ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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C A P. XCIV.

An Act for facilitating the Administration of Justice in the Court of Chancery. [10th *August* 1840.]

WHEREAS it would greatly contribute to the diminishing of Expence and Delay in Suits in the Court of Chancery if the Process, Pleadings, and Course of Proceeding therein were in some respects altered, but this cannot be conveniently done otherwise than by Rules or Orders of the Judges of the said Court from Time to Time to be made, and Doubts may arise as to the Power of the said Judges to make such Alterations as may be expedient without the Authority of Parliament: 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 Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, or one of them, may and he is hereby required, by any Rules and Orders to be from Time to Time by him made with such Advice and Consent as aforesaid, at any Time within Five Years from the passing of this Act, to make such Alterations as may seem expedient in the Form of Writs and Commissions, and the Mode of sealing, issuing, executing, and returning the same, and also in the Form of

Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, to make Alterations in Forms and Mode of Proceedings.

and Mode of filing Bills, Answers, Depositions, Affidavits, and other Proceedings, and in the Form and Mode of obtaining Discovery by Answer in Writing or otherwise, and in the Form and Mode of Pleading, and in the Form and Mode of taking or obtaining Evidence, and generally in the Form and Mode of proceeding to obtain Relief, and in the general Practice of the Court with relation thereto, and also in the Form and Mode of proceeding before the Masters, and in the Form and Mode of drawing up, entering, and enrolling Orders and Decrees, and of making and delivering Copies of Pleadings and other Proceedings, and to make such Regulations as to the Taxation, Allowance, and Payment of Costs, and for altering, superintending, controlling, and regulating the Business of the several Offices of the Court, and also of collecting the Fees payable to the Suitors Fee Fund, and for directing the Payment into the Suitors Fee Fund of the Copy Money now received by any of the Officers to their own Use, and otherwise for carrying into effect the said Alterations, as to them may seem proper; and all such Rules, Orders. and Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making and issuing of the same, or if Parliament be not sitting, then within Five Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have Effect until each House of Parliament shall have actually sat Thirty-six Days after the same shall have been laid before each House of Parliament as aforesaid; and every Rule, Order, or Regulation so made shall from and after the Time aforesaid be binding and obligatory on the said Court, and be of like Force and Effect, as if the Provisions contained therein had been expressly enacted by Parliament, unless the same shall, by Vote of either House of Parliament, be objected to.

Additional Officers, &c. may be appointed.

II. And be it enacted, That from and after the passing of this Act such additional Officers, Clerks, and Messengers, in any of the present or future Offices of the Court, as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, or one of them, shall determine to be necessary and proper, shall and may be from Time to Time appointed.

Present and future Salaries and Expences of Writing for the Court to to be paid out of the Suitors Fund.

III. And be it enacted, That the Officers, Clerks, and Messengers who shall be appointed as herein-before directed, and the present Officers, Clerks, and Messengers of the said Court, shall receive by way of Salary or additional Salary for the Performance of their several Duties such annual Sums as the Lord Chancellor and the Commissioners of Her Majesty's Treasury shall from Time to Time fix and determine; and that the same, and the Expence of copying and writing for the said Court or any of the Officers thereof, shall be paid and payable under an Order of the said Court of Chancery out of the Interest and Dividends of the Government or Parliamentary Securities which may at any Time be standing in the Name of the Accountant General of the High Court of Chancery to an Account entitled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of

Chancery," and to an Account entitled "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 (but subject and without Prejudice to the Payment of any Salaries and other Sums of Money by any Act or Acts of Parliament now in force directed or authorized to be paid thereout); provided that nothing herein contained shall authorize the Diminution of any of the several Salaries to which the present Officers, Clerks, and Messengers are now entitled.

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

IV. And whereas the Emoluments of some of the Officers of the said Court may be diminished 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 said 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 Compensations, whether annual or in gross, shall be issued and paid and payable by the said Accountant General of the said Court of Chancery, by virtue of an Order or Orders for that Purpose to be made by the said Court of Chancery, out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to the said Two Accounts in the Bank of *England* standing in the Name of the said Accountant General of the said Court of Chancery, and entitled "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" (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act

Account of Compensation granted to be laid before Parliament.

Act or Acts now in force are authorized to be paid thereout): 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 shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next assembled.

Interpretation Clause.

V. And be it enacted, That in the Construction of this Act 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.

Act may be amended this Session.

VI. And be it enacted, That this Act may be altered, amended, or repealed during the present Session of Parliament.

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