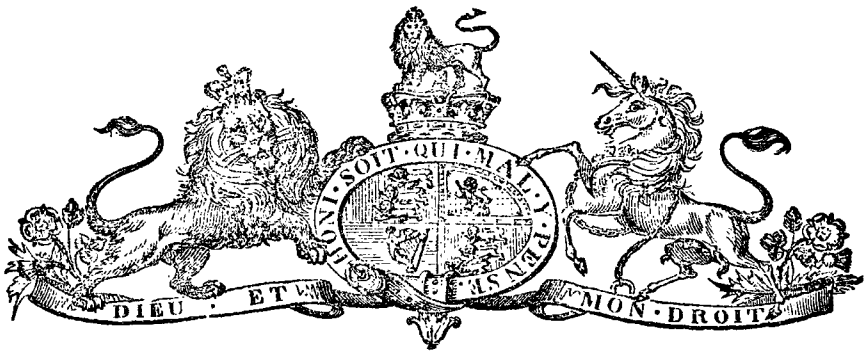


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. LXXXVII.

An Act to facilitate the Transaction of Business in the Chambers of the Judges of the High Court of Chancery, and in the Offices of the Registrars and Accountant General of the said Court, and in Lunacy. [12th *August* 1867.]

WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of Her Majesty, Chapter Ninety-four, intituled *An Act for facilitating the Administration of Justice in the Court of Chancery:* 3 & 4 Vict. c. 94.

And whereas a Second Act was passed in the Session of Parliament held in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty, intituled *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:* 15 & 16 Vict. c. 80.

And whereas a Third Act was passed in the Session of Parliament held in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and thirty-four, intituled *An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord* 18 & 19 Vict. c. 134.

Chancellor

Chancellor the Ground and Buildings of the said Court, situate in Southampton Buildings, Chancery Lane, *with Powers of Leasing and Sale thereof:*

And whereas a Fourth Act was passed in the Session of Parliament held in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and forty-nine, intituled *An Act to make better Provision for the Relief of Prisoners in contempt of the High Court of Chancery, and Pauper Defendants, and for the more efficient Despatch of Business in the said Court:*

23 & 24 Vict. c. 149.

And whereas a Fifth Act was passed in the Session of Parliament held in the Twenty-seventh and Twenty-eighth Years of Her Majesty, Chapter Fifteen, intituled *An Act for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery:*

27 & 28 Vict. c. 15.

And whereas the Number of Chief Clerks and Junior Clerks now authorized to be appointed to be attached to the Courts of the Master of the Rolls and the Vice-Chancellors respectively has been found insufficient for the due Despatch of the Business transacted by the said Judges when sitting at Chambers, and the Services of Assistant Clerks are required:

And whereas by an Order of the Court of Chancery dated the Twenty-sixth Day of *January* One thousand eight hundred and sixty-five, made under the first-recited Act, it was ordered that there should be a temporary Junior Clerk in the Chambers of the Vice-Chancellor Sir *John Stuart* during such Time as the Lord Chancellor should think fit, and by an Order of the Court dated the Seventh Day of *November* One thousand eight hundred and sixty-six, made under the same Act, the yearly Salary of Two hundred and fifty Pounds was ordered to be paid to *William Arthur Marshall* as such temporary Junior Clerk:

And whereas by another Order of the Court dated the Third Day of *November* One thousand eight hundred and sixty-six, made under the Provisions of the first-recited Act, Mr. *Henry Francis Church* was appointed temporary Chief Clerk in the Chambers of the Vice-Chancellor Sir *John Stuart* until a permanent Chief Clerk should be appointed by Authority of Parliament, and Mr. *William Wright* and Mr. *Jonathan Pinnington* were respectively appointed Junior Clerks in the same Chambers for the Period aforesaid:

And whereas by another Order of the Court dated the Twenty-seventh Day of *November* One thousand eight hundred and sixty-six, made under the same Act, it was ordered that there should be paid to the said Mr. *Henry Francis Church* as such temporary Chief Clerk, and to his Successors, the yearly Salary of One thousand

sand two hundred Pounds, and to the said Mr. *William Wright* and Mr. *Jonathan Pinnington*, as Junior Clerks to such Chief Clerk, the yearly salary of Four hundred Pounds each:

And whereas by another Order of the Court dated the Sixteenth Day of *January* One thousand eight hundred and sixty-seven Mr. *Samuel John Bakewell* was appointed additional Junior Clerk in the Chambers of the Master of the Rolls, and by another Order of the Court dated the Thirty-first Day of the same Month the yearly Salary of Four hundred Pounds was ordered to be paid to him as such additional Junior Clerk:

And whereas by divers Orders of the Court made under the first-recited Act Assistant Clerks, at Salaries not exceeding One hundred and fifty Pounds each, have been from Time to Time appointed in the Chambers of the Master of the Rolls and each of the Vice-Chancellors:

And whereas Doubts may be entertained whether the recited Orders, or some of them, were authorized by the first-recited Act, and whether the Junior Clerks appointed by or pursuant to the Power contained in the fifthly-recited Act can hold Office longer than during the Continuance in Office of the Chief Clerk appointed by the same Act, and in consequence of the Increase of administrative Business of the Court of Chancery it is expedient that Powers should be given for enabling the Appointment of additional Chief Clerks, Junior Clerks, and Assistant Clerks, to be attached to the Courts of the Master of the Rolls and Vice-Chancellors respectively, as the State of the Business in such Courts respectively may from Time to Time require, and that certain Appointments already made should be confirmed or made permanent; and it is also expedient that Power should be given for enabling the Appointment of additional Registrars of the Court, and that Power should be given to alter the Salaries of Officers of the Court:

And whereas it is also expedient that the Jurisdiction in Lunacy of the Lords Justices of the Court of Appeal in Chancery should be vested in them not only when sitting together, but also when sitting separately:

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, as follows:

Power to appoint additional Chief Clerks and Junior Clerks.

1. It shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice-Chancellors, or any Three of them, from Time to Time to order such additional Chief Clerks and Junior Clerks as he shall think fit to be attached to the Courts of the Master of the Rolls and Vice-Chancellors respectively, and

and thereupon the Master of the Rolls or the Vice-Chancellor, as the Case may be, to whose Court any additional Chief Clerk or Junior Clerk shall be ordered to be attached, shall appoint a fit Person to be such Chief Clerk or Junior Clerk, as the Case may be; provided that every Appointment of a Chief Clerk shall be made with the Approbation of the Lord Chancellor as required by the secondly-recited Act, and that no Person shall be appointed a Chief Clerk unless he shall be duly qualified in manner provided by the same Act: Provided also, that upon the Occurrence of any Vacancy in the Office of Chief Clerk or Junior Clerk attached to the Court of the Master of the Rolls or of any Vice-Chancellor, then unless by such Vacancy the Number of Chief Clerks attached to such Court shall be reduced below Two, or the Number of Junior Clerks attached to such Court shall be reduced below Four, no Appointment shall be made to supply the Vacancy unless the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice-Chancellors, or any Three of them, shall by Order declare that it is necessary to supply the Vacancy: Provided also, that the total Number of Chief Clerks shall not at any One Time exceed Twelve.

The secondly, thirdly, and fourthly recited Acts to apply to Chief Clerks and Junior Clerks so appointed.

2. All the Provisions of the secondly, thirdly, and fourthly recited Acts which relate to Chief Clerks and Junior Clerks appointed under the same Acts or any of them, and to the Salaries to be paid to such Chief Clerks and Junior Clerks, and to the Funds out of which such Salaries are to be paid, shall extend and be applicable and are by this Act made applicable to the Chief Clerks and Junior Clerks appointed under this Act, in the same Manner in all respects as if such last-mentioned Chief Clerks and Junior Clerks had been authorized to be appointed and had been appointed under the secondly-recited Act.

The first-recited Act extended to authorize the Appointment and Salaries of Assistant Clerks.

3. The Provisions of the first-recited Act with respect to the Appointment, and also with respect to the Payment of the Salaries, of additional Officers, Clerks, and Messengers in any of the Offices of the Court of Chancery, shall extend to and shall authorize the Appointment and the Payment of Salaries of Assistant Clerks to be attached to the Courts of the Master of the Rolls and Vice-Chancellors respectively.

Certain Appointments of Chief Clerks and Junior Clerks confirmed and made permanent.

4. The Appointment made pursuant to the recited Order of the Twenty-sixth Day of *January* One thousand eight hundred and sixty-five, and the Appointments made by the recited Orders of the Third Day of *November* One thousand eight hundred and sixty-six and the Sixteenth Day of *January* One thousand eight hundred and sixty-seven, and the Salaries ordered to be paid by the recited Orders

Orders of the Seventh Day of *November* One thousand eight hundred and sixty-six, and the Twenty-seventh Day of the same Month, and the Thirty-first Day of *January* One thousand eight hundred and sixty-seven, shall be and the same are respectively hereby confirmed, and shall respectively be considered as permanent Appointments duly made, and as Salaries duly ordered to be paid, under the Provisions of this Act; and the Appointments made of Junior Clerks by or pursuant to the Power contained in the fifthly-recited Act shall be and the same Appointments are hereby declared to be permanent and not determinable with the Continuance in Office of the Chief Clerk appointed by the same Act.

Appointment and Salaries of Assistant Clerks already made confirmed.

5. All Orders of the Court of Chancery made previously to the passing of this Act, appointing or ordering the Payment of the Salaries of Assistant Clerks in the Chambers of the Master of the Rolls or any of the Vice-Chancellors, shall be and the same several Orders are hereby confirmed, and shall respectively be considered as Orders duly made under the Provisions of the first-recited Act as extended by this Act.

Assistant Clerks to hold Office during Pleasure, and obey Directions of Judge.

6. Every Assistant Clerk whose Appointment is confirmed by or shall be made under this Act shall hold his Office at the Pleasure of the Judge to whose Court he is attached, and shall be under the Control of such Judge, 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.

Power to the Lord Chancellor to transfer any Clerk from one Judge to another.

7. The Lord Chancellor may from Time to Time transfer any Clerk from any one Judge to any other Judge of the Court; provided that every such Transfer be made with the Advice and Consent both of the Judge from whom and of the Judge to whom such Transfer shall be made.

Power to the Lord Chancellor to appoint additional Registrars.

8. It shall be lawful for the Lord Chancellor, by Writing under his Hand, forthwith to appoint an additional or Twelfth Registrar of the Court of Chancery, and also when it shall appear necessary, and shall be so declared by an Order of the Lord Chancellor, to appoint another additional or Thirteenth Registrar of the Court, and from Time to Time, provided it shall appear necessary, and shall be so declared by an Order of the Lord Chancellor, to fill up any Vacancy in either or both of such Offices; and the Person to be appointed to either of such Offices of additional Registrar shall be the Senior of the Clerks to the Registrars of the Court for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and each such

additional Registrar in Order of his Appointment shall rank next after the Junior of the Registrars for the Time being appointed under the Act passed in the Session of Parliament held in the Fifth Year of the Reign of Her present Majesty, Chapter Five, and the Act passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, Chapter Eighty-three, or this Act, as the Case may be, and shall personally do and perform all the Duties and have and enjoy all the Rights and Privileges belonging to the Office of Registrar, and shall be subject to the several Provisions and Penalties contained in the Act of the Fifth Year of Her Majesty, Chapter Five, relating to the Registrars of the Court, and be entitled to the like Superannuation Allowance upon the like Conditions as if he had been appointed Registrar by virtue of the same Act: Provided always, that the Acceptance of the Office of additional Registrar by the Senior Clerk for the Time being shall be without Prejudice to all his Rights of Succession to the Office of Registrar under the Two Acts last mentioned.

As to the Payment of the Salary of such additional Registrar.

9. Out of the Fund standing in the Name of the Accountant General of the Court of Chancery to the Account entitled "The Suitors Fee Fund Account," or the other Funds charged with and made liable for the Payment of the Salaries of the present Registrars, there shall be paid to each additional Registrar appointed under the last preceding Section, from the Date of his Appointment, the Salary or net yearly Sum of One thousand two hundred and fifty Pounds, and also, so long as he shall be liable for the Expenses of writing and copying the Decrees and Orders and the Minutes of the Decrees and Orders of the Court, the yearly Sum of One hundred Pounds, on the Days and in the Manner provided by the Act of the Fifth Year of Her Majesty, Chapter Five, as varied by the Act of the Session held in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-seven, with respect to the Payment of the Salaries of the present Registrars.

Power to the Lord Chancellor to alter Salaries and Style of Officers.

10. It shall be lawful for the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, as to all the Officers of the Court of Chancery or of any Judge thereof, save as next herein-after mentioned, and for the Master of the Rolls, with the like Consent, as to all the Officers of the Court whose Salaries are or may be fixed by him under any Act of Parliament, from Time to Time to increase or diminish the Amount, or vary the Mode or Terms of Increase, or Manner of Payment, of the Salary (whether fixed or made payable by Act of Parliament or not) of any Officer of the Court of Chancery, or of any Officer of any of the Judges

Judges of the said Court, and also, with the Consent of the Judges of the said Court, to vary the Style and Designation of the Officers of the said Judges now termed "Ushers:" Provided nevertheless, that the Salary, whether immediate or in prospect, to which any Officer may at the Time of the passing of this Act or at any Time afterwards be or become entitled in right of his Office, shall not, after his Appointment to fill such Office, be diminished without his Consent in Writing, nor if the Office be One the Appointment to which is vested in any Judge of the said Court other than the Lord Chancellor without the Consent of such Judge: Provided also, that the Salary of any Person who may be hereafter appointed Accountant General of the said Court shall not exceed Two thousand Pounds *per Annum*.

Cheques drawn by the Accountant General to be countersigned by One of his Clerks instead of by the Registrars.

11. And whereas all Notes or Cheques for Payment of Money drawn by the Accountant General of the Court of Chancery upon the Bank of *England* have been heretofore countersigned by the Registrars of the Court or by the Master of Reports and Entries, pursuant to the Act passed in the Session of Parliament held in the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the Act passed in the Session held in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, Chapter Eighty-seven: And whereas it is considered that such countersigning may with Safety be discontinued, and Provision in lieu thereof made as herein-after mentioned: Be it therefore enacted as follows: From and after the First Day of *October* One thousand eight hundred and sixty-seven, the Countersignature by the Registrar of the Court of Chancery and by the Master of Reports and Entries of Notes or Cheques for Payment of Money drawn by the Accountant General of the Court on the Bank of *England* shall be discontinued; and from and after the same Date every Note or Cheque for the Payment of Money which shall be signed by the Accountant General of the Court, and countersigned by any One of the Clerks of the Accountant General who shall from Time to Time be intrusted by him with the Duty of delivering Notes or Cheques to the Parties entitled thereto (the Names and Signatures of the Clerks so intrusted to be from Time to Time made known to the Bank of *England* by the Accountant General), shall be sufficient Authority to the Bank of *England* to pay the Money mentioned in any such Note or Cheque to the Person or Persons named therein, or to such Person as he, she, or they by Endorsement shall order to receive the same: Provided always, that a Countersignature shall not be necessary to any Note or Cheque for Payment of Money to the Chancery Broker as the Consideration for

for the Purchase of any Stocks or Securities, but the Signature thereto of the Accountant General alone shall be sufficient Authority to the Bank of *England* to pay the Money mentioned therein.

24 & 25 Vict. c. 98. as to Forgery of Accountant General's Cheque to apply to this Act.

12. The Provisions contained in the Act passed in the Session held in the Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty, Chapter Ninety-eight, for the Consolidation of the Law as to Forgery, which have Reference to the forging or altering of any Instrument made or purporting to be made by the Accountant General of the Court of Chancery, shall apply to all Notes or Cheques countersigned or purporting to be countersigned as provided by the last preceding Section, and to the Forgery or Alteration of any Countersignature thereto.

Jurisdiction in Lunacy to be exercised by the Lords Justices sitting separately.

13. All the Jurisdiction, Powers, Authorities, and Duties of the Lords Justices of the Court of Appeal in Chancery under the Lunacy Regulation Act, 1853, or under any other Act, as being intrusted by virtue of the Queen's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, may be exercised and performed not only by both of the Lords Justices jointly acting or sitting together, but also by either of them alone acting or sitting separately.

Meaning of Expression "Lord Chancellor."

14. In the Construction of this Act the Expression "Lord Chancellor" shall mean and include the Lord High Chancellor of *Great Britain* and the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the Time being.

Short Title.

15. This Act may be cited as "The Court of Chancery (Officers) Act, 1867."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.