'thousand eight hundred and fifty, erect certain Portions of the ancient Diocese of *Quebec* 'therein described to be a Bishop's See or Diocese, and did declare and ordain that the same 'should be styled the Bishopric of *Montreal:* And whereas it is expedient to provide for 'the Exercise of the said Powers so vested in the Bishop of *Quebec*, so far as the same may 'affect the Bishopric of *Montreal*, or any Districts which may be severed from the said 'Bishopric of *Quebec*:' 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, as follows:

Powers of Bishop of Quebec in respect of the District comprised in the Diocese of Montreal to be exercised by the Bishop of Montreal.

I. All Duties, Powers, and Authority conferred upon the Bishop of *Quebec* for the Time being by the said recited Act, so far as the same have reference to Lands situated within the Bishopric of *Montreal*, and all Duties, Powers, and Authority relating to Matters within the said Bishopric of *Montreal* conferred upon the Bishop of *Quebec* by any other Act or Acts of Parliament, shall devolve upon and be exercised by the Bishop of *Montreal* for the Time being, and any Act heretofore done by the Bishop of *Montreal* within his Bishopric in execution or assumed Execution of any of the Duties, Powers, and Authorities aforesaid shall be of equal Force and Validity as if the same had been done by the Bishop of *Quebec*.

Provision for future Changes in Limits of Dioceses.

II. If Her Majesty at any Time hereafter, in pursuance of the Authority to Her appertaining in this Behalf, shall annex to the Diocese of *Montreal* any further Portion of the Districts comprised within the said Diocese of *Quebec*, or shall otherwise alter the Limits of the said respective Dioceses, or shall erect any new Diocese out of the Districts now comprised in the Dioceses of *Quebec* and *Montreal* or in either of them, or shall annex to any other existing Diocese, or to any new Diocese to be by Her Majesty erected, any Portion of the said Districts, all the Duties, Powers, and Authorities aforesaid shall in every such Case, in respect of each Portion of the said Districts affected thereby, devolve upon and be exercised by the Bishop of the Diocese within which, after such Alteration of Limits, or such Erection of a new Diocese, or such Annexation as aforesaid, such respective Portion of the said Districts shall for the Time being be comprised.

CAP. LIV.

An Act further to facilitate and arrange Proceedings in the County Courts.

[30th *June* 1852.]

'WHEREAS it is expedient further to facilitate and arrange Proceedings in the County 'Courts:' 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, as follows:

Lord Chancellor to appoint Five Judges of Courts held under 9 & 10 Vict. c. 95. to frame a Scale of Fees, to be submitted to Judges of Superior Courts for Approval.

I. That it shall be lawful for the Lord Chancellor from Time to Time to appoint Five of the Judges of the Courts holden under an Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, intituled *An Act for the more easy Recovery of Small Debts and Demands in* England, from Time to Time to frame a Scale of Costs and Charges to be paid to Attornies in the County Courts, to be allowed as between Attorney and Client and as between Party and Party; and such Scale of Costs and Charges as shall be certified to the Lord Chancellor under the Hands of the Judges so appointed or authorized, or any Three of them, shall be submitted by the Lord Chancellor to Three or more of the Judges of the Superior Courts of Common Law at *Westminster*, of whom the Chief Justice of the Court of Queen's Bench or Common Pleas, or the Chief Baron of the Court of Exchequer, shall be One, and such Judges of the Superior Courts may approve or disallow or alter or amend such Scale of Costs and Charges, and the Scale of Costs and Charges so approved, altered, or amended, shall, from and after a Day to be named by such last-mentioned Judges, be in force in every County Court; and all Costs between Party and Party and Attorney and Client shall be taxed by the Clerk of the Court; but his Taxation may be reviewed by the Judge upon the Application of either Party; and in no Case, upon the Taxation of the Costs

Costs to be taxed by Clerk of Court, subject to Review.

Costs between Attorney and Client, shall any Charges be allowed, not sanctioned by the aforesaid Scale, unless the Clerk is satisfied by Writing under the Hand of the Client that he has agreed to pay such further Charges, and no Attorney shall have a Right to recover at Law from his Client any Costs or Charges not so allowed on Taxation; and the Judges of the County Courts so appointed shall possess the same Powers of making Rules for regulating the Practice of the Courts, and of settling Doubts on the Construction of any Acts relating to County Courts, as were conferred on the Judges to be appointed by the Lord Chancellor for that Purpose by the Twelfth Section of the Twelfth and Thirteenth *Victoria*, Chapter One hundred and one, unless otherwise specially provided.

So much of 13 & 14 Vict. c. 61. s. 14. as limits the Sitting of Court of Appeal to a Time out of Term repealed; Appeals to be heard in Term as well as out.

II. So much of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, Section Fourteen, as limits the Court of Appeal to the Puisne Judges of the Superior Courts of Common Law at *Westminster*, and the Sitting of the said Court of Appeal to a Time out of Term, is hereby repealed; and all Appeals now depending or hereafter to be brought before the said Superior Courts shall be heard and determined in Term by the Judges thereof, as Part of the ordinary Business of such Courts, or out of Term by any Two or more of the Judges of the said Superior Courts sitting as a Court of Appeal for that Purpose.

Power to Judges of Superior Courts to make Orders regulating Appeals.

III. The Judges of the said Superior Courts, or any Five of them, of whom a Chief of One of the said Superior Courts shall be One, may from Time to Time make General Orders for regulating the Proceedings on Appeals, which Orders shall be as valid as if included in this Act, but shall not be in force until the End of the Session of Parliament next after the Promulgation thereof.

Power to the Court or a Judge at Chambers to make an Order entitling the Plaintiff to recover his Costs.

IV. The Thirteenth Section of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, is hereby repealed; and in any Action in which the Plaintiff shall not be entitled to recover his Costs by reason of the Provisions of the Eleventh Section of such Act, whether there be a Verdict in such Action or not, if the Plaintiff shall make it appear to the Satisfaction of the Court in which such Action was brought, or to the Satisfaction of a Judge at Chambers, upon Summons, that such Action was brought for a Cause in which concurren Jurisdiction is given to the Superior Courts by the One hundred and twenty-eighth Section of the Ninth and Tenth *Victoria*, Chapter Ninety-five, or for which no Plaint could have been entered in any such County Courts, or that such Action was removed from a County Court by Certiorari, or that there was sufficient Reason for bringing such Action in the Court in which such Action was brought, then and in any of such Cases the Court in which such Action is brought, or the said Judge at Chambers, shall thereupon, by Rule or Order, direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have the same Judgment to recover his Costs that he would have had if the before-mentioned Act of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, had not been passed.

Re-issuing Warrants of Distraint.

V. That in all Cases where a Warrant of Execution shall have been issued against the Goods and Chattels of any Person, or an Order for his Commitment been made, and such Person or his Goods and Chattels shall be out of the Jurisdiction of the Court, and such Warrant or Order shall have been sealed and stamped by the Clerk of another County Court, pursuant to the One hundred and fourth Section of the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, it shall be lawful for the said Clerk of such other Court to re-issue the said Warrant or Order to the High Bailiff of such other Court, and thereupon such High Bailiff shall be authorized and required to act in all respects in the Execution of the said Warrant or Order within the Jurisdiction of the Court to which the same shall have been so sent, in the same Manner, with the same Powers, and subject to the same Rules as if the District to which the Warrant or Order shall have been sent were within the Limits of the Court which originally issued the Warrant or Order.

Protection to Officers.

VI. If any Action or Suit shall be brought against any Person for anything done in pursuance of this Act, or of any other Act relating to County Courts, such Person may plead the General Issue, and give the special Matter in Evidence; and the Warrant under the Seal of the County Court, being produced in any such Action or Suit, shall be deemed sufficient Proof of the Authority of the said County Court previous to the issuing of such Warrant; and in case the Plaintiff in such Action shall have a Verdict pass against him,

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be nonsuit, or discontinue the Action or Suit, the Defendant shall in any of the said Cases be allowed full Costs as between Attorney and Client.

On Petition to Her Majesty, the Jurisdiction of Court of local Jurisdiction may be excluded from that of the County Court in concurrent Causes.

VII. If the Council of any City or Borough, or a Majority of the Ratepayers of any Parish, within the Limits of which a Court of local Jurisdiction other than a County Court is established, under the said Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, or into the Limits of which the Jurisdiction of such Court of local Jurisdiction shall extend, shall petition the Queen in Council that the Jurisdiction of such Court of local Jurisdiction may be excluded in any Causes whereof the County Court hath Cognizance, and if Notice of such Petition shall be given Two Months before it is presented, by public Advertisement in such City, Borough, or Parish, and in some Newspaper therein circulated, Her Majesty, by Order in Council, may declare such Exclusion of the Jurisdiction of such Court of local Jurisdiction throughout the whole or any Part of the District assigned or which may hereafter be assigned to such County Court, if no Petition against declaring such Exclusion be presented, and no Caveat be entered at the Council Office; and if any counter Petition be presented, or any Caveat be entered, then Her Majesty may refer such Petition and counter Petition to the Judicial Committee of the Privy Council, upon whose Report Her Majesty may make such Order in Council as She shall be advised touching the Matter of the said Petitions, in respect of excluding the Jurisdiction of such Court of local Jurisdiction, and may award Compensation to any Person or Persons entitled to the Franchise of appointing Officers of such Court, or to any Officers thereof appointed before the passing of this Act, to be given by the Commissioners of Her Majesty's Treasury, who are hereby empowered to pay the same.

As to Audit of Clerk's Account.

VIII. The Treasurer of the County Court in which any Insolvent's Estate shall be administered, at the Audits of the Account of the Clerk of such Court, shall also audit and examine the Books and Accounts of the Clerk in all Matters relating to such Estate, and shall make a Report to the Judge of the Court, stating whether a Dividend should be made, and the general Result of such Audit; and the Judge shall examine the said Clerk on Oath as to the Correctness of such Accounts, and may make such Order as he may deem requisite respecting a Dividend or other Matter relating to such Estate and Accounts; and the Treasurer shall thereafter at his future Audit require and examine the Receipts of the several Creditors for any Dividend; and the Commissioners of Her Majesty's Treasury shall have Power to make Rules to be observed by the Treasurers of County Courts respecting the Audit of the Clerk's Accounts of Insolvent Estates, and shall have the same Power of making Rules for securing the Balances and other Sums of Money in the Hands of any Officer of the County Courts under the last-mentioned Act, and for the due accounting and Application of such Balances and other Sums, that they have with respect to Balances and other Sums in the same Hands under the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five.

Account of Fees to be delivered.

IX. The Clerk and the High Bailiff of every County Court shall deliver quarterly to the Treasurer, in such Form as the Treasurer, by Direction of the said Commissioners, shall require, a full Account in Writing of the Fees from Time to Time received by them respectively under the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five.

Provision of 9 & 10 Vict. c. 95. as to Persons qualified to practise before County Courts not to extend to this Act.

X. 'And whereas by the said Act passed in the Ninth and Tenth Years of Her present 'Majesty it was enacted, that no Person should be entitled to appear for any other Party 'to any Proceeding in any of the said Courts "unless he be an Attorney of One of Her '"Majesty's Superior Courts of Record, or a Barrister-at-Law, instructed by such Attorney '"on behalf of the Party, or, by Leave of the Judge, any other Person allowed by the '"Judge to appear instead of such Party, but that no Barrister, Attorney, or other Person, '"except by Leave of the Judge, should be entitled to be heard to argue any Question as '"Counsel for any other Person in any Proceeding in any Court holden under that Act:"' Be it enacted, That the said last-recited Enactment be repealed; and that it shall be lawful for the Party to the Suit or other Proceeding, or for an Attorney of One of Her Majesty's Superior Courts of Record being an Attorney acting generally in the Action for such Party, but not an Attorney retained as an Advocate by such first-mentioned Attorney, or for a Barrister retained by or on behalf of the Party, on either Side, but without any Right of

exclusive or pre-Audience, or, by Leave of the Judge, for any other Person allowed by the Judge to appear instead of the Party, to address the Court, but subject to such Regulations as the Judge may from Time to Time prescribe for the orderly Transaction of the Business of the Court.

Hundred Courts of Offlow and Hemlingford abolished.

XI. From and after the passing of this Act no Action or Suit shall be commenced in the Hundred Court of *Offlow* in the County of *Stafford*, or in the Hundred Court of *Hemlingford* in the County of *Warwick*, and the Authority and Jurisdiction of the said Courts shall cease, and all Actions or Suits depending in the said Courts shall be transferred, with all the Proceedings thereon, to the County Court for the District in which the respective Defendants shall then reside; and such Actions and Suits shall be dealt with and decided, as to the Costs of the same, as well as in other respects, according to the Practice of the County Court or of the said Hundred Courts, according to the Discretion of the Judge of the County Court, which Court shall for the Purposes of such Actions or Suits be deemed to have all the Power and Jurisdiction possessed by the said Hundred Courts before the passing of this Act.

Compensation to Officers of Hundred Courts.

XII. Every Person who is legally entitled to any Franchise or Office in or in respect of the said Hundred Courts shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Months after the passing of this Act, and the said Commissioners, in such Manner as they shall think fit, may inquire what was the Nature of the Franchise or Office, and what was the Tenure thereof, and what were the lawful Fees and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners in each Case shall award such gross or yearly Sum, and for such Time, as they shall think just to be awarded, upon Consideration of the special Circumstances of each Case: Provided always, that if any Person holding any Office in the said Hundred Courts shall be appointed to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be greater than the Amount of the Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments.

Compensations to be paid out of Consolidated Fund.

XIII. The several Compensations herein-before granted shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the said United Kingdom are hereby empowered to pay the same accordingly.

Limiting Salaries of Judges and Clerks.

XIV. After the passing of this Act the greatest Salaries to be received in any Case by the Judges and Clerks of the County Courts respectively shall be One thousand five hundred Pounds by a Judge, and Seven hundred Pounds by a Clerk, but in no Case shall any Judge be paid a less Salary than Twelve hundred Pounds: Provided always, that the Salary of any Judge or Clerk acting in the same Capacity before the passing of the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, in any Court mentioned in Schedule (A.) to that Act, shall not be limited to any Sum less than the average Amount of the Fees and Emoluments of his Office during the Seven Years next before the passing of the said last-mentioned Act.

Lord Chancellor may order Retiring Pension to be paid to County Court Judges.

XV. That it shall be lawful for the Lord Chancellor, from Time to Time, on a Petition presented to him for that Purpose, to recommend to the Commissioners of Her Majesty's Treasury that there shall be paid quarterly out of the said Consolidated Fund to such of the Judges of the County Courts as shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same, an Annuity or clear yearly Sum of Money for the Term of his Life, not exceeding Two Thirds of the yearly Salary which such Judge shall be entitled to as a Judge of County Court at the Time of presenting his Petition; and such Annuity or Sum shall be paid out of the said Consolidated Fund quarterly or otherwise, as the said Commissioners may direct.

Judges of County Courts not to practise at the Bar or as Special Pleaders.

XVI. After Three Months from the passing of this Act no Judge of the said County Courts shall practise at the Bar, or as a Special Pleader or Equity Draftsman, or be directly or indirectly concerned as a Conveyancer, Notary Public, Solicitor, Attorney, or Proctor.

XVII. No

XVII. No Clerk of a County Court shall henceforth be appointed for more than One District in which a Court is holden, unless from there being no Attorney resident within the District of the Court in which the Office of Clerk is vacant, or from any other Reason, the Lord Chancellor, or, where the whole of the District is within the Duchy of *Lancaster*, the Chancellor of the Duchy, shall deem it expedient to order otherwise.

No Clerk to be appointed for more than One District, except in certain Cases.

XVIII. That a Registry of every Judgment entered in the County Courts for the Sum of Ten Pounds and upwards shall be formed in such Manner, in such Place, and under such Regulations as the Commissioners of Her Majesty's Treasury shall appoint, and that for the Inspection of the said Register when formed such Fees shall be charged to Persons desirous of inspecting the same as shall be appointed by the said Commissioners, and the Proceeds of such Fees shall be applied in such Manner as the said Commissioners shall appoint, in paying the Expenses incurred in establishing and maintaining the said Register, and the Surplus of such Fees, after providing for the Payment of such Expenses, shall be paid over to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

A Registry of County Courts Judgments to be established.

XIX. Upon the Death, Removal, or Resignation of any of the Persons now in possession of the Office of Clerk of the County Court of *Gloucestershire* holden at *Bristol*, the remaining Person or Persons holding such Office at the Time of such Death, Removal, or Resignation shall be the sole Clerk or Clerks of such Court, and no other Person shall be appointed to such Office of Clerk jointly or otherwise until all the Persons holding such Office at the Time of the passing of this Act shall have died, resigned, or been removed.

No other Persons to be appointed Clerks of the Bristol Court until all the present Clerks shall die, resign, or be removed.

CAP. LV.

An Act to extend the Provisions of "The Trustee Act, 1850."

[30th *June* 1852.]

'WHEREAS it is expedient to extend the Provisions of the Trustee Act, 1850:' 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,

I. That when any Decree or Order shall have been made by any Court of Equity directing the Sale of any Lands for any Purpose whatever, every Person seised or possessed of such Land, or entitled to a contingent Right therein, being a Party to the Suit or Proceeding in which such Decree or Order shall have been made, and bound thereby, or being otherwise bound by such Decree or Order, shall be deemed to be so seised or possessed or entitled (as the Case may be), upon a Trust within the Meaning of the Trustee Act, 1850; and in every such Case it shall be lawful for the Court of Chancery, if the said Court shall think it expedient for the Purpose of carrying such Sale into effect, to make an Order vesting such Lands or any Part thereof, for such Estate as the Court shall think fit, either in any Purchaser or in such other Person as the Court shall direct; and every such Order shall have the same Effect as if such Person so seised or possessed or entitled had been free from all Disability, and had duly executed all proper Conveyances and Assignments of such Lands for such Estate.

Court of Chancery may make an Order for vesting the Estate, in lieu of Conveyance by a Party to the Suit after a Decree or Order for Sale.

II. That Sections numbered Seventeen and Eighteen in the Queen's Printers Copy of the Trustee Act, 1850, be repealed; and in every Case where any Person is or shall be jointly or solely seised or possessed of any Lands or entitled to a contingent Right therein upon any Trust, and a Demand shall have been made upon such Trustee by a Person entitled to require a Conveyance or Assignment of such Lands, or a duly authorized Agent of such last-mentioned Person, requiring such Trustee to convey or assign the same, or to release such contingent Right, it shall be lawful for the Court of Chancery, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey or assign the said

Power to make an Order for vesting the Estate, on Refusal or Neglect of a Trustee to convey or release.