think reasonable; and in case the Party appealing from any such Order of Dismissal as aforesaid shall not appear at such Assizes as aforesaid to prosecute the same, such Order of Dismissal shall be affirmed; and it shall be lawful for the said Judges to award to the Person accused such Costs and Expenses of Witnesses as they may think reasonable; and in case any Appellant or Respondent on any such Appeal shall not pay any Costs or Expenses which may be so awarded against him his Recognizances shall be estreated.

Courts may award Costs.

LIV. And be it enacted, That it shall be lawful for the Commissioners, Judges of Assize, Justices of the Peace, or any of the Courts in this Act or in the said recited Acts mentioned, where any Complaint, Suit, Action, or Indictment shall have been heard or tried and determined before them respectively under this Act or the said recited Acts, to order that the Costs, Charges, and Expenses of and incident to such Complaint, Suit, Action, or Indictment, and the Proceedings therein, and the Hearing or Trial and Determination thereof, shall follow the Event of the same respectively, and be borne and paid, by the Party against whom the same shall have been determined, and that such Costs, Charges, and Expenses shall be estimated, either as between Party and Party or as between Attorney and Client, at the Discretion of such Commissioners, Judges, Justices, or Courts respectively; which Costs, Charges, and Expenses, being so ordered as aforesaid, shall be recovered against the Party therewith charged in the same Manner as is herein-before specifically provided with respect to Costs in certain Cases.

Recited Acts to be read with this Act.

LV. And be it enacted, That this Act and the said recited Acts shall for the Purposes thereof respectively be read and construed together as One Act, and the said recited Acts shall remain in full Force and Effect, except where the Provisions thereof are repealed or altered by this Act or are repugnant thereto.

Saving Rights of the Crown.

LVI. Provided always, and be it enacted, That nothing contained in this Act or in any of the Acts recited or referred to shall extend or be construed to extend to alienate, defeat, lessen, abridge, or derogate from, or in any Manner affect, any Estate, Right, Title, Interest, Franchise, Royalty, Prerogative, or Jurisdiction vested in or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in Right of Her Crown, or otherwise howsoever.

Act may be amended, &c.

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

CAP. LXXXIX.

An Act to regulate the Proceedings in the High Court of Chancery in *Ireland*.
[14th *August* 1850.]

'WHEREAS it is expedient to regulate the Proceedings in the High Court of Chancery in *Ireland*, and otherwise to improve the Procedure of the said Court:' Be it 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 in any Case in which a Suit might be instituted in Her Majesty's High Court of Chancery in *Ireland* by way of Bill or Information, it shall be lawful for any Person who would have been entitled to file such Bill or Information to apply to the said Court by Petition for the Relief which might have been prayed for by any such Bill or Information; and Service of Notice of such Petition shall be made, as herein-after provided, upon such Persons as the Petitioner thinks fit, but with Power to the Court from Time to Time to direct any further Service of the same; and Service of such Notice being made, the Person so served shall from the Time of such Service become a Party to such Proceeding, and be bound thereby in all respects, in the same Manner as if a Bill or Information had been filed and such Person had appeared to a Subpœna to appear and answer.

Suits may be instituted in the Court of Chancery in Ireland by Petition in all Cases.

II. And

Court to have same Jurisdiction on Petition and Order to have same Authority as in a Suit.

II. And be it enacted, That the Court shall have and exercise, in and about any Matter so brought before it upon Petition, the same Jurisdiction, Powers, Authorities, and Discretion, to all Intents and Purposes, as it could have exercised in a Suit for the same Purpose instituted by way of Bill or Information; and all Orders of the Court to be made in any such Matter may be made in the same Manner, whether upon Motion or otherwise, and shall have the same Authority and Effect, and may be enrolled in the same Manner, and shall be binding upon the same Persons, under whatsoever Disability they may be, and may be enforced by the same or any such Process, and shall be subject to Rehearing and Appeal, in the same Manner in all respects, except as herein provided, as if the same had been made in a Suit so instituted as aforesaid; and every Order which shall be in the Nature of a Decree shall have the same Effect as a Decree; and every Petition presented under this Act shall have the same Effect in making any Infant a Ward of Court as a Bill filed in the Matter would have had; and every such Petition shall have the same Effect as a Bill in Equity with respect to Proceedings for Redemption under the Acts relating to Ejectment for Nonpayment of Rent, and also in Suits to foreclose Mortgages, and to perpetuate the Testimony of Witnesses under the Acts relating thereto.

Proviso. Court may direct a Suit to be instituted.

III. Provided always, and be it enacted, That if it appear to the Court that the Relief prayed for by any such Petition as aforesaid, or any Part thereof, cannot be safely or conveniently granted, or that the Object or any of the Objects of such Petition, or any Part thereof respectively, cannot be safely or conveniently attained under the Procedure of this Act, it shall be lawful for the Court to direct a Suit to be instituted by way of Bill or Information, and by such Persons as the Court thinks fit, and either to retain or dismiss the Petition accordingly.

Persons objecting to Proceedings under the Act may apply for Order that a Suit be prosecuted in the ordinary Way at the Peril of Costs.

IV. Provided also, and be it enacted, That if any Person interested or claiming to be interested in the Matter of any Petition presented under this Act, or whose Rights may be injuriously affected by the Order to be made on such Petition, desire that the Relief sought thereby may be sought in a Suit to be prosecuted in the ordinary Way, it shall be lawful for such Person at any Time, whether such Petition have been referred to the Master, as herein-after provided, or not, to apply to the Court, upon Motion in a summary Way, for an Order directing that the Matter of such Petition or any Part thereof be not further proceeded with under this Act, or that a Suit with respect thereto may be instituted or proceeded with in the ordinary Way, and thereupon the Court shall make such Order as shall be just; but the Costs of all Parties to be occasioned by any such Application shall (except so far as the Court otherwise specially directs) be paid and borne by the Person by whom such Application is made; and it shall be lawful for the Court, if it think fit, by any such Order to require that such Security as it thinks fit be given by the Party making such Application, for answering the additional Costs, if any, to be occasioned by reason of such Suit or other Proceeding being instituted.

Verification of Petition.

V. And be it enacted, That every Petition to be presented under this Act may be verified by Affidavit annexed thereto or subscribed at the Foot thereof in the Form or to the Effect set out in the Schedule annexed to this Act; and that with respect to Petitions authorized to be referred to the Master in a summary Way, as herein-after provided, no Costs of any further or additional Affidavit in verification shall be allowed, unless specially allowed by the Court.

Petitioners may annex Interrogatories to their Petition.

VI. And be it enacted, That upon presenting any such Petition as aforesaid the Petitioner may, if he think fit, annex to his Petition Interrogatories, to be answered by the Respondents to such Petition, or such of them as he requires to answer the same, or he may file such Interrogatories at any later Stage of the Proceedings on such Petition.

Respondents may file Interrogatories, to be answered by Petitioners.

VII. And be it enacted, That the Respondents to any such Petition, or any of them, may, if they think fit, annex to their Affidavits filed in answer to such Petition, or may otherwise file, Interrogatories, to be answered by the Petitioners or any of them, touching the Matters alleged in such Affidavit or Petition, and that whether such Respondents file a cross Petition or not, or they may file such Interrogatories at any later Stage of the Proceedings on such Petition.

VIII. Pro-

Interrogatories not to be filed except by Leave of the Court.

VIII. Provided always, and be it enacted, That, except so far as may be otherwise provided by any General Orders to be made as herein-after mentioned, no such Interrogatories shall in either of the Cases aforesaid be filed without Leave of the Court first obtained upon Motion supported by Affidavit, and which may be made *ex parte* or otherwise as the Court shall direct.

Practice as to answering the Interrogatories to be same as on Bill and Subpœna.

IX. And be it enacted, That, until and except so far as it shall be otherwise provided by any Rule or Order to be made as herein-after mentioned, the Practice as to answering and enforcing an Answer to such Interrogatories shall be the same as upon a Bill or cross Bill filed, except that such Answer shall be taken in the same Way that an Affidavit is taken, and the Person required to answer any such Interrogatories shall, on being served with a Copy thereof, be subject to the same Obligation as to answering the same, and the Court may exercise the same Powers for enforcing such Answer, and the Production of Documents therein referred to, as if a Bill or cross Bill had been filed against such Person, and he had been served with Subpœna to answer the same, and had appeared thereto, or an Appearance had been entered for him on the Part of the Plaintiff, pursuant to an Act of the Fourth and Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in* Ireland: Provided always, that every such Person shall be entitled to the Benefit of the same or the like Objection to answering any such Interrogatories as he might have insisted on by way of Plea or Demurrer in a Suit instituted in the ordinary Way.

4 & 5 W. 4. c. 78.

Petitions to be heard before the Lord Chancellor as Causes are now heard, and Petitions and Affidavits to be filed in Rolls Office and entered in a Book.
Table of Fees to be settled, and Fees to be paid over to the Suitors Fee Fund.

X. And be it enacted, That every Petition to be presented under the Authority of this Act shall be entitled "Cause Petition under 'The Court of Chancery (*Ireland*) Regulation Act, 1850,'" and shall be heard as Causes are now heard before the Lord Chancellor, unless in Cases where the Lord Chancellor specially directs the same to be heard before the Master of the Rolls, but no Subpœna to hear Judgment shall be required; and every such Petition, and all Affidavits and Interrogatories, and Answers to Interrogatories, in the Matter of any such Petition shall be filed in the Office of the Deputy Keeper of the Rolls in *Ireland* in like Manner as Bills and Answers are now filed there, and an Entry of such Petitions and Affidavits shall be made in a Book or Books to be kept for that Purpose, in like Manner as Bills and other Pleadings are now entered in the said Office, subject nevertheless to such Regulations and Orders as the Lord Chancellor, with the Assistance of the Master of the Rolls in *Ireland*, shall make in that Behalf; and the said Deputy Keeper of the Rolls and the Clerk of the Inrolments in the said Office respectively shall have Power to take Affidavits in the Matter of any such Petition; and it shall be lawful for the Lord Chancellor, with such Assistance as aforesaid, to settle a Table of Fees to be taken in the Office of the said Deputy Keeper of the Rolls in respect of such Petitions and Affidavits, and Answers, and to make all such Regulations as shall be necessary and proper for providing that the Balance of such Fees, after deducting such Payments as may lawfully be payable thereout, shall be from Time to Time duly accounted for and paid into the Bank of *Ireland* in the Name of the Accountant General, to be placed to the Credit of the Account there called "The Suitors Fee Fund Account."

Power to petition for Opinion of Court upon Special Case.

XI. And be it enacted, That it shall be lawful for any Person (the Direction of the Master in the Case of Persons under Disability as herein-after mentioned being first obtained) to present a Petition to the Court of Chancery in *Ireland*, stating any Document, Facts, or Circumstances relating to any Matter falling within the Jurisdiction of the Court by way of Special Case, and praying for the Opinion of the Court upon such Special Case; and it shall be lawful for the Court to give Judgment upon such Petition accordingly, and such Judgment shall bind all such Persons as the Court shall direct, and in default of such Direction then shall bind all such Persons as presented the same, and shall have the same Effect as a Declaration made by Decree in a Suit to which such Persons were Parties would have had, and shall be subject to Rehearing and Appeal in the same Manner as herein provided in case of other Petitions under this Act; and where the Opinion of the Court is desired in any Matter in which any Infant, Idiot, Lunatic, or married Woman is interested, it shall be lawful for the Master of the Court in rotation to direct the presenting of such Petition by way of Special Case on behalf of the Infant, Idiot, Lunatic, or married Woman, and such Direction of the Master shall be conclusive to all Intents and Purposes.

XII. And

XII. And be it enacted, That it shall be lawful for the High Court of Chancery in *Ireland*, or for any of the Masters in Ordinary of the said Court, in any Suit or in any Matter pending or being heard before them respectively, and within their respective Jurisdictions, to direct the whole or any Part of the Evidence relating to such Matter to be taken either *vivâ voce* on Oath before the Court or Master, or upon Affidavit, instead of upon Interrogatories or in addition to an Examination upon Interrogatories, and it shall be lawful for the said Court to exercise all the same Powers for enforcing the Attendance of any Witness in whatever Part of *Ireland* such Witness may reside, to be examined before the said Court or Masters respectively in any such Matter as it might exercise for enforcing the Attendance of a Witness residing within Twenty Miles of *Dublin* to be examined on Interrogatories according to the ordinary Practice of the said Court.

The Court or Master may in all Suits direct Evidence to be taken vivâ voce or by Affidavit, as well as on Interrogatories.

XIII. And be it enacted, That in any Case in which any Partnership Account is required to be taken before One of the Masters of the High Court of Chancery in *Ireland* it shall be lawful for such Master, if he think fit, to direct that in taking such Account the Books of Account in which the Accounts so required to be taken have been kept, or such of them as he thinks fit, shall be taken as *primâ facie* Evidence of the Truth of the Matters therein contained, with Liberty to the Parties interested to take such Objections thereto as they may be advised; and also in taking any Account other than any Partnership Accounts, where it appears to him that the Books of Account have been *bonâ fide* kept, and the Entries duly made therein from Time to Time as the Occasion for such Entries arose, or when from any Circumstances the Account cannot otherwise be taken, it shall be lawful for the Master, if he think fit, to direct that the Books of Account in which the Accounts so required to be taken have been kept, or such of them as he thinks fit, shall be taken as *primâ facie* Evidence of the Truth of the Matters therein contained, with liberty to the Parties interested to take such Objections thereto as they may be advised; and in any of the Cases aforesaid it shall be lawful for the Master to employ an Accountant to make out the Accounts in such Mode as the Master shall require, and the Master shall be at liberty to adopt such Accounts, subject to any Objections to be made by any of the Parties, and such Accountant shall be paid such Sum, as the Master shall consider reasonable and proper, by the Party having the Carriage of the Proceedings, who shall be entitled to charge the Sum so paid by him as Part of his Costs in the Cause or Matter.

In taking Accounts the Master may direct Books of Account that have been kept to be primâ facie Evidence.

XIV. And be it enacted, That in all Cases in taking the Accounts necessary for the Administration of the Estate of any deceased Person by the High Court of Chancery in *Ireland*, Debts may be proved before the Master by the Executor or Administrator of the Testator's Estate, and in case any Creditor, after Notice shall have been given to him of such Proof having been made, shall attempt to establish any larger Amount, the same shall be at Peril of any Costs which may be awarded against him by the Master.

In taking Accounts for Administration of Estate, Executors, &c. may prove Debts.

XV. And be it enacted, That when any such Petition as herein-before mentioned is presented to the Court with respect to any of the following Branches of the Jurisdiction of the High Court of Chancery in *Ireland*, that is to say,

With respect to the Administration of the Real and Personal Estate or the Personal Estate of a deceased Person,

With respect to the Foreclosure and Redemption of Mortgages,

With respect to the Appointment of new Trustees under any Deed, Will, or other Instrument,

With respect to the Appointment of Guardians and the Allowance of Maintenance to Infants,

With respect to the taking of Partnership Accounts, and

With respect to such other Branches of the said Jurisdiction as the Lord Chancellor of *Ireland*, with the Assistance of the Master of the Rolls in *Ireland*, by any General Order to be made as herein-after provided, shall from Time to Time direct,

the Court may, on the Application of the Petitioners, and on the Production of such Affidavit of Verification as aforesaid, by Order made in a Summary Way, and without Notice to any other Parties, unless the Court see fit to direct any such Notice to be given, refer the said Petition to the Master in Ordinary of the said Court in rotation, either with or without any special Directions with reference thereto as to the Court may seem fit.

Certain Classes of Petitions may be referred summarily to Master.

XVI. And

Master to proceed on the Petition referred to him, and to have with respect thereto the same Jurisdiction as might have been exercised by the Court in a Suit.

XVI. And be it enacted, That upon any such Petition being so referred it shall be lawful for the Master to whom the same is referred to consider the Matter thereof, and to direct Service of Notice thereof as herein-after directed, and thereupon to make all such Inquiries and such Orders for Payment of Money into Court or for the Sale of Real or Personal Estates, or otherwise, not being Orders for the Distribution or Payment of any Share of Money, and generally to make such Orders and give such Directions in relation to the Relief sought by such Petition as the Case may require; and for the Purpose aforesaid the Master shall have, within the Limits and subject to the Restrictions and Regulations herein provided, the same Jurisdiction, Authority, and Discretion, and the same Power to make Orders, and otherwise to act in and about the Matter, as the Court, or any Master of the Court, could have exercised or done in or as incidental to a Suit duly instituted and conducted according to the ordinary Practice of the Court, and it shall also be lawful for the Master to examine all or any of the Parties to the Suit *vivâ voce*, if he think fit.

State of Facts may be dispensed with, and Master to regulate Proceedings.

XVII. And be it enacted, That, subject to any Rule or Order to be made as herein-after mentioned, the Master may, in proceeding under this Act, proceed on a Copy of the Petition, without any State of Facts, Charge, or Proposal in Writing, unless, for supplying any Deficiency in the Statement or Prayer of the Petition, the Master direct that any such Charge, Statement, or Proposal be made by any Party; and any Person interested in the Matter may apply to the Master for Leave to attend him on any Proceedings under the same, and the Master may give such Directions with respect thereto as he thinks fit, and the Master may, if he sees fit, dispense with any Summons in the course of the Proceedings, and also from Time to Time direct any Summons to be taken out by any Parties attending the Proceedings, and fix the Times at which any Summons shall be returnable before him, or at which any Proceedings necessary to be taken shall be taken, and may proceed *de die in diem*, or may adjourn the Proceedings from Time to Time, as he sees fit, and generally may, without Reference to any Rule or Course of Practice of the Court, save as herein provided, regulate the Course of such Proceedings in such Manner as appears to him expedient for rendering the same inexpensive and speedy, so far as Justice will admit.

Master's Orders to take effect as Orders of Court.

XVIII. And be it enacted, That no Order of the Master under this Act shall require Confirmation by the Court, except where an Order, subject to the Opinion of the Court or a special Report, is made by him, as herein provided, except where the Court has in the Order referring the Petition to the Master given any special Directions in that Behalf, but every such Order shall have the same Authority and Effect, and may be enrolled in the same Manner, and shall be binding upon the same Persons, and may be enforced by the same or any such Process, and shall be subject to Rehearing and Appeal, in the same Manner in all respects, except as herein provided, as if the same had been made by the Court in a Suit duly instituted, or otherwise as may be directed by any General Order to be made in that Behalf, as herein-after mentioned.

Master may make special Reports or Orders, subject to Confirmation.

XIX. And be it enacted, That the Master shall have Power, if he think fit, to make a special Report concerning the Matter of any Petition referred to him as aforesaid, or upon any Question or Matter arising in the Proceedings thereupon, or to make any Order, subject to the Opinion of the Court, to the Intent that the Opinion of the Court may be taken on the Matter of such Petition, or on such Question, Matter, or Order, as the Case may be; and such special Report or Order shall be brought before the Court, by Motion praying that such special Report or Order may be confirmed, discharged, or varied by Order of the Court, or that any Directions may be given thereupon; and on the Hearing of such Motion such Report or Order respectively of the Master shall be confirmed, discharged, or varied, or such Directions shall be given, as to the Court seems just.

Service to be made as the Court or Master shall direct.

XX. And be it enacted, That Service of Notice of any Petition under this Act, whether before the Court or the Master, shall, until and except so far as it shall be otherwise provided by any General Order to be made as herein-after provided, be subject to the same Regulations as apply to the Service of a Subpœna or Letter Missive in any Suit, and the Court shall have all the same Powers with respect to ordering the Service of Notice of any such Petition out of the Jurisdiction of the Court, or otherwise, as under any Act of Parliament or by the Constitution of the Court it has or may lawfully exercise with respect to the Service

Service of any Subpœna or Letter Missive in a Suit instituted by way of Bill or Information, but after such Service shall have been made all other Services with respect to any Matter for the Time being pending before the Court or Master under such Petition, or consequent thereon, shall be made upon such Persons and in such Manner, whether by Post or otherwise, as the Court or Master respectively shall direct, and with respect to Persons who have absconded or cannot be found, shall be sufficiently made by such Advertisements or Publications as the Court or Master shall direct; and every such Service, Advertisement, or Publication so directed by the Master shall be valid and conclusive, to the same Extent and in the same Manner, and upon and against the same Parties or Persons, as the Service according to the Practice of the Court of any Subpœna, Letter Missive, or Petition in Equity would have been.

Power to Master to appoint Guardians to Infants for the Purpose of Proceedings under the Act.

XXI. And be it enacted, That when any Person interested in any Matter for the Time being pending under this Act is an Infant, it shall be lawful for the Master, by any Order under his Hand, to appoint such Person as he thinks proper to be the Guardian of such Infant for the Purposes of all or any Proceedings under this Act; and every Guardian so to be appointed shall have Power to institute, prosecute, defend, or consent to any Proceeding under this Act on behalf of his Ward, and shall represent his Ward in or about every such Proceeding, in the same Manner and with the same Effect, to all Intents and Purposes, as any Guardian appointed by the Court might have done with respect to any Suit or other Proceeding on behalf of his Ward, instituted according to the Practice of the Court: Provided always, that in all Cases in which there is any Father or testamentary Guardian of such Infant, Notice of the intended Application to the Master to appoint a Guardian as aforesaid shall be served on such Father or testamentary Guardian.

After Reference to Master of Petition with respect to Administration, or after Decree, no Creditor to sue without Master's Leave.

XXII. And be it enacted, That after the Court has made any Order under this Act referring to the Master any Petition with respect to the Administration of the Real and Personal Estate or of the Personal Estate of any deceased Person, or after a Decree or Order has been made by the Court in any Suit referring to the Master the Matter of any such Administration, it shall not be lawful for any Creditor or other Person, so long as any such Order as aforesaid remains in force, to commence or proceed with any Action against the Executor or Administrator of such deceased Person, or against his Heir or Devisee in the Case of Real Estate so to be administered, for any Debt or Demand claimed against the Estate of such deceased Person, without the Leave of the Master in Writing first obtained in that Behalf; and it shall be lawful for any Judge of the Court in which any such Action is pending to order that all further Proceedings in such Action be stayed until after such Leave as aforesaid of the Master has been obtained, and to make such Order as to the Costs of any such Action as to such Judge appears just.

Where Suit instituted, previous Proceedings before Master to be valid.

XXIII. And be it enacted, That when any Proceedings upon Petition under this Act shall be stayed, and a Suit ordered to be instituted in lieu thereof, under the Provisions herein-before contained for that Purpose, all Proceedings, Accounts, and other Things taken and done in the Prosecution of the Matter of such Petition before the Master, prior to the Order of the Court for the Institution of a Suit or other Proceedings before the Court as aforesaid, shall (except so far as the Court otherwise directs in any Case) be as valid and conclusive, for the Purposes of any such Suit or other Proceedings, as if the same had been taken or done in such Suit or other Proceedings before the Court.

In case of Illness, &c. of a Master another Master may act.

XXIV. And be it enacted, That in case of the Illness or Absence of the Master before whom any Matter is pending under this Act, or of any Vacancy occurring by the Death or Resignation of such Master, it shall be lawful for any other Master, without any special Direction or Appointment of the Court, to act for the Time being in such Matter in the Place of the Master so being ill or absent, or having vacated, and to exercise all the Powers and Authorities which such last-mentioned Master might have exercised in the Matter.

Payment, Taxation, and Recovery of Costs in Proceedings before the Master.

XXV. And be it enacted, That, subject to the Right of Appeal herein-after provided, the Costs of all Proceedings under this Act which take place before the Master shall be in the Discretion of the Master, and the Costs of all Proceedings before the Court shall be in the Discretion of the Court; and all Costs ordered by the Master shall be ascertained by the Master,

Master, or shall be taxed by One of the Taxing Masters of the Court, and shall be recovered in the same Manner, and by the same or any such Process, as Costs ordered to be paid by any Party under any Order or Decree made in a Suit.

Masters within Six Months to make Rules for Procedure under the Act.

XXVI. And be it enacted, That the Masters shall as nearly as possible observe a uniform Course of Practice in their respective Offices in all Proceedings under this Act; and the said Masters shall, within Six Months from the passing of this Act, make such Rules under their Hands as seem to them necessary and expedient concerning the Form and Mode of Proceeding to be had before the Masters under this Act, and for providing that a proper Record be kept of the Proceedings of the Masters, and the Orders made by them with respect to Petitions referred to them under this Act, and concerning the collecting of the Debts due to and the realizing of all or any Part of any Estate for the Time being in course of Administration before the Master, and concerning the Costs and Fees or other Remuneration to be paid in respect of any Proceedings before the Master, and the Service of any such Proceedings by Post, Advertisement, or otherwise; and the said Masters shall have Power from Time to Time to vary or annul such Rules, and to make others in lieu thereof or in addition thereto; and all such Rules shall be entered in a Book to be kept for that Purpose by the Senior Master for the Time being, and shall be transmitted to the Lord Chancellor, for his Inspection, within One Week from the making thereof, and, unless disallowed by the Lord Chancellor within One Month from the Time of the same having been so laid before him, shall be of the same Effect and Validity as any General Rules or Orders of the Court.

Petition may be presented to the Court for partial Relief, &c.

XXVII. And be it enacted, That where any Person who would have been entitled to present any Petition under this Act is desirous of obtaining a partial Administration of any Estate or Trust (whether by way of Inquiries for Creditors or next of Kin, or Persons beneficially interested in or under the same, or otherwise howsoever), or is desirous of obtaining any Portion of the Relief usually granted or which might be afforded, or the Exercise of any One or more of the Powers or of any Part of the Jurisdiction usually exercised by the Court in a Suit, or which might be exercised by the Master under this Act, it shall be lawful for such Person to present a Petition to the Court for such partial Administration or partial Relief, or partial Exercise of the Powers and Jurisdiction of the Court or Master, accordingly; and it shall be lawful for the Court, if it so think fit, to grant the limited Relief sought by such Petition, and to give all proper Directions accordingly, or to make such other Order with respect thereto as shall be just; and all the Provisions herein contained with respect to any Petition presented under this Act, and to the Proceedings under the same or consequent thereon, and to the Powers and Jurisdiction of the Court and of the Master in or about the same, and to the making of Rules and Orders concerning the same, shall apply in all respects to any such Petition as last aforesaid, and to the Proceedings under the same or consequent thereon, and to the Powers and Jurisdiction of the Court or of the Master in or about the same, and to the making of Rules and Orders concerning the same.

Two or more Proceedings may be consolidated.

XXVIII. And be it enacted, That it shall be lawful for the Court to direct the Consolidation or to make any other Order for the carrying on together of any Two or more Proceedings relating to or connected with the same Trust or Estate, whenever such Order appears expedient.

Mode of continuing Proceedings on Transmission of Interest of Parties.

XXIX. And be it enacted, That if any Transmission take place, by Death, Marriage, or otherwise, of the Interest of any Party to any Proceeding, whether by Bill or Information in the ordinary Course or under this Act, it shall be lawful for any Party interested to bring before the Court the Person to whom such Interest has been so transmitted, either by a supplemental Bill, Information, or Petition, or by a Suggestion at the Foot of the original Bill, Information, or Petition, and Notice to such Person; and Service of such Notice being made, the Person so served shall, from the Time of such Service, become a Party to such Proceeding, and be bound in all respects in the same Manner as if an Order for Revivor or a supplemental Decree had been made, as the Case may require, without the Necessity for any Order of Revivor or supplemental Decree being made by the Court: Provided always, that if the Person served be under Disability the Matter shall be specially brought before the Court by Affidavit, and the Court shall thereupon make such Order as may be just.

XXX. And

Appeal from the Master's Orders and Orders on Petition to be upon Motion; Rehearings and Appeals to the House of Lords, to be within a limited Time.

XXX. And be it enacted, That an Appeal shall lie to the Court upon Motion, from or against all Orders, Directions, and other Proceedings of or before the Master under this Act; and any Order to be made by the Master of the Rolls under this Act may be reheard on Motion before the Lord Chancellor, and any Order which, according to the Practice of the Court, might be reheard upon Petition by the Judge who made such Order, may be so reheard upon Motion; and an Appeal shall also lie to the House of Lords from all Orders to be made by the Court under this Act, yet so that no such Appeal shall be brought or Rehearing moved unless with the special Leave of the Court (which Leave the Court shall only grant upon being satisfied that substantial Grounds probably exist for such Appeal or Rehearing, and for the Delay in bringing or moving the same), after the Expiration of the following Periods from the Time when the Order, Direction, or other Proceeding complained of was made or took place, or from the Service of Notice of the same, if the Party complaining was not present; that is to say, for an Appeal from the Orders or Directions of the Master or Proceedings before him, not being such Reports as hereafter provided for, the Period of Fourteen Days, or such further Time as the Master shall by Order made in the Matter allow; for a Rehearing before the Lord Chancellor or Master of the Rolls, the Period of One Month (both such Periods to be exclusive of any Vacations of the Court); and for an Appeal to the House of Lords, the Period of One Year, but no Order shall be enrolled pending the Time hereby limited for appealing therefrom without the special Leave of the Court: Provided always, that this Enactment shall not be taken to extend the Time within which Reports of the Masters of the Court are by any General Order of the Court directed to stand confirmed.

Lord Chancellor to make Orders for carrying the Act into effect, and extending its Scope.

XXXI. And be it enacted, That the Lord Chancellor, with the Assistance of the Master of the Rolls, in *Ireland*, may and they are hereby required from Time to Time to make such General Orders as shall seem necessary or expedient for carrying the Purposes of this Act into effect, and for regulating the Practice under the same, and for extending the same, if need be, to other Matters than those to which it is herein made specially applicable, and particularly for regulating the Appointment of Receivers, and the Powers and Duties of such Receivers, and the Allowances to be made to them, for the Purpose of insuring the better and more efficient Management of the Estates under the Control of the Court of Chancery in *Ireland*, and for determining, if need be, the Matters to which the Provisions of this Act shall not apply, and may alter or annul such Orders from Time to Time, and make others in lieu thereof.

Rules and Orders to be laid before the Houses of Parliament, and to be binding, unless objected to by Vote of either House.

XXXII. And be it enacted, That all General Rules to be made by the Masters, and not disallowed by the Lord Chancellor, as herein-before provided, shall, immediately after the same, take effect as aforesaid; and all General Orders made by the Lord Chancellor, with such Assistance as aforesaid, shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, then within Five Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament, by any Resolution passed at any Time before such House of Parliament have actually sat Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall, from and after such Resolution, cease to be binding.

The Master of the Rolls empowered to appoint a Secretary with a Salary.

XXXIII. And be it enacted, That it shall be lawful for the Master of the Rolls in *Ireland* from Time to Time to appoint a fit Person to act as Secretary to the Master of the Rolls in *Ireland*; and the Person so appointed shall hold his Office during the Pleasure of the said Master of the Rolls, and shall be entitled to receive by way of Salary the clear annual Sum of Three hundred Pounds, payable in manner herein-after mentioned.

The Lord Chancellor's Secretary and the Master's Clerks and Examiners to be paid by a

XXXIV. 'And whereas it is expedient that the Secretary of the Lord Chancellor, and 'the Person for the Time being filling the Office of the Clerk and Examiner of each of the 'Masters of the said Court, should be remunerated by an annual Salary instead of by Fees, 'and that the Fees payable to such Secretary and to each of such Clerks and Examiners 'should be accounted for, and applied in manner herein-after mentioned:' Be it therefore enacted,

Salary in lieu of Fees.

enacted, That from and after the passing of this Act the Secretary of the Lord Chancellor shall be entitled to receive by way of Salary the clear annual Sum of Eight hundred Pounds, payable in manner hereafter mentioned, in lieu of the Fees heretofore received and enjoyed by him; and there shall also be allowed and paid for the Expenses of the Office of the said Secretary such Sum as the Lord Chancellor may allow for a Clerk, and for other incidental and necessary Expenses of his Office (to be defined in the Order making such Allowance), not exceeding in the whole for any One Year, including the Allowance for such Clerk, the Sum of Two hundred Pounds.

The Clerks and Examiners of Masters and Assistant Clerks to hold Office during good Behaviour, and to be paid by Salary in lieu of Fees.

XXXV. And be it enacted, That from and after the passing of this Act the Clerk and Examiner of each of the Masters of the said Court, and the Assistant Clerk of such Clerk and Examiner, shall hold their Offices respectively during good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties, and shall conduct themselves diligently and faithfully in the due Execution of the Duties of their said Offices respectively, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered, by Order made by him, to remove any such Clerk and Examiner or Assistant Clerk for some sufficient Cause to be stated in such Order, but without Prejudice to the Right of the Master to appoint a Clerk and Examiner or Assistant Clerk in the Room of any Clerk and Examiner or Assistant Clerk so removed; and every such Clerk and Examiner shall be entitled to receive by way of Salary the clear annual Sum of Six hundred Pounds, payable in manner herein-after mentioned, in lieu of the Fees heretofore received and enjoyed by him; and there shall also be allowed and paid for the Expenses of the Office of such Clerk and Examiner such Sum as the Lord Chancellor shall allow for that Purpose (the Particulars of such Expenses being defined in the Order making such Allowance), not exceeding in the whole for any One Year the Sum of One hundred Pounds; and every such Assistant Clerk shall be entitled to receive by way of Salary the clear annual Sum of Two hundred Pounds, payable in manner herein-after mentioned; and such Salary shall be in lieu of the Salary or Allowance of Seventy Pounds, late *Irish* Currency, payable to such Assistant Clerk under an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Fourth Year of His present Majesty's Reign, for the better Administration of Justice in the Court of Chancery in* Ireland, and all other Fees or Emoluments heretofore received or enjoyed by him in his Office, and such last-mentioned Salary or Allowance shall cease to be payable.

Salary of Assistant Clerk to be in lieu of Salary payable under 6 G. 4. c. 30.

The Salaries to be paid quarterly.

XXXVI. And be it enacted, That the said Salaries and Allowances shall be payable in quarterly Payments on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, and shall be charged upon and payable out of the Fund standing to the Account of the Accountant General of the Court of Chancery, called "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and all Sums of Money by any Act now in force directed or authorized to be paid thereout, and all proper Orders shall be made for that Purpose; and the first Payment shall be made on the first of the said quarterly Days happening after the passing of this Act, and the Amount thereof shall be such a proportionate Part of the said Salaries and Allowances respectively as shall have accrued from the Day of the passing of this Act to such quarterly Day; and in the event of the Death, Resignation, or Removal from Office of either of such Secretaries, or any of such Clerks and Examiners or Assistant Clerks, in the Interval between any of the said quarterly Days of Payment, the Secretary or Clerk and Examiner or Assistant Clerk so resigning or being removed, or the Executors or Administrators of the Secretary or Clerk and Examiner or Assistant Clerk so dying, shall be entitled to receive and shall be paid such proportional Part of his said Salary as shall have accrued from the next preceding quarterly Day of Payment to the Day of such Death, Resignation, or Removal, and his Successor shall be entitled to such proportional Part of the said Salary as shall have accrued from the Day of such Death, Resignation, or Removal to the then next quarterly Day of Payment.

The Lord Chancellor's Secretary and the Clerks and

XXXVII. And be it enacted, That the Secretary of the Lord Chancellor, and the said Clerks and Examiners and Assistant Clerks, shall continue to discharge the Duties belonging to their several Offices; and the said Secretary of the Lord Chancellor, and the Clerks and

and Examiners, shall receive the Fees and Sums of Money for the Time being lawfully payable to them or in their Offices respectively, and shall keep true and accurate Accounts thereof, and shall pay into the Bank of *Ireland*, to the Credit of the said Accountant General, once in every Month, all Fees or Sums of Money so to be received by them respectively, after deducting thereout all Sums lawfully paid for copying Documents, at a Rate not exceeding Three Halfpennies *per* Office Sheet, the Amount so received and paid by them to be verified by Affidavit, to be sworn before One of the Masters of the Court; and the several Sums so paid in shall be from Time to Time paid to the said Account called "The Suitors Fee Fund Account."

Examiners to pay over to the Suitors Fee Fund, monthly, all Fees received by them.

XXXVIII. 'And whereas it is just that a retiring Allowance should be provided for 'the Officers of the Court of Chancery in *Ireland*:' Be it enacted, That if any such Officer who shall have executed the Duties of his Office under the said Court for the Term of Twenty Years shall, by Petition to the Lord Chancellor, express his Desire to be allowed to retire, it shall and may be lawful for the Lord Chancellor, by and with the Consent of the Commissioners of Her Majesty's Treasury, to direct the Payment to such Officer during his Life of an Annuity as retiring Allowance not exceeding Two Third Parts of the annual Salary and Emoluments of such Officer: Provided always, that if any such Officer shall after his Appointment to his Office, and before he shall have completed the Term of Twenty Years, become afflicted with any permanent Infirmity of Mind or Body disabling him from the due Execution of the Duties of his Office, it shall and may be lawful for the Lord Chancellor, by and with the Consent of the Commissioners of Her Majesty's Treasury, to direct the Payment of such Annuity as the said Lord Chancellor and the said Commissioners shall think just and reasonable to such Officer, on his resigning his Office, or on an Order being made for his Removal on account of such Disability (which Order the said Lord Chancellor is hereby authorized and empowered to make), such Annuity in any Case not to exceed Two Third Parts of the Salary and Emoluments of the Office; and every Annuity so ordered and directed shall be charged and chargeable and be paid and payable in the same Way as is herein-before provided in respect of Salaries: Provided also, that if any Officer of the said Court already appointed or who may be hereafter appointed shall, prior to such Appointment, have permanently discharged the Duties of an Assistant Officer or Clerk in the said Court, it shall be lawful in calculating the Term of Twenty Years herein-before mentioned to allow One Year for every Two Years during which such Officer shall have previously discharged the Duties of such Assistant Officer or Clerk: Provided also, that nothing herein contained shall prejudice the Right of the Masters in Ordinary of the said Court to the Benefit of the Superannuation provided for by the Act of the Fourth Year of the Reign of King *George* the Fourth, Chapter Sixty-one.

Providing retiring Allowances to Officers of the Court of Chancery.

XXXIX. And be it enacted, That the Assistant Clerk in each of the Master's Offices, and also every other Clerk of the Court holding his Office during good Behaviour, not being an Officer of the said Court, who shall hereafter resign his Office with the Sanction and under the Authority of the Lord Chancellor, or shall be removed therefrom by the Lord Chancellor in consequence of his being permanently incapable from Infirmity of Mind or Body to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Court, and shall proceed according to the Principle laid down by an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;* and all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the Clerks and Examiners and other Clerks.

Allowances to Clerk and Examiner on Retirement from their Offices.

4 & 5 W. 4. c. 24.

XL. And be it enacted, That from and after the passing of this Act there shall be an annual Abatement made, in quarterly Proportions, in such Manner as the Lord Chancellor shall

Abatement to be made from the Salaries of

Clerks and Officers of the Court entitled to Superannuation Allowances.

shall direct, from the Salaries or Official Incomes of the Persons who may be hereafter appointed Clerks and Examiners, Assistant Clerks or other Clerks of the Court for whom a Superannuation Allowance is herein-before provided; and the Amount so deducted shall be paid into the Bank of *Ireland* to the Credit of the said Account called "The Suitors Fee Fund Account;" and the Amount of such Abatement shall be according to the respective Rates following; that is to say,

From Salaries or Official Incomes not exceeding the annual Sum of One hundred Pounds, an Abatement at the Rate of Two Pounds Ten Shillings *per Centum;*

And from Salaries or Official Incomes exceeding One hundred Pounds, Five Pounds *per Centum.*

Compensation for Diminution of Emoluments to be made to Officers out of the Suitors Fund.

XLI. 'And whereas the Emoluments of some of the Officers of the Court may be dimi-'nished by the Operation of this Act, or by the Rules and Orders to be made thereunder, 'for which they may claim to have Compensation made:' Be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby required, within the Space of Six Calendar Months after any such Claim shall arise and be made, by Examination on Oath or otherwise (which Oath they and each of them are and is hereby authorized to administer), to inquire whether any, and if any what, Compensation ought to be made to any Officer or Person claiming such Compensation, the said Commissioners having regard to the Conditions on which the Appointment of any such Officer was made, or to any Notice which at the Time of such Appointment may have been given to such Officer that such Office was to be holden subject to any Provision by Parliament for the Abolition or Regulation thereof, but with full Power for the said Commissioners to investigate and determine whether, from the Nature of the said Offices or the Mode of Accession thereto, any such Conditions or Notice could have been properly made or given, and also having regard to the holding of any Office, Place, or Situation by such Officer under this Act; and that in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the Commissioners, or any Three or more of them, by Warrant under their Hands, to order and direct that such annual or other Compensation shall be made to the Persons so claiming such Compensation as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable; and all such Compensation, whether annual or in gross, shall be charged upon and payable out of the said Fund standing to the Account called "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and all Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout, and all proper Orders shall be made for that Purpose: Provided always, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament be then assembled, or if Parliament be not then assembled, then within Fourteen Days after the Meeting of the Parliament then next assembled.

Petition to be a Lis pendens within the Meaning of 7 & 8 Vict. c. 90.

XLII. And be it enacted, That any Petition to the Court under this Act shall constitute a Lis pendens within the Meaning of an Act passed in the Eighth Year of Her Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in* Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions;* and it shall be a sufficient Compliance with so much of the same Act as requires the Title of the Cause or Information and the Day when the Bill or Information was filed to be left with such registering Officer as therein mentioned if the Names of the Petitioners, or some One or more of them, and of the Respondents, or some One or more of them, and the Day when the Petition was presented, be left with such Officer as aforesaid.

Short Title of Act.

XLIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal or other Instruments and Proceedings, it shall be sufficient to use the Expression "The Court of Chancery (*Ireland*) Regulation Act, 1850."

Interpretation of Act.

XLIV. And be it enacted, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean the Lord Chancellor of *Ireland*, and shall include the Lord Keeper

Keeper and Lords Commissioners for the Custody of the Great Seal in *Ireland;* and the Expression "the Court" shall mean the High Court of Chancery in *Ireland;* and the Expression "the Master" shall mean the Master in Ordinary of the High Court of Chancery in *Ireland* to whom any Petition is referred, or before whom any Matter is pending under this Act, for the Time being respectively; and the Word "Person" shall include "Corporation," and shall include Her Majesty's Attorney or Solicitor General in Cases of Charities or of Informations at the Suit of Her Majesty; and Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing Males shall include Females; unless there be something in the Subject or Context repugnant to such Construction.

SCHEDULE to which the foregoing Act refers (Sect. 5.)

In the Matter of the Petition of

I *A.B.*, the Petitioner in the above-written [*or* annexed, *as the Case may be*,] Petition, make Oath and say, That so much of the above-written [*or* annexed, *as the Case may be*,] Petition as relates to my own Acts and Deeds is true, and so much thereof as relates to the Acts and Deeds of any other Person I believe to be true.

Sworn, *&c.*

CAP. XC.

An Act to confirm certain Provisional Orders of the General Board of Health, and for certain other Purposes in relation to the Public Health Act, 1848.

[14th *August* 1850.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of the Act, certain Provisional Orders mentioned in the Schedule to this Bill annexed, and it is expedient that the said Orders should be confirmed:' 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 Provisional Orders of the General Board of Health referred to in the Schedule to this Bill annexed shall, so far as the same are authorized by the said Public Health Act, be and the same are hereby confirmed, and shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Bill.

Certain Provisional Orders of General Board of Health confirmed.

II. And be it enacted, That the First Election of the Local Board of Health for the District of *Ashby de la Zouch* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board of Health for Ashby de la Zouch.

III. And be it enacted, That the First Election of the Local Board of Health for the District of *Sandgate* for the Purposes of the said Public Health Act shall take place on the Second Day of *September* in the Year of our Lord One thousand eight hundred and fifty.

First Election of Local Board for Sandgate.

IV. And be it enacted, That whenever, under the Provisions of the Public Health Act, 1848, any Bill has been or shall be brought into Parliament for the confirming of any Provisional Order of the General Board of Health, a Copy or Copies of every Order included in the Schedule of such Bill shall be furnished by the said General Board to all Parties applying for the same between the Hours of Eleven and Five at the Office of the said General Board, or by Letter addressed to the said Board, on Payment by such Parties of the Cost of making or furnishing such Copy or Copies.

General Board to furnish Copies of Provisional Orders to Parties requiring the same.

V. And