'Protestants did or should hold, claim, enjoy, or possess any 'Advowson or Advowsons of Churches, or Right of Patronage 'or Presentation to any Ecclesiastical Benefice or Benefices, in 'Trust or for the Use and Benefit of any Papist or Papists 'whatsoever, that every such Advowson, and Right of Patronage 'or Presentation, should be thereby *ipso facto* vested in Her 'Majesty, Her Heirs and Successors, according to such Estate 'as such Papist had in the same, until such Time as such 'Papist, or the Heir or Heirs of such Papist, should take a 'certain Oath and subscribe a certain Declaration and Abju-'ration prescribed by and set forth in the said Act, and should 'conform to the Church of *Ireland* as by Law established;' be it enacted, That no Possession under any Presentation by the Crown, or Collation by the Ordinary, which may have taken place by reason of the said Act of the Eighteenth Year of the Reign of His Majesty King *Charles* the Second, or of the said Act of the Second Year of the Reign of Her Majesty Queen *Anne*, during the Nonconformity of any such Patron professing the Roman Catholic Religion, shall be deemed an adverse Possession within the Meaning of this Act against the Right of any such Patron or his Heirs, or any Person claiming by, through, or under him or them; provided that in all Cases in which any Patron shall have conformed to the said United Church within Sixty Years before the passing of this Act, or shall hereafter conform thereto, such Patron, or any Person claiming by, through, or under him, shall not be barred from bringing any such Quare impedit, or other Action or Suit, for the Purpose in the said first herein-recited Act mentioned, before the Expiration of Sixty Years, to commence and be computed from the Day on which such Patron shall have so conformed as aforesaid.

Act not to apply to Suits commenced before 1st January 1845.

V. Provided always, and be it enacted, That this Act shall not be prejudicial or available to or for any Plaintiff or Defendant in any Action or Suit already commenced, or on or before the said First Day of *January* One thousand eight hundred and forty-five to be commenced, relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland*.

CAP. LV.

An Act for the Amendment of the Proceedings and Practice of the Equity Side of the Court of Exchequer in *Ireland*. [17th *August* 1843.]

'WHEREAS it is expedient that the Laws relating to 'Proceedings on the Equity Side of the Court of Exche-'quer in *Ireland* should be amended, and that the Costs and 'Expences of such Proceedings should be diminished:' 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,

If a Defendant has been served with Process, and neglects to appear after Eight Days, an Appearance may be entered, and Proceedings had.

and by the Authority of the same, That where any Defendant to any Suit instituted in the said Court shall be duly served in *Ireland* with Process of Subpœna to appear and answer in such Suit, and shall refuse or neglect to appear thereto, an Appearance shall and may, after the Expiration of Eight Days, exclusive of *Sundays* and Holidays, from the due Service of such Subpœna, be entered for such Defendant at the Instance of the Plaintiff, in such Manner and Form as the Court by any general Order or Orders to be made in pursuance of this Act shall direct, and that thereupon such further Proceedings may be had in the Cause as if the Defendant had actually appeared.

Decrees and Orders of the Court.

II. And be it enacted, That any Person shall be at liberty to take an Office Copy of so much only of any Pleading, Decree, Order, Report, Exceptions, or other Paper or Document being in any Office of the said Court as he may require, and that, unless the Court shall otherwise specially direct, no Recitals shall be introduced in any Decree or Order of the said Court, but the Pleadings, Petition, Notice, Report, Evidences, Affidavits, Exhibits, or other Matters or Documents on which such Decrees or Orders shall be founded, shall merely be referred to; and it shall be lawful for the Court to make and issue such Rules and Regulations as to the Form of such Decrees and Orders as it may deem necessary or proper for the proper drawing up of such Decrees and Orders, and carrying into effect the Provisions of this Act in regard thereto.

Sales or Mortgages under Decrees or Orders of the Court.

III. And be it enacted, That where any Decree or Order of the said Court shall direct any Sale, Mortgage, or other Dispositions of Lands or any other Property whatsoever to be had before any Officer of the said Court, it shall and may be lawful for such Officer to proceed and sell and such Officer is hereby required to proceed and sell, in pursuance of such Decree or Order, the Subject Matter thereby directed to be sold, upon Production of the attested Copy of such Decree or Order signed by the Register, and without in any way requiring an Enrolment of such Decree or Order to be produced to warrant the Sale, Mortgage, or other Disposition by the Decree or Order directed.

Service of an attested Copy of a Decree to be sufficient to warrant Attachment.

IV. And be it enacted, That in all Cases the Service of an attested Copy of any Decree or Order of the said Court shall be a sufficient Service thereof to warrant an Attachment and all subsequent Proceedings for not complying with such Decree or Order; and that it shall and may be lawful for the Court to proceed by Attachment or otherwise, as it shall deem proper, upon the Service of such attested Copy, without requiring an Enrolment of such Decree or Order to be served as a Warrant for any Attachment or subsequent Proceeding for not complying with such Decree or Order.

If any Person neglects to execute any Deed or Transfer the Court may order the Chief or

V. And be it enacted, That when any Person who has been or shall be directed by any Decree or Order of the said Court to execute any Deed or other Instrument, or make a Surrender or Transfer, if it shall appear upon Affidavit or Affidavits, to be made to the Satisfaction of the Court, that such

such Person refuses, declines, or neglects to execute the same, it shall and may be lawful for the Court, after the Expiration of Ten Days from the Service of the Decree or Order personally and Tender of such Deed or Instrument for Execution, to make an Order, upon Motion in open Court, that the Chief or Second Remembrancer of the said Court shall execute such Deed or other Instrument, or make such Surrender or Transfer, in the Name of such Person, and do all Acts necessary to give Validity and Operation to such Deed or other Instrument; and the Execution of the said Deed or other Instrument, or the Surrender or Transfer, or other Act made or done by such Officer in pursuance of such Order shall in all respects have the same Force and Validity as if the same had been made, done, or executed by the Party himself: Provided always, that it shall and may be lawful for the said Court, if they shall so think fit, to make any Rule or Order for the Substitution of the said Service of such Decree or Order.

Second Remembrancer to execute the same.

VI. And be it enacted, That henceforth all Depositions of Witnesses examined in the said Court shall be taken in the First Person, and in no other Form; and that it shall and may be lawful for the Court to make and issue such general Orders as it shall think fit for abolishing or altering any Writ or Writs of Process, or any Pleading or Course of Proceeding, in Suits now pending or hereafter to be commenced in the said Court; and to make and issue such general Orders as it shall think fit for carrying the Provisions of this Act into execution, and also such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as it shall think fit and proper for simplifying, establishing, and settling the Course of Practice of the said Court and of its several Offices; and by any general Order or Orders to be made and issued from Time to Time to annul, alter, or vary any general Order or Orders which may have been so as aforesaid made and issued, and to make any new general Order or Orders for the Purposes herein-before mentioned, or any of them.

Depositions.

General Orders.

General Orders may be varied.

VII. And be it enacted, That the several Offices of the said Court shall be and continue open for the Despatch of Business upon such Days of the Year and during such Hours in the Day, and that the Officers and Clerks belonging thereto respectively shall attend in such Offices in the Discharge of their several Duties during such Times and for such Number of Hours in each Day, as the Court shall by any general Order or Orders to be issued from Time to Time direct; and that the Officers and Clerks in the said respective Offices shall give their personal Attendance in their respective Offices in the Discharge of their official Duties during the Times they shall so as aforesaid be directed to attend, unless otherwise engaged in the Business of their respective Offices, or unless prevented by Sickness or other unavoidable Cause: Provided always, that where any Office can be legally executed by Deputy, nothing herein contained, or in any Order to be made in pursuance thereof, shall be construed to confer on the Court any Power

Hours of Business in the several Offices.

not possessed before to compel the Principal to attend in Person.

Duties of Assistant Register, &c.

VIII. And be it enacted, That from and after the Commencement of this Act it shall and may be lawful to and for the Assistant Register of the said Court, and the Chief Clerk and Examiner to the Chief Remembrancer of the said Court, and the said Officers are hereby fully authorized, empowered, and directed, to take Affidavits or Affirmations, Answers, Examinations, or other Matters whatever to be put in on Oath in the Equity Side of the said Court of Exchequer and relating to the Business thereof, and to administer the necessary Oaths and Affirmations for that Purpose; and all such Answers, Oaths, Affidavits, or Affirmations shall be of the same Force, Validity, and Effect, and shall and may be filed, used, and acted upon respectively, as fully and effectually to all Intents and Purposes whatsoever, as if the same had been sworn or affirmed before the said Court or all or any of the Barons thereof.

Part of the Suitors Fund to be set apart as a Compensation Fund. 24 G. 3. (I.)

IX. 'And whereas by an Act passed in the Parliament of 'Ireland in the Twenty-third and Twenty-fourth Years of the 'Reign of His late Majesty King *George* the Third, intituled '*An Act for the better securing the Monies and Effects of the* 'Suitors of the Court of Chancery and the Court of Exchequer, by 'depositing the same in the National Bank; and to prevent the 'forging and counterfeiting any Draft, Order, or other Voucher 'for the Payment or Delivery of such Money or Effects, or other 'Purposes, it was enacted, that all the Monies and Cash that 'shall be paid into and deposited in the said Bank on account 'of the Suitors of the said Court of Exchequer or by Order of 'the said Court shall be issued and payable as the Court shall 'direct: And whereas it hath been found that there always 'hath been a very large Sum of Money belonging to the 'Suitors of the said Court of Exchequer lying in the said 'Bank unproductive to the Suitors of the said Court: And 'whereas it is expedient that a Part of the said Money belonging to the Suitors of the said Court should be rendered 'productive for the Purposes herein-after mentioned;' be it therefore enacted, That out of the Cash belonging to the Suitors of the said Court which now lies or hereafter may be in the Bank of *Ireland* unproductive to the Suitors a Sum of Thirty thousand Pounds, or such other and further Sum as the Court shall think fit to direct with the Sanction of the Commissioners of Her Majesty's Treasury, shall and may at any Time or Times after the passing of this Act, by any Order or Orders of the said Court, be invested, in One entire Sum or in Parcels, in such Government or Parliamentary Securities as in and by such Order or Orders shall be directed, and be placed to an Account to be intituled "An Account of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," to the Intent that the Interest and annual Profits arising from the Money so to be placed out as aforesaid may be applied for the Purposes herein-after mentioned;

tioned; and it shall be lawful for the said Court from Time to Time, by any Order or Orders to be made for the Purpose, to change the Security or Securities on which the said Money shall be invested.

Produce of the Fund to be placed to the Account of the Accountant General in the Bank of Ireland.

X. And be it enacted, That the Interest and annual Produce arising from the Securities in which the said Sum shall be invested shall from Time to Time be received by the Governor and Company of the Bank of *Ireland*, and placed to the Credit of the Accountant General of the said Court, in an Account to be opened and called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," the same to be issued and applied pursuant to the Directions of this Act.

Court may direct the same to be called in.

XI. And be it enacted, That if at any Time the Whole or any Part of the said Sum so to be invested shall be wanted to answer any of the Demands of the Suitors of the said Court, then and in such Case the Court may and shall direct the same or any Part thereof to be called in, or the Securities on which the same shall be placed to be disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors; but it shall be lawful for the Court at any future Period to replace the Sum so called in, if enabled so to do by any new Investment or Investments of the like Nature, out of the said common and general Cash, and so from Time to Time as Occasion may require.

Surplus of Interest to be invested in Government Securities.

XII. And be it enacted, That the surplus Interest and Produce of the Monies carried to the said Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," beyond what shall be sufficient to answer the Purposes of Compensation under this Act, and also the Interest produced from the Securities purchased with such surplus Interest and Produce, shall from Time to Time, by like Order or Orders of the said Court, be invested in the Purchase of Government or Parliamentary Securities, and carried to the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," the same to constitute Part of the said Fund, to be issued and applied pursuant to and according to the Directions of this Act.

Officers to make Returns of the Profits of their Office for Seven Years.

XIII. 'And whereas by and under the Provisions contained 'in this Act and the Orders to be made in pursuance thereof, 'the Emoluments of the present Register, Assistant Register, 'and other Officers of the said Court, which arise altogether 'from the Fees enacted and established by an Act of the 'Fourth Year of the Reign of His late Majesty King *George* the 'Fourth, intituled *An Act for the better Administration of* 4 G. 4. c. 70. '*Justice in the Equity Side of the Court of Exchequer in* Ireland, 'may be considerably diminished, and it is just and reasonable 'that adequate Compensation should be made in such Case 'to the said present Register, Assistant Register, and other

'Officers who hold their respective Offices under the said Act, 'or under Letters Patent pursuant thereto;' be it therefore enacted, That every such Officer of the said Court who shall claim to be entitled to Compensation under this Act shall, within Six Calendar Months next after the Commencement of this Act, make or cause to be made out and rendered to the said Court, and also to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, an Account in Writing of the gross and net Emoluments and also of the Disbursements of his Office in each of the Seven Years next preceding the First Day of *November* One thousand eight hundred and forty-two, and shall also set forth a Particular of the several and respective Acts, Matters, and Things in respect of which any Fee or Emolument shall have been received, charged, or claimed, or, if the Court shall deem it more fitting and reasonable, and shall require him to do so, an Account of the gross and net Amount of any particular Fee or Fees of his Office which may be affected by the Provisions of this Act or by such Orders, and of the Disbursements of his Office in respect thereto, and for which Compensation may be claimed by him, the said Accounts to be verified on Oath, to be sworn in open Court; and the said Court shall thereupon ascertain, by all proper Ways and Means, the gross and net annual Value, according to a fair Average of the said Seven Years, of the said lawful Fees and Emoluments, and also the Disbursements of such Officer as aforesaid.

Officers may make an annual Return to the Court of the Profits of their Office.

XIV. And be it enacted, That it shall be lawful for every Officer claiming Compensation as herein-before mentioned, on the First Day of *Michaelmas* Term One thousand eight hundred and forty-four, and on every succeeding First Day of *Michaelmas* Term, and for One Month thereafter, in each Year respectively, so long as the said Officer shall hold his Office, to make or cause to be made out, and render to the said Court and to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, an Account in Writing for the Year preceding the said First Day of *Michaelmas* Term, to be verified in like Manner, of the gross and net Emoluments of the said Office, and of the Disbursements thereof, or of the gross and net Amount of the said particular Fee or Fees as he shall have been ordered by the Court to account for, for the Seven Years preceding the First Day of *November* One thousand eight hundred and forty-two as herein-before provided, in such Form and with such Particulars of Receipt and otherwise, as the Court shall require, and the several and respective Acts, Matters, and Things in respect of which the same shall have been received or claimed, and a Particular of all Allowances and Disbursements made thereof and Charges affecting the same in and for the Year next preceding the First Day of *Michaelmas* Term in each succeeding Year, as herein-before required; and the Court as aforesaid shall ascertain, as it shall think proper, the gross and net Income of such Office, and also

also the Disbursements thereof, or of such particular Fee or Fees as aforesaid, for and during the Year for which such Account shall be rendered, and the Amount of Compensation to which it shall find such Officer entitled in respect thereof for and during the said Year, and shall declare and certify to the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury the Deficiency, if any, of such net Income, after giving Credit for all the said Allowances, Disbursements, and Charges as aforesaid, from the Average of the Seven Years preceding the First Day of *November* One thousand eight hundred and forty-two so found as aforesaid; and thereupon the Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall, by his or their Warrant or Warrants, order and direct such Amount to be paid to the Officer of the said Court so entitled thereto, and the same shall be paid and payable to the Officer or Officers named in such Warrant or Warrants out of the said Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," as far as the same will extend; and in case the said Suitors Fund shall be inadequate to the Payment of the whole Amount of Compensation to be given under this Act, the Amount of the Compensation beyond what can be satisfied out of the said Suitors Fund shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Officer or Officers named in the Warrant or Warrants of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury as aforesaid, by way of Advance in aid of the said Suitors Fund, to be repaid as herein-after mentioned: Provided always, that an Account or Accounts 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 following.

In case of Deficiency, the Court may certify it to the Treasury.

If Fund not sufficient, the Remainder to be paid out of the Consolidated Fund.

XV. Provided always, and be it enacted, That the several Sums of Money which may from Time to Time be paid and advanced out of the Consolidated Fund of the said United Kingdom, by way of Compensation under the Authority of this Act, shall become and remain a Charge in favour of the Crown against the said Account, called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*," and the same shall be repaid to the proper Officers of Her Majesty's Exchequer, to be carried to the Credit of the Consolidated Fund, whenever and so soon as the said Suitors Fund shall be relieved from the Payment of the Compensation Allowances awarded under this Act, or any Part thereof; and all such Repayments to the Credit of the said Consolidated Fund shall be made at such Times and in such Manner as the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall think proper to order and direct.

For repaying Advances out of Consolidated Fund.

Officers swearing falsely to be guilty of Perjury.

XVI. And be it enacted, That every Officer and other Person who shall swear falsely to any Matters respecting which an Oath, either personally or in Writing, is hereby required or authorized to be made, and shall be convicted of so doing wilfully and corruptly, shall be deemed guilty of wilful and corrupt Perjury, and shall suffer the Pain and Penalty of that Offence.

If Officer dies or resigns during the Year, his Executors to make Returns.

XVII. And be it enacted, That in case any Officer of the said Court entitled to Compensation under this Act shall die or resign or be dismissed from his Office or Employment before the Termination of any Year, the Executors or Administrators of the Person so dying, or the Person himself so resigning or dismissed, shall render such Account as aforesaid for such Part of the Year during which the Person so dying or resigning or dismissed shall have held such Office or Employment, and shall be entitled to claim and receive such Sum, proportioned to that Part of the Year during which such Person shall have held his said Office, as the said Court shall deem just and proper.

Court may refer Accounts of Officers to Chief Remembrancer.

XVIII. And be it enacted, That it shall be lawful to and for the said Court, if it shall see fit, to refer any Account rendered by any Officer seeking Compensation under this Act to the Chief Remembrancer of the said Court, to examine into and report on the same, and to ascertain any Average or other Sum which may be ascertained or certified under this Act; and such Chief Remembrancer shall accordingly examine and inquire into the Amount so referred to him, and the Truth and Accuracy thereof, and perform in respect thereto all other Duties directed by the Court; and he shall have on every such Reference all Powers of examining Witnesses on Oath or otherwise as he possesses on any other Reference or Inquiry which by Law or by the Practice of the said Court it is competent to him to enter into.

Act not to prevent Dismissal of Officers.

XIX. And be it enacted, That nothing herein contained shall be construed to prevent any Person now holding any Office or Employment or that shall hereafter hold any Office or Employment in the said Court from being dismissed therefrom as if this Act had not been made, or to give him any greater or other Interest in such Office or Employment than he might have lawfully claimed or exercised if this Act had not been passed.

Officers hereafter appointed not to be entitled to Compensation.

XX. And be it enacted, That no Person who after the passing of this Act shall be appointed to any Office or Employment in or belonging to the said Court shall be deemed entitled to prefer any Claims for or to obtain any Compensation in respect of any Alteration of any Kind whatsoever which shall be made by lawful Authority in the Constitution, Process, Practice, Pleadings, or other Proceedings, or in the Constitution, Duties, or Emoluments of any of the Offices or Employments in the said Court.

Certain Acts exempted from

XXI. Provided always, and be it enacted, That nothing in this Act contained shall annul or vary the Provisions of an Act

of the Seventh Year of King *George* the Second relating to *Ireland*, intituled *An Act for the Relief of Mortgagees, and for making the Process in Courts of Equity more effectual against Mortgagers who abscond and cannot be served therewith, and against Persons who, being served, refuse to appear; and also for better regulating the Payment of the Fees of Attorneys and Solicitors;* or of an Act of the Twenty-eighth Year of the Reign of King *George* the Third relating to *Ireland*, intituled *An Act for the better securing of Purchasers of Lands under Decrees in Courts of Equity;* or of an Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in* England *and* Ireland *respectively;* or of an Act of the Fourth and Fifth Years of His said late Majesty, intituled *An Act to amend and extend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in* England *and* Ireland; or of an Act of the First Year of the Reign of His said late Majesty, intituled *An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain Cases;* or of another Act of the First Year of the Reign of His said late Majesty, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind;* or of an Act of the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills* pro confesso, *in* Ireland; or of another Act of the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to extend to* Ireland *certain Provisions of an Act made and passed in the First Year of His present Majesty's Reign, intituled 'An Act for 'consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Lunatics, and Persons of unsound 'Mind,'* or any of them, except so far as they are inconsistent with any of the Provisions of this Act.

Operation of this Act.
7 G. 2. (I.)
28 G. 3. (I.)
2 & 3 W. 4. c. 33.
4 & 5 W. 4. c. 82.
11 G. 4. & 1 W. 4. c. 60.
11 G. 4. & 1 W. 4. c. 65.
5 & 6 W. 4. c. 16.
5 & 6 W. 4. c. 17.

XXII. And be it enacted, That this Act and the several Provisions therein contained, except where otherwise specially directed, shall commence and take effect from the First Day of *Michaelmas* Term One thousand eight hundred and forty-three.

Commencement of Act.

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

Act may be amended, &c.