ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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C A P. CV.

An Act for amending certain Acts of the Fourth and Fifth Years of the Reign of Her Majesty, for facilitating the Administration of Justice in the Court of Chancery; and for providing for the Discharge of the Duties of the Subpœna Office after the Death, Resignation, or Removal of the present Patentee of that Office.

[4th *August* 1845.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for facilitating the Administration of Justice in the Court of Chancery*, whereby Power was given to the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, or One of them, to make, from Time to Time, and at any Time within Five Years from the passing of the said Act, any Rules, Orders, and Regulations for the Purposes in the said Act mentioned; and it was thereby enacted, that all such Rules, Orders, and Regulations should be laid before both Houses of Parliament, if Parliament should be then sitting, immediately upon the making or issuing of the same, or if Parliament should not then be sitting, then within Five Days after the next Meeting thereof: And whereas another Act was passed in the Fifth Year of the Reign of Her present Majesty, whereby it was enacted, that every such

3 & 4 Vict. c. 94.

4 & 5 Vict. c. 52.

15 B   Rule,

Rule, Order, or Regulation made in pursuance of the said recited Act should, from and after the Time in that Behalf to be appointed by the Lord Chancellor, with such Advice and Consent as aforesaid, and if no Time should be so appointed, then from and after the making thereof, be binding and obligatory on the said Court, and be of like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament; and it was thereby provided, that if either of the Houses of Parliament should, by any Resolution passed at any Time before such House of Parliament should have actually sat Thirty-six Days after such Rules, Orders, and Regulations should have been laid before such House of Parliament, resolve that the whole or any Part of such Rules, Orders, or Regulations ought not to continue in force, in such Case the whole, or such Part thereof as should be so included in such Resolution, should from and after such Resolution cease to be binding and obligatory on the said Court; and it was thereby also provided, that no such Rule, Order, or Regulation as aforesaid should by virtue of the said Act be of the like Force and Effect as if the Provisions therein contained had been expressly made by Parliament, unless the same should be expressed to be made in pursuance of the said Act and of the now-reciting Act; and that every such Rule, Order, or Regulation so expressed to be made in pursuance of the said Act and of the now-reciting Act, which should not be laid before both Houses of Parliament within the Time by the said recited Act limited for that Purpose, should from and after the Expiration of such Time be absolutely void and of no Effect: And whereas an Act was passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to make further Provision for the Administration of Justice*, under the Authority of which Two additional Vice Chancellors have been appointed; and it was thereby enacted, that from and after the Appointment of the Vice Chancellors, under the said now-reciting Act, it should be lawful for the Lord Chancellor, with the Advice or Consent of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, and he was thereby authorized and empowered, to do all such Acts, and to make and issue all such Rules and Orders, as by any Act or Acts of Parliament then in force the Lord Chancellor, with the Advice or Consent of the Master of the Rolls and the Vice Chancellor for the Time being, or One of them, was empowered to do, make, or issue: And whereas Rules, Orders, or Regulations have from Time to Time been made in pursuance of the said Two first-recited Acts, but it is expedient to extend the Time limited by the said first-recited Act for the making thereof in manner herein-after mentioned: 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 Term of Five Years, which under and by virtue of the said first-recited Act now stands limited as the Time within which any Rules, Orders, or Regulations thereby or by the said Two other Acts authorized and required to be made must be so made, shall be and the same is hereby extended to Ten Years from the passing of the said first-recited Act, as if such Term of Ten Years had been originally contained in that Act.

5 Vict. c. 5.

The Term of Five Years, within which certain Rules, Orders, and Regulations were directed by the first-recited Act to be made, extended to Ten Years.

II. And

All Rules, &c. so made to be deemed general Rules, &c.

II. And be it enacted, That all Rules, Orders, and Regulations made and to be hereafter made under the Provisions of the said recited Acts and this Act, or any of them, shall for all Purposes be deemed and taken to be general Rules and Orders of the High Court of Chancery.

3 & 4 W. 4. c. 94.

III. And whereas by another Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in* England, it was enacted, that from and after the Death, Resignation, or Removal from his Office of the present Patentee of the Subpœna Office all the Duties of such Office should be performed by the Clerk of the Affidavits, who should thereupon receive and account for, in manner therein-after mentioned, all the Fees then receivable by the said Patentee: And whereas since the passing of the last-mentioned Act Four Clerks of Records and Writs have been appointed, by whom the Business of issuing Writs on the Equity Side of the Court of Chancery, other than such Writs as are issuable by the Patentee of the Subpœna Office, is now discharged: And whereas it is expedient that the Duties of the Patentee of the Subpœna Office should be performed and the Fees payable to him should be received by the said Clerks of Records and Writs; be it therefore enacted, That so much of the said Act of the Fourth Year of the Reign of His said late Majesty as provides for the Execution of the Duties and the Receipt of the Fees of the Subpœna Office by the Clerk of the Affidavits shall be and the same is hereby repealed; and that after the Death, Resignation, or Removal from his Office of the present Patentee of the Subpœna Office the said Clerks of Records and Writs, or any one of them, shall, in place and instead of the said Clerk of the Affidavits, perform all the Duties of the Subpœna Office, and shall receive all the Fees now receivable by the said Patentee of that Office, and shall pay such Parts thereof as the said Patentee is now by the said last-mentioned Act required to pay to the several Officers named in that Act for that Purpose, and shall pay the Residue of such Fees into the Bank of *England*, to be placed to the Account there standing in the Name of the Accountant General of the High Court of Chancery, intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, shall by any Order direct: Provided always, that it shall be lawful for the Lord Chancellor, with such Advice and Consent as last aforesaid, by any Rule or Order to be made under the Provisions of the said Two first-recited Acts, to fix such earlier Time for transferring the Execution of the Duties of the Subpœna Office to the Clerks of Records and Writs as he shall think fit.

Recited Act in part repealed; and after the Removal of the Patentee of the Subpœna Office Duties of that Office to be discharged and Fees received by Clerks of Records and Writs.

Application of the Fees.

Lord Chancellor may fix an earlier Time for transferring the Duties.

Alteration of Act.

IV. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

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