Receipt and Payment of Monies to or for the Use of Her Majesty, and the Accounts to be rendered thereof, shall continue to be done, performed, and rendered as heretofore by the said Clerk of the Petty Bag.

Power to grant Compensations, with Consent of Treasury.

XLV. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, to award such Compensation, in such Manner and upon such Conditions as he may think fit, to the Senior and Second Clerk of the said Office of Petty Bag, in consideration of the Loss they will or may have respectively sustained by the Abolition of their Offices, and that such Compensations shall be paid by the said Accountant General, by virtue of an Order to be made by the Lord Chancellor, out of the Fund intituled "The Suitors Fee Fund Account."

Construction of Terms in this Act.

XLVI. And be it enacted, That in the Construction of this Act the Expression "Her Majesty" shall extend to, include, and mean, not only Her present most Excellent Majesty, but also Her Heirs and Successors; the Expression "Lord High Chancellor," and also the Expression "Lord Chancellor," shall extend to, include, and mean, as well the Lord High Chancellor of *Great Britain* for the Time being, as also the Lord Keeper of the Great Seal for the Time being, and also the Lords Commissioners for the Time being for the Custody of the Great Seal of this Realm, and the major Part in Number of such Commissioners; and that the Expression "Court of Chancery" shall mean the High Court of Chancery held before the said Lord Chancellor or Lords Commissioners, or major Part of the said Lords Commissioners; the Expression "Great Seal" shall mean the Great Seal of the United Kingdom of *Great Britain* and *Ireland;* and the Expression "Master of the Rolls" shall mean the Master of the Rolls for the Time being; and also that Words importing Persons only shall extend to Corporations; that Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number; save and except where there shall or may be something in the Subject or the Context repugnant to or inconsistent with any such Construction as aforesaid.

Act may be amended, &c.

XLVII. 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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