FORM No. 3.

COMPLAINT BEFORE THE JUSTICES.

THE Complaint of the Valuer acting in the Matter of the Inclosure of situate in the of in the County of made before us, Two of Her Majesty's Justices of the Peace acting for the District of in Petty Sessions assembled, who saith that is in the Occupation of an Encroachment [*or* Inclosure] from the said Lands to be inclosed, consisting of and that on the Day of he determined the Claims in the Matter of the said Inclosure, and that on the Day of being more than One Calendar Month from the Determination of the said Claims, the said did serve on [*Person in possession of Encroachment or Inclosure*] a Notice in Writing of his Intention to apply to recover Possession of the said Premises (a Duplicate of which Notice is hereto annexed,) by giving, *&c.* [*describing the Mode in which the Service was effected,*] and that notwithstanding the said Notice the said refused [*or* neglected] to deliver up Possession of the said Premises, and still detains the same.

(Signed)

Taken the Day of before us,

(Signed)

A Duplicate of the Notice of Intention to apply is to be annexed to this Complaint.

FORM No. 4.

WARRANT TO PEACE OFFICERS TO TAKE AND GIVE POSSESSION.

WHEREAS [*set forth the Complaint*]: We, Two of Her Majesty's Justices of the Peace in Petty Sessions assembled, acting for the of do authorize and command you on any Day within Days from the Date hereof [*except on Sunday, Christmas Day, and Good Friday, to be added, if necessary,*] between the Hours of Nine in the Forenoon and Four in the Afternoon to enter (by Force, if needful,) and with or without the Aid of the Valuer, or any other Person or Persons whom you may think requisite to call to your Assistance, into and upon the said Encroachment or Inclosure, and to eject thereout any Person, and of the said Encroachment or Inclosure full and peaceable Possession to deliver to the said [*the Valuer*].

Given under our Hands and Seals, this Day of

To and all other
Constables and Peace Officers
acting for the
District of

CAP. LXXX.

An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court. [30th *June* 1852.]

'WHEREAS Proceedings before the Masters in Ordinary of the High Court of Chancery are attended with great Delay and Expense, and it is expedient that the Business now disposed of in the Office of such Masters should be transacted by and under the more immediate Direction and Control of the Judges of the said Court:' Be it therefore

fore 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:

Office of Masters in Ordinary in Chancery abolished.

I. The Office of Master in Ordinary of the High Court of Chancery shall be and the same is hereby abolished, but reserving and subject to the Execution by the present Masters in Ordinary of the said Court, as such, of the Duties herein-after provided for; and until they are released under this Act they shall, for the Performance of such Duties, continue to have all the Powers conferred upon them by any Act of Parliament, or otherwise vested in them.

Vacancies in Office of Masters not to be filled up.

II. No Vacancy which has already occurred or may hereafter occur in the Office of Master in Ordinary of the said Court shall be filled up, nor shall any future Accountant General be made or become One of the Masters in Ordinary.

Two of the Masters in Ordinary released from their Duties on First Day of Michaelmas Term, 1852, &c.

III. On the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two *James William Farrer* Esquire and *William Brougham* Esquire, Two of the Masters in Ordinary of the said Court, shall be released from their Duties as such Masters; and as often thereafter as, in the Judgment of the Lord Chancellor, from the State of Business in the said Court, any other Master or Masters can be spared, it shall be lawful for the Lord Chancellor to release any such Master or Masters at such Time or Times as to him shall seem meet: Provided always, that nothing in this Act contained shall extend to release, or to authorize the Lord Chancellor to release, any of the Masters from Attendance upon the House of Lords without the Order of the House: Provided also, that if, from the Nature of any particular Matter or Matters depending before either of the said Masters herein-before respectively named, it shall in the Opinion of the Lord Chancellor be desirable that such Matter or Matters should be worked out by or before the same Master before whom the same shall be depending, it shall be lawful for the Lord Chancellor to direct such Master to continue the Prosecution of such Matter or Matters, and such Master shall prosecute the same accordingly, in the same Manner and with the same Powers in every respect as if he had not been released from his Duties under this Act.

Proviso as to certain Matter depending before the said Masters.

Option to Masters to retire according to Seniority, &c.

IV. Every Master to be released by the Lord Chancellor shall have the Option to retire tendered to him according to his Seniority in Office; and if any such Master shall, for One Calendar Month after such Option tendered to him, neglect or decline to avail himself thereof, then the Lord Chancellor may tender the like Option to the next in succession in Seniority in Office, and so *toties quoties*; but when the Lord Chancellor shall be of opinion that the Services of none of the Masters are any longer necessary for the due Execution of the Business of the said Court, it shall be lawful for him to release every remaining Master.

Power to Lord Chancellor to release remaining Masters.

Masters Salaries and Compensation Allowance continued by way of Retiring Pensions, &c.

V. Each One of the Masters to be so released on the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two shall nevertheless continue entitled to receive during his Life, by way of Retiring Pension, the full Amount of his Salary as such Master, including the Amount of the Compensation Allowance payable to him as such Master; and every Master who may be so released subsequently to the same First Day of *Michaelmas* Term One thousand eight hundred and fifty-two shall also continue entitled to receive by way of Retiring Pension the full Amount of his Salary as such Master.

Retiring Pensions, &c. to be paid in the same Manner as present Salaries.

VI. The Salaries or Retiring Pensions and Compensation Allowances payable to the Masters so to be released shall continue or be payable out of the same Funds, on the Days, and in the same Manner in all respects, as their present Salaries and Compensation Allowances respectively.

Power to Masters to summon Parties, &c., and to settle and wind up Proceedings before them.

VII. In order as expeditiously as may be to wind up all the Causes, Matters, and Things which may from Time to Time be depending before or have been referred to the Masters in Ordinary of the said Court, it shall be lawful for every Master, at any Time after the passing of this Act, to summon as he shall deem fit all or any of the Parties to any Cause, Matter, or Thing so depending, or their Solicitors, and thereupon to proceed with such Cause, Matter, or Thing, and give such Directions and make such Order as he may think necessary for the Purpose of settling and winding up the same; but any such Order shall be subject to be discharged or varied by the Court upon Application made for that Purpose; and

and the Master shall be at liberty to proceed for the Purposes aforesaid in the Absence of any of the Parties or Solicitors neglecting or refusing to attend the Summons.

Power to Court, upon Master's Report or Certificate, to make Order for Prosecution or final Disposal of any Suit, &c. and for Payment of Costs, &c.

VIII. In case the Master shall be unable, by reason of the Conduct of Parties, or otherwise, to finally dispose of any Cause, Matter, or Thing, he shall be at liberty to dispose of any Part thereof within his Power, and to report or certify on the whole of the Case; and upon such Report or Certificate the Court shall make such Order as it shall think proper on all or any of the Parties, for the further Prosecution of the Suit or Matter, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

On Neglect of Parties to bring Master's Report before the Court, Solicitor to Suitors Fee Fund to do so, and his Costs provided for.

IX. In the event of the Parties in any Cause, Matter, or Thing, or their Solicitors, refusing or neglecting, within a Time to be fixed by the Master, to bring the Master's Report or Certificate before the Court, the same may, by Direction of the Master, be brought before the Court by the Solicitor for the Time being to the Suitors Fund; and the Court is hereby empowered to order Payment of the Costs and Expenses of the Solicitor to the Suitors Fund out of such of the Funds in the Cause, Matter, or Thing, or by such Parties, as to the Court shall seem just; and in case Payment thereof cannot be obtained by any of the Means aforesaid, the same, by the Direction of the Court, may be paid out of the Suitors Fund.

No fresh References to Masters, except in Cases already before them, and in Matters under Winding-up Acts, 1848 and 1849.

Until all the Masters are released from their Duties, those remaining shall prosecute all the Business depending.

X. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two no Reference shall be made to any of the Masters in Ordinary of the said Court, except in Cases in which, from some previous Reference made in the Cause or Matter, or in some other Cause or Matter connected therewith, the Court may think it expedient to make such Reference, and except in Matters arising under the Joint Stock Companies Winding-up Acts, 1848 and 1849: Provided always, that until all the Masters in Ordinary of the said Court shall have been removed by Resignation, Death, or otherwise, or have been released from their Duties under this Act, such of the Masters in Ordinary of the said Court as shall for the Time being remain in Office, and shall not be released from their Duties under this Act, shall prosecute all the Business which on the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two shall be depending before the Masters, and also all the References which before the said First Day of *Michaelmas* Term One thousand eight hundred and fifty-two shall have been made under Decrees or Orders of the Court, or which on or after the same First Day of *Michaelmas* Term shall be made in relation to such excepted Matters as aforesaid; and the same, if necessary, shall be distributed amongst such remaining Masters in such Manner as the Lord Chancellor shall direct; and the Powers and Authorities now vested in them are hereby reserved to them for the Purpose of executing and performing all the Duties, Matters, and Things which may be still referred to them, or which they may be lawfully called upon to perform.

Power now vested in Masters reserved to them for such Purposes.

Power to Master of the Rolls and Vice Chancellors to sit at Chambers for the Despatch of Business, &c.

XI. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two it shall be lawful for the Master of the Rolls and the Vice Chancellors for the Time being and they are hereby required to sit at Chambers for the Despatch of such Part of the Business of the said Court as can, without Detriment to the Public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers, according to the Directions herein-after in that Behalf specified or referred to; and the Times at and during which they respectively shall so sit shall be from Time to Time fixed by them respectively.

Power to Lord Chancellor to provide Chambers for the Masters of the Rolls and Vice Chancellors.

XII. The Chamber Business of the Master of the Rolls and of every Vice Chancellor shall be carried on in conjunction with his Court Business; but as no Rooms are attached to the Courts of the Vice Chancellors in which such Chamber Business can be transacted, it shall be lawful for the Lord Chancellor to cause Chambers to be provided for every of them respectively for that Purpose until Courts with proper Rooms attached can be provided for them.

Judges to have same Power and Jurisdiction as in open Court.

XIII. The Master of the Rolls and every of the Vice Chancellors respectively when sitting in Chambers shall have the same Power and Jurisdiction in respect of the Business to be brought before them, as if they were respectively sitting in open Court.

XIV. The

XIV. The Orders made by the Master of the Rolls and Vice Chancellors respectively when sitting in Chambers shall ordinarily be drawn up there by their respective Clerks, to be appointed as herein-after mentioned, but with Power to each of such Judges to direct any of such Orders to be drawn up by the Registrar of the said Court in like Manner as Orders made by a Judge of the said Court in open Court are drawn up, for which Purpose the Registrars of the said Court shall, when required, attend the Master of the Rolls and the Vice Chancellors respectively when sitting at Chambers in such Order and Manner as shall be found most convenient for furthering the Business of the said Court, and as the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors, or any Two of them, shall from Time to Time by any General Order direct.

Orders made in Chambers to be ordinarily drawn up by Judges Clerks, but Judges may direct Attendance of Registrars of the Court for that Purpose.

XV. All Orders of the Master of the Rolls or of any Vice Chancellor, made by him at Chambers, shall have the Force and Effect of Orders of the Court of Chancery, and such Orders may be signed and enrolled in like Manner.

Orders so made to have same Force as Orders of Court, &c.

XVI. It shall be lawful for the Master of the Rolls, and every of the Vice Chancellors for the Time being, respectively, with the Approbation of the Lord Chancellor, to appoint Two Chief Clerks each to be respectively attached to each such Judge and his Successors in Office, for the Purpose of assisting in the general Business of each Court, and the Causes and Matters belonging thereto, and on any Vacancy in such Office of Chief Clerk to supply such Vacancy.

Power to Judges to appoint Two Chief Clerks to each Court to assist in the Business of the Court.

XVII. No Person shall be appointed Chief Clerk to the Master of the Rolls or any Vice Chancellor unless he shall have been Chief Clerk to One of the Masters in Ordinary of the said Court, or have been admitted on the Roll of Solicitors or Attornies in One of the Courts at *Westminster Hall*, and practised as such Solicitor or Attorney for the Period of Ten Years at least immediately preceding his Appointment: Provided always, that *George Whiting* and *Henry Leman*, the present Chief Clerks of the said Masters hereby released as aforesaid, and *Charles Pugh*, Chief Clerk in the Office of the Master now vacant, shall on the said First Day of *Michaelmas* Term One thousand eight hundred and fifty-two become and they are hereby appointed Chief Clerks of Three of the said Equity Judges, and their respective Successors in Office.

Chief Clerk to Judges to have been Chief Clerks to Masters in Ordinary, or Solicitors or Attornies of 10 Years Practice.

Certain Chief Clerks to be Chief Clerks of Equity Judges.

XVIII. It shall be lawful for the Judge of each Court to appoint a Junior Clerk to each Chief Clerk of his Court, and on any Vacancy in such Office to supply such Vacancy.

Power to Judges to appoint Junior Clerks.

XIX. If any Person who shall accept any Office under this Act shall engage in any other Employment whatever whilst he holds such Office, or shall receive any Sum of Money or Benefit other than his Salary and what may be allowed or directed to be taken by him under any Act of Parliament or Order of the said Court or of the Lord Chancellor, for any Act done or pretended to be done, or any Attendance given or pretended to be given, either with or without the Consent or Direction or pretended Consent or Direction of the Judge, in relation to or arising out of any Proceeding in his Office, or in any Office of or connected with the Court of Chancery, or if such Person, being or having been a Solicitor or Attorney, shall directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the said Court.

Power to Lord Chancellor to remove any Officer appointed under this Act engaging in other Employment or accepting any Fee or Emolument whatever other than his Salary.

XX. Every Solicitor or Attorney who shall be appointed to and shall accept any Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at *Westminster* on which his Name may be.

Solicitors, &c. appointed to any Office under this Act to be struck off the Rolls.

XXI. Every such Chief Clerk shall hold his Office during his good Behaviour, and so long as he shall personally give his Attendance upon his Duties, and shall conduct himself honestly and faithfully in the Execution of the Duties of his Office, but subject to the Power herein-after contained to remove any Chief Clerk for any Cause which the Lord Chancellor and Judges removing may think sufficient.

Chief Clerks to hold Office during good Behaviour;

and Clerks during Pleasure.

XXII. Every such Junior Clerk shall hold his Office at the Pleasure of the Judge to whose Court he shall be attached.

Chief and Junior Clerks to be under Control and Direction of Judges.

XXIII. Such Chief Clerks and Junior Clerks shall be respectively under the Control of the Judge to whose Court they shall respectively be attached, and shall attend at such Places, during such Times, and for such Hours in each Day, and perform such Duties, as such Judge shall from Time to Time direct.

Chief and Junior Clerks subject to same Penalties, &c. as imposed, &c. by 3 & 4 W. 4. c. 94. as respects Court of Chancery Officers.

XXIV. Every Chief Clerk and every Junior Clerk to be appointed under this Act shall be subject and liable to such and the same Prohibitions, Prosecutions, Penalties, and Punishments, as are by an Act passed in the Session holden in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Ninety-four, imposed and directed with respect to Persons holding any Office, Situation, or Employment in the said Court of Chancery, or under any of the Judges or Officers thereof, in the same Manner as if the Enactments therein contained relating to such Officers of the said Court respectively were here repeated.

Lord Chancellor, with Concurrence of Judges, may remove Chief Clerks.

XXV. It shall be lawful for the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, by any Order to remove any Chief Clerk to be appointed under this Act from his Office, without stating any Cause for such Removal.

Business to be disposed of in Chambers by the Judges.

XXVI. The Business to be disposed of by the Master of the Rolls and Vice Chancellors respectively while sitting at Chambers shall consist of such of the following Matters as the Judge shall from Time to Time think may be more conveniently disposed of in Chambers than in open Court; *videlicet*, Applications for Time to plead, answer, or demur; for Leave to amend Bills or Claims; for enlarging Publication; and also Applications for the Production of Documents; Applications relating to the Conduct of Suits or Matters; Applications as to the Guardianship and Maintenance of Infants; Matters connected with the Management of Property; and such other Matters as each such Judge may from Time to Time see fit, or as may from Time to Time be directed by any General Order of the Lord Chancellor.

Judges may adjourn from open Court to Chambers, and vice versâ.

XXVII. It shall be lawful for the Master of the Rolls and every of the Vice Chancellors respectively when sitting in open Court to adjourn for Consideration in Chambers any Matter which, in the Opinion of such Judge, may be more conveniently disposed of in Chambers, or, when sitting in Chambers, to direct any Matter to be heard in open Court which he may think ought to be so heard.

Mode of Proceeding before Judges at Chambers to be by Summons as at Common Law.

XXVIII. The Mode of proceeding before the Master of the Rolls and Vice Chancellors respectively at Chambers shall be by Summons, and as near as may be according to the Form now adopted by the Judges of the Superior Courts of Common Law when sitting at Chambers.

Power to the Judges to direct what Matters, &c. shall be heard and investigated by themselves, and what by their Chief Clerks.

XXIX. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two the Master of the Rolls and the Vice Chancellors respectively shall have the sole Power (subject to any Rules which may be made by the Lord Chancellor with the Advice and Assistance of them or any Two of them) to order what Matters and Things shall be investigated by and before their respective Chief Clerks, either with or without their Direction, during their Progress, and what Matters and Things shall be heard and investigated by themselves; and particularly, if the Judge shall so direct, his Chief Clerks respectively shall take Accounts, and make such Inquiries as have usually been prosecuted before the Chief Clerks of the present Masters; and the Judge shall give such Aid and Directions in every or any such Account or Inquiry as he may think proper, but subject nevertheless to the Right herein-after provided for the Suitor to bring any particular Point before the Judge himself.

Right to Suitor to bring any Point before the Judge.

Power to Chief Clerks to issue Advertisements and Summonses, to administer

XXX. Each Chief Clerk shall, for the Purpose of any Proceedings directed by the Master of the Rolls or any Vice Chancellor to be taken before him, have full Power to issue Advertisements, to summon Parties and Witnesses, to administer Oaths, to take Affidavits and Acknowledgments, other than Acknowledgments by married Women, to receive Affirmations,

tions, and, when so directed by the Judge to whose Court he is attached, to examine Parties and Witnesses either upon Interrogatories or *viva voce*, as such Judge shall direct.

Oaths, &c. as the Judge shall direct.

XXXI. Parties and Witnesses so summoned shall be bound to attend in pursuance of any such Summons, and shall be liable to Process of Contempt, in like Manner as Parties or Witnesses are now liable thereto in case of Disobedience to any Order of the said Court, or in case of Default in Attendance, in pursuance of any Order of the said Court, or of any Writ of Subpœna ad testificandum; and all Persons swearing or affirming before any such Chief Clerk shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing or affirming contained therein as if the Matters sworn or affirmed had been sworn and affirmed before any Person now by Law authorized to administer Oaths, to take Affidavits, and to receive Affirmations.

Parties, &c. not attending liable to Process of Contempt and to Penalties for false swearing, &c.

XXXII. The Directions to be given by the Master of the Rolls or any Vice Chancellor for or touching any Proceedings before his Chief Clerk shall require no particular Form, but the Result of such Proceedings shall be stated in the Shape of a short Certificate to the Judge, and shall not be embodied in a formal Report, unless in any Case the Judge shall see fit so to direct; and when the Judge shall approve of such Certificate or Report he shall sign the same in testimony of his adopting the same.

Result of Proceedings before Chief Clerk to be embodied in Form of short Certificate, &c.

XXXIII. No Exceptions shall lie to any Certificate or Report of the Chief Clerk, although signed and adopted by the Judge; but any Party shall, either during the Proceedings before such Chief Clerk, or within such Time after such Proceedings shall have been concluded, and before the Certificate or Report shall have been signed and adopted, as the Lord Chancellor shall by any General Order direct, be at liberty to take the Opinion of the Judge upon any particular Point or Matter arising in the Course of the Proceedings, or upon the Result of the whole Proceeding when it is brought by the Chief Clerk to a Conclusion.

No Exceptions to lie to Certificate, &c.

Parties may take Opinion of Judge on any particular Point.

XXXIV. When any Certificate or Report of the Chief Clerk shall have been signed and adopted by the Judge the same shall be filed in like Manner as Reports are now filed, and shall thenceforth be binding on all the Parties to the Proceedings, unless discharged or varied, either at Chambers or in open Court, according to the Nature of the Case, upon Application by Summons or Motion within such Time as shall be prescribed in that Behalf by any General Order of the Lord Chancellor; and nothing herein contained shall prejudice or affect the Power of the Court at any Time to open any such Certificate or Report upon the same or the like Grounds as any Report of a Master of the said Court which has been absolutely confirmed may now be opened.

Certificate, &c., signed and adopted by Judge, binding on all Parties, unless discharged or varied.

XXXV. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two, the Thirteenth, Fourteenth, and Fifteenth Sections of the Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His Majesty King *William* the Fourth, Chapter Ninety-four, shall be repealed.

Sections 13, 14, & 15. of 3 & 4 W. 4. c. 94. repealed.

XXXVI. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two all or any of the Powers, Authorities, and Jurisdiction given to the Masters in Ordinary of the said Court by any Act or Acts then in force may be exercised by the Master of the Rolls and Vice Chancellors respectively.

All Powers possessed by Masters to be exercised by Judges.

XXXVII. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two the Powers given to the Masters in Ordinary of the said Court, and to the Court, by Sections Seven, Eight, and Nine of this Act, may be exercised by the Master of the Rolls and Vice Chancellors respectively with respect to Causes, Matters, and Things which may be depending before them respectively in Chambers; and if and when any such Judge shall be of opinion that any Cause, Matter, or Thing so depending ought to be finally disposed of, unless the Parties or some of them can show good Cause to the contrary, he shall direct the same to stand in his Paper in open Court, giving such Notice thereof, if any, as he shall deem right, and proceed to dispose thereof accordingly.

Power to Judges to exercise the Powers given by Sections 7, 8, and 9. of this Act, and to dispose of any Cause, &c. in open Court.

XXXVIII. It shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors, or any Two of them, and they are hereby required, forthwith to make and issue General Rules and Orders for regulating the Times

Power to Lord Chancellor, with Advice, &c. of Judges, to make

Rules and Orders for regulating the Mode of Procedure at Chambers, Payment of Fees, &c.

and Form and Mode of Procedure before the Master of the Rolls and Vice Chancellors respectively, sitting at Chambers, and their respective Chief Clerks, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to Solicitors of the said Court in respect to such Matters, and also for regulating the Fees to be payable by Suitors of the said Court to the Officers thereof in respect of the Business to be conducted before the Master of the Rolls and Vice Chancellors respectively sitting at Chambers, and their respective Chief Clerks; and such Rules and Regulations may from Time to Time be rescinded, altered, varied, or added to by the like Authority; and all such Rules and Regulations as aforesaid shall take effect as General Orders of the said Court: Provided always, that no greater Amount of Fees shall be payable by the Suitors of the said Court to the Officers thereof, in respect of the Business to be conducted before the Master of the Rolls and the Vice Chancellors respectively sitting at Chambers, and their respective Chief Clerks, than is now levied in respect of similar or analogous Business in the Masters Offices.

Business in Masters' Offices to be conducted in the same Manner as similar Business is conducted by Judges, &c.

XXXIX. From and after the said First Day of *Michaelmas* Term One thousand eight hundred and fifty-two the Course of Practice and Proceeding in the Offices of the Masters in Ordinary of the said Court, so far as the same may be inconsistent with the Rules and Regulations to be so as aforesaid made by the Lord Chancellor with such Advice and Consent as aforesaid, shall be abolished; and the Masters in Ordinary of the said Court shall, with reference to the Proceedings before them, adopt all such Rules and Regulations, and shall conduct the Business of their respective Offices, as nearly as may be, in the Manner in which similar Business shall be conducted by the Master of the Rolls and Vice Chancellors respectively, save only that the Master, instead of communicating directly with the Judge, is to report shortly the Result of his Inquiries to the Court.

Power to Judges at Chambers to take Opinion of Conveyancing Counsel in certain Matters.

XL. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two it shall be lawful for the Court or for any Judge thereof when sitting at Chambers to receive and act upon the Opinion of Conveyancing Counsel in actual Practice, to be nominated as herein-after mentioned, in all Cases in which, according to the present Practice of the Court and of the Master's Office, it has been usual for the Master to require or receive the Opinion of Conveyancing Counsel for his Aid and Assistance in the Investigation of the Title to an Estate, with a view to an Investment of Money in the Purchase or on Mortgage thereof, or with a view to a Sale thereof, or in the Settlement of a Draft of a Conveyance, Mortgage, Settlement, or other Instrument, or otherwise, and in such other Cases as the Lord Chancellor shall by any General Order direct; but it shall be competent for any Party to object to any Opinion of any such Counsel when he shall deem it open to Objection, and thereupon the Point in dispute shall be disposed of by the Court, or by the Judge sitting in Chambers, according to the Nature of the Case.

Parties may object to such Opinion, which may be disposed of in Chambers or open Court.

Lord Chancellor may nominate not less than Six Conveyancing Counsel of Ten Years Practice, &c.

XLI. It shall be lawful for the Lord Chancellor to nominate any Number of Conveyancing Counsel in actual Practice, not less than Six, who shall have practised as such for Ten Years at least, to be the Conveyancing Counsel upon whose Opinion the Court, or any Judge thereof, may act in any of the Cases last before mentioned, and to supply Vacancies in such List from Time to Time, and to distribute the Business among such Counsel in such Order and Manner as to the Lord Chancellor shall seem fit.

Power to obtain the Assistance of Accountants, Merchants, &c.

XLII. It shall be lawful for the said Court, or any Judge thereof, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine any Matter at issue in any Cause or Proceeding, and to act upon the Certificate of such Persons.

Taxing Master to regulate Fees to Conveyancing Counsel, &c., subject to Appeal.

XLIII. The Allowances in respect of Fees to such Conveyancing Counsel, Accountants, Merchants, Engineers, Actuaries, and other scientific Persons shall be regulated by the Taxing Master of the said Court, subject to an Appeal to the Judge to whose Court the Cause or Matter shall be attached, whose Decision shall be final.

Salary of 1,200*l.* to be paid to each Chief

XLIV. There shall be paid to every Chief Clerk of the Master of the Rolls and Vice Chancellors respectively the net yearly Salary of One thousand two hundred Pounds, and

to

to every Junior Clerk to be appointed under this Act the net yearly Salary of Two hundred and fifty Pounds; and it shall be lawful for the Lord Chancellor from Time to Time by any Order to direct that the Salary of any such Chief Clerk as aforesaid may be increased from Time to Time until the same shall amount to the net yearly Sum of One thousand five hundred Pounds, and to direct that the Salary of such Junior Clerk may be increased to the net yearly Sum of Three hundred Pounds: Provided always, that no such Increase shall be made to any such Chief Clerk until he shall have been in Office for Three Years, nor to such Junior Clerk until he shall have been in Office Five Years, nor in either Case without a Certificate from the Judge to whose Court such Chief Clerk or Junior Clerk shall be attached, that he has conducted himself in such Office to the entire Satisfaction of such Judge: Provided also, that the Salary to such Chief Clerk shall not be increased at any One Period by any greater Amount than the Sum of One hundred Pounds.

Clerk, and 250*l.* to each Junior Clerk, with Power to the Lord Chancellor from Time to Time to increase same to 1,500*l.* and 300*l.* respectively.

XLV. It shall be lawful for the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, by any Order made on a Petition presented to him for that Purpose, to order (if he shall think fit) to be paid to any Person executing the Office of Chief Clerk or Junior Clerk to the Master of the Rolls or any of the Vice Chancellors, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same, an Annuity not exceeding Two Third Parts of the yearly Salary which such Person shall be entitled to at the Time of presenting such Petition, to be paid and payable at the same Times and out of the same Funds as Compensations under this Act are directed to be paid.

Pensions to Chief and Junior Clerks in Cases of permanent Infirmity.

XLVI. It shall be lawful for every Person who on the First Day of *Hilary* Term One thousand eight hundred and fifty-two held the Office of Chief Clerk to any of the Masters in Ordinary of the said Court of Chancery, and who is not hereby appointed a Chief Clerk to the Master of the Rolls or to One of the Vice Chancellors under the Authority of this Act, upon the Master to whom he shall be such Chief Clerk being released from the Duties as such Master under the Authority of this Act, or upon the Death or Resignation of any such Master previously to his being so released, to continue to be entitled to receive during his Life, by way of Retiring Pension, the full Amount of his Salary as such Chief Clerk, such Salary to be paid and payable out of such Funds and in such Manner as herein-after in that Behalf directed.

On Retirement of Masters, their Chief Clerks to be entitled to Retiring Pensions of same Amount as Salary.

XLVII. It shall be lawful for any Person who on the said First Day of *Hilary* Term One thousand eight hundred and fifty-two held the Office of Junior Clerk to any Master in Ordinary of the said Court of Chancery hereby released, or who shall be released by the Lord Chancellor under the Authority of this Act, to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury for the Time being, at any Time after the Master in whose Office he shall have been employed shall have been released; and such Commissioners are hereby required, within the Space of Six Calendar Months after every such Claim shall be made, by Examination upon Oath or otherwise, which Oath they and every of them are and is hereby authorized to administer, to inquire whether any, and, if any, what Compensation ought to be made to such Person claiming such Compensation; and in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the said Commissioners, by Warrant under their Hands, to order and direct that such annual Compensation shall be made to the Persons claiming such Compensations as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable; and all such Compensations shall be paid and payable out of such Funds and in such Manner as herein-after in that Behalf directed: Provided always, that an Account of all such Compensation shall, within Fourteen Days next after the same shall be so granted, be laid on the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of the Parliament then next following.

Compensation to Junior Clerks on Retirement of Masters.

XLVIII. Except as herein otherwise provided, all Salaries under this Act shall grow due from Day to Day, but shall be payable, under an Order of the Lord Chancellor, on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time

Salaries, &c. to be paid quarterly out of the Suitors' Fee Fund Account.

Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery, to the Account intituled "The Suitors' Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

Payment of Compensations to be made quarterly out of Parliamentary Securities.

XLIX. Except as herein otherwise provided, all Compensations under this Act shall grow due from Day to Day, but shall be payable on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Interest and Dividends of the Government or Parliamentary Securities now or hereafter to be placed in the Name of the Accountant General of the Court of Chancery to the Two Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be made from Time to Time for that Purpose, without any Draft from the Accountant General, but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

On Appointment of Masters or Clerks to Office or Employment under the Crown, the Retiring Pension or Compensation under this Act to be regulated by the Salary, &c. of such Office or Employment.

L. If at any Time hereafter any of the Masters in Ordinary of the said Court, or any of their Chief or Junior Clerks, shall be appointed to and shall accept any Office or Employment connected with any Court of Law or Equity, or under the Crown, or in any Public Department under the Crown, and if the Salary attached to such Office or Employment, or any Retiring Pension or Allowance in respect thereof, shall equal or exceed in Amount the Retiring Pension or Compensation payable to such Master or such Clerk under this Act, such last-mentioned Retiring Pension or Compensation shall, during the Continuance of such Master or such Clerk in such Office or Employment, or so long as he shall be in the Receipt of any Retiring Pension or Allowance in respect thereof equal to or greater than his Retiring Pension or Compensation under this Act, cease to be payable to such Master or such Clerk, as the Case may be; and if the Salary attached to such Office, or the Retiring Pension or Allowance in respect thereof, shall be less than the Amount of such Master's Retiring Pension or such Clerk's Compensation under this Act, such Retiring Pension or Compensation under this Act shall be reduced by the Amount of such Salary or of such Retiring Pension or Allowance, as the Case may be.

Appropriation of the Masters' Offices in Southampton Buildings.

LI. Such of the Masters' Offices in *Southampton Buildings*, *Chancery Lane*, as shall not be assigned by the Lord Chancellor as Chambers for the Master of the Rolls and Vice Chancellors respectively, or shall not be required for the Masters, shall be appropriated to any other Purposes connected with the Court of Chancery as the Lord Chancellor may from Time to Time direct, or the same may be let as Chambers, and the Rent thereof paid to the Suitors' Fund; and when all the Masters have resigned, died, or have been released under this Act, the Offices may be sold by Order of the Lord Chancellor, and the Proceeds of such Sale paid to the Suitors' Fund, in such Manner and to such particular Account as the Lord Chancellor shall by any Order direct; and it shall be lawful for the Lord Chancellor by any Order to direct that the Premises so to be sold, and the Fee Simple and Inheritance thereof, shall vest in the Purchaser or Purchasers of the same, his or their Heirs and Assigns, or as he or they shall direct; and such Order shall have the Effect of vesting the same accordingly, without any Conveyance or other Assurance from Her Majesty, in whom the same are now vested by virtue of an Act passed in the Thirty-second Year of the Reign of King *George* the Third, Chapter Forty-two.

Power to Her Majesty to appoint a Vice Chancellor as

LII. 'And whereas by an Act passed in the Fifth Year of the Reign of Her present 'Majesty, Session One, Chapter Five, Her Majesty was by Section Nineteen empowered 'to appoint, by Letters Patent under the Great Seal, Two fit Persons to be additional 'Judges

'Judges Assistant to the Lord Chancellor in the Discharge of the judicial Functions of his 'Office, each of such additional Judges to be called Vice Chancellors; and by Section 'Twenty-one it was provided, that nothing therein contained should authorize the Appoint- 'ment of a Successor to the Vice Chancellor secondly appointed under the Authority of 'the said Act: And whereas by an Act passed in the Session holden in the Fourteenth and 'Fifteenth Years of the Reign of Her present Majesty, Chapter Four, Her Majesty was by 'Section One empowered to appoint, by Letters Patent under the Great Seal, a fit Person 'to be an additional Judge Assistant to the Lord Chancellor, in discharge of the judicial 'Functions of his Office, in the Place of the Right Honourable Sir *James Wigram* Knight, 'who was the Vice Chancellor secondly appointed under the Authority of the said Act of 'the Fifth Year of Her Majesty, and who had resigned the Office of Vice Chancellor to 'which he had been so appointed: And whereas the Right Honourable Sir *George James* '*Turner* Knight is the Vice Chancellor appointed under the said last-mentioned Act: And 'whereas by Section Nine of the same Act it was provided, that nothing therein contained 'should authorize the Appointment of a Successor to the Vice Chancellor appointed under 'the Authority thereof: And whereas by virtue of this Act additional Duties will devolve 'upon the Judges of the said Court, and it is expedient that any Vacancy which may occur 'in the said Office of Vice Chancellor should be supplied:' Be it therefore enacted, That it shall be lawful for Her Majesty, from Time to Time, when and as any Vacancy shall occur in the Office of Vice Chancellor now held by the said Sir *George James Turner*, by the Death, Resignation, or Removal from Office of the said Sir *George James Turner*, or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to appoint a fit Person, being or having been a Barrister of Fifteen Years standing at the least, to supply such Vacancy.

Successor to Sir G. J. Turner.

LIII. The Vice Chancellor to be appointed under this Act shall have all the same Powers and Privileges, and the same Rank, and shall be subject to the same Provisions, Duties, and Observances, as the said Sir *George James Turner* shall, at or immediately before his Death, Resignation, or Removal from Office, have or be subject to under the said Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Four, and this Act, or any other Act or Acts then in force, excepting that, as between himself and the other Vice Chancellors or Vice Chancellor for the Time being, he shall have Rank and Precedence next after the Vice Chancellors or Vice Chancellor, if any, who may be senior to him in Appointment to Office.

Such Vice Chancellor to have same Power, &c. as Sir G. J. Turner has.

LIV. Such Vice Chancellor shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by him at his Pleasure; and the Secretaries, Registrars, and other Officers appointed to attend the Lord Chancellor shall attend such Vice Chancellor when sitting for the Lord Chancellor, and also when sitting in his separate Court or in Chambers, as Circumstances shall require, and as the Lord Chancellor shall order and direct.

Officers and Attendants to the Vice Chancellor.

LV. The Salary of such Vice Chancellor, and the Salaries of his Secretary, Usher, and Trainbearer, shall be of the same Amounts, and paid out of the same Funds, and in like Manner, as the Salaries of the said Sir *George James Turner*, his Secretary, Usher, and Trainbearer, respectively, shall be payable at or immediately before his Death, Resignation, or Removal from Office.

Salaries of Vice Chancellor and his Officers to be as at present.

LVI. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to grant to any Person executing the Office of Vice Chancellor, in pursuance of this Act, on his Resignation of or his ceasing to execute his Office, an Annuity of the same Amount, after the same Period of Service, under the same Circumstances, subject to the same Conditions, and payable out of the same Fund, as the Annuity authorized to be granted to each of the Vice Chancellors appointed under the said Act of the Fifth Year of Her present Majesty, Chapter Five.

Her Majesty may grant Retiring Pension to Vice Chancellor so appointed.

LVII. It shall be lawful for the Lord Chancellor to appoint One or more Person or Persons, removable at Pleasure, for the Purpose of keeping Order in the Court of the Vice Chancellor to be appointed under this Act; and the Salary of the Person or Persons appointed

Lord Chancellor may appoint Courtkeepers.

appointed or to be appointed, under this Act or under any Act or Acts now in force, to keep Order in the Court of the Vice Chancellor to be appointed under the Authority of this Act, shall be of such Amount, not exceeding the yearly Sum of Eighty Pounds, as the Lord Chancellor may think reasonable; and such Salary shall be paid to each such Person so to be appointed, out of the same Funds, and at the same Time, and in like Manner as the Salaries of like Persons have heretofore been paid.

Rights and Establishments of the present Masters to continue until released in pursuance of this Act.

LVIII. Nothing herein contained shall in anywise prejudice or affect the Title of the present Masters in Ordinary of the said Court to the Salaries payable to them as such Masters unless and until they shall be respectively released under this Act or the Power of the Lord Chancellor to order a Retiring Allowance to any of them or any of their Clerks who may be or become afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same; and every of the present Masters in Ordinary of the said Court, until released under this Act, shall have the same Establishment of Clerks, whose Salaries and Compensations shall be payable out of the same Funds as the Salaries and Compensations of their Clerks are now payable; and all the Expenses attending the Establishment of the Masters Offices shall be paid in like Manner as such Expenses are now paid.

Nothing to affect Rights, &c. of Accountant General as Master in Ordinary.

LIX. Nothing herein contained shall prejudice or affect the Rights, Duties, or Privileges of the Accountant General of the said Court of Chancery as a Master in Ordinary of the said Court, or any Salary or other Payment payable to the said Accountant General as such Master in Ordinary, or his Right or Title to any Retiring Allowance under any Act or Acts of Parliament now in force, nor shall the said Accountant General be called upon or required to do or perform any Duties or Services as such Master in Ordinary, other than such as are now usually performed by him.

The retiring Lord Chancellor may deliver written Judgments within Six Weeks after his Resignation.

LX. 'Whereas it has frequently happened that after Cases have been fully heard by the 'Lord Chancellor in the Court of Chancery and are standing for Judgment, the Lord 'Chancellor has delivered up the Great Seal without being able, by reason of other urgent 'public Business, to deliver Judgment therein, and much Inconvenience and Expense to the 'Parties has been thereby occasioned:'

For Remedy thereof be it enacted, That in every such Case it shall be lawful for the Person who has so delivered up the Great Seal, within Six Weeks after he shall have delivered up the same, to give in to the Registrar of the said Court a written Judgment therein, signed by him; and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if the Judgment in pursuance whereof it is drawn up had been given in open Court the Day before he shall have so delivered up the Great Seal.

Construction of Terms.

LXI. In the Construction of this Act the Expression "Her Majesty" shall mean the Sovereign for the Time being; and the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

CAP. LXXXI.

An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in *England* and *Wales*. [30th *June* 1852.]

'WHEREAS it is expedient that the Laws relating to the assessing and Collection of 'County Rates should be amended, and that the Statutes now in force relating to that 'Subject should be consolidated into One Act:' 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