

THE
TWENTY-FIRST REPORT
OF THE
COMMISSIONERS

Appointed to inquire into the Duties, Salaries, and
Emoluments of the OFFICERS, CLERKS and MINISTERS
of JUSTICE, in all Temporal and Ecclesiastical Courts
in *Ireland*.

METROPOLITICAL AND CONSISTORIAL COURTS:

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METROPOLITICAL AND CONSISTORIAL COURTS.

TO THE KING'S MOST EXCELLENT MAJESTY,
IN HIS HIGH COURT OF CHANCERY.

WE, Your MAJESTY'S Commissioners, whose hands and seals are hereunto set, having in our 19th Report completed our statements relative to the Judicial and Official Establishments of the Courts of Prerogative and Faculties, proceeded to an examination into the remaining Courts of Ecclesiastical Jurisdiction throughout Ireland, (with the exception of the Court of Delegates, which appeared to claim a distinct inquiry). The results of this examination We now beg leave humbly to submit to Your Majesty, in the following Report.

The Courts thus brought under investigation consist of the respective Courts of the Archbishops of Armagh, Dublin, Cashel and Tuam, and of the Suffragan Bishops of each province.

These Courts do not derive their authority, like the Court of Prerogative, from the Statute Law, but have been held from time immemorial for the trial of Ecclesiastical causes within their respective Dioceses. The Court of the Bishop is a Court of original jurisdiction; that of the Archbishop both original and appellant; original as to causes arising in his own Diocese, and appellant as to orders and sentences pronounced in the Courts of his respective Suffragans, and which afterwards become the subject of appeal.

The jurisdiction of these Courts, like that of the Court of Prerogative, is both voluntary and contentious, but differs from it materially as to its objects; the Spiritual Courts taking cognizance of a great variety of subjects, in addition to those of Probates and Administrations, to which, and suits connected with them, the Court of Prerogative is strictly confined.

The subjects of the voluntary jurisdiction of these Courts are multifarious; they embrace (in addition to Grants of Probates and Administrations, where no opposition is interposed) Sequestrations of Livings, Institutions, Collations, Licenses for Marriage, for Curates, Schoolmasters, with several others. The subjects of their contentious jurisdiction are either Causes Testamentary, wherein the right to grants of probate or administration is contested; or Pecuniary, as suits for the recovery of tithes, mortuaries, and the like; or Matrimonial, as for jactitation of marriage, for restitution of conjugal rights, nullity of marriage, alimony, &c. The subjects of these jurisdictions, which partake of a criminal character, and are termed causes of correction, are likewise numerous; they may be distinguished into such as affect the clergy only, as suits for simony, immorality, non-residence,

Appendix,
N^o 3, Q. 15 to 20.

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Suits in these Courts are termed plenary; the proceedings being more formal and lengthened in their process than those which take place in the Court of Prerogative, where suits are termed summary.

The process in a plenary cause, previous to the statute 54 Geo. 3, c. 68, was attended with much delay and expense. That statute, however, has removed those evils in many cases; and the process would admit of still further improvement, by placing it on the same footing with that of the Prerogative Court. A further advantage might be gained in the practice of these Courts, by dispensing with several rules which belong to plenary suits exclusively, and which render the proceedings more tedious and consequently more expensive, without being more efficacious. On this subject, having already expressed an opinion in our Report on the Prerogative Court, we shall now only refer to what we have there submitted.

19th Report, p. 34.
(printed copy.)

Summarissimè causes are entertained in these Courts; they are the offspring of the statute law, and have been extended in these jurisdictions still further than in the Court of Prerogative, where they are confined to a single subject. Here they embrace, not only what in that Court are termed administration suits, but also tithe causes, and causes of defamation. It were desirable that the Legislature should still further extend this mode of proceeding, as it dispenses in a great measure with the more tedious and expensive procedure by examination *in scriptis*, which may be reckoned amongst the most objectionable attendants on a suit, conducted according to the principles of the Canon Law.

Appendix,
Nos 1 & 2.
N° 3, Q. 2 to 13.

The Judge of an Ecclesiastical Court is appointed by the ordinary: the commission under which he is appointed contains a grant of the several offices of Official Principal, Vicar-general, Commissary-general and Chancellor. By means of general and special words it confers upon him the entire of the civil, or temporal, as well as correctional and ecclesiastical jurisdiction, which the Bishop himself possesses as Ordinary; with the exception of such matters as, by a special clause of reservation, are still intended to be exercised solely by the Ordinary himself; such as the admission, institution and collation to benefices, and the correction of all clerks within his diocese.

Notwithstanding the grant, however, the Ordinary still retains a concurrent jurisdiction in all matters of a spiritual nature, in which he may, at his discretion, interpose his authority; but with regard to the jurisdiction, in matters of a civil or temporal nature between party and party, an Official is empowered, *virtute officii*, to exercise his judicial functions to the exclusion of the Ordinary, who, as to these matters, can in nowise interfere. With regard to the respective functions of a Vicar-general and of an Official, the writers on Ecclesiastical Law are much divided in opinion; but as these offices are, in Ireland, united in the same individual, and as the several acts which he performs in the exercise of them, may be referred to the authority he derives under one or other of them, it is not necessary to define the precise boundaries of each, as it might be were they conferred on distinct individuals.

N° 3, Q. 5 to 15.

The tenure *most usually* granted by a Bishop, in these offices, is for the life of the grantee; but such a grant is not binding on the successor, unless confirmed by the Dean and Chapter.

The power of appointing a Surrogate is inherent in the Judges, in right of the several offices of Official, Vicar-general and Chancellor, each of them conferring an *ordinary* and not a *delegated* authority.

The other officers of these Courts are the Registrar, Seal-keeper, and Apparitor.

A. D. 1634.

The subject of Fees payable on the several proceedings in the Ecclesiastical Jurisdictions throughout Ireland, appears to have engaged the attention of the Houses of Convocation at an early period. By the 82d canon, "all Bishops, and others exercising Ecclesiastical Jurisdiction, and all Registrars of Ecclesiastical Courts, and all Ministers and other officers," are prohibited (for any cause incident to their several offices) "to take or receive any other or greater fees than such as are established by lawful authority in Ireland." And by the 83d canon, Registrars belonging to any Ecclesiastical Judge, are required to place "two Tables, containing the several rates and sums of all the fees, in the usual place or Consistory, where the Court is kept, and the other in the Registry; and both

“ both of them in such sort as every man may without difficulty come to the view thereof, and take a copy of them; and if any Registrar shall fail to place the said tables according to the tenor thereof, within the space of a month *after the same shall have been delivered to him by the Bishop of the diocese*, he shall be suspended from the execution of the office until the same shall have been accordingly done.”

Metropolitan and
Consistorial Courts.

By the 4th Geo. 1, c. 8, it was required that all officers should, within a time therein specified, return lists of fees claimed to be due to them, their deputies and clerks. Lists were accordingly returned in the year 1717, from all the Consistorial Courts, which have been verified by the oaths of the respective Registrars, who state that the fees mentioned in those lists are respectively claimed and received by them. We have obtained copies of these lists, and at the head of several of them there appear the following words: “ A List of Fees presented by the Lord Archbishop of Dublin His Grace, and by the Judges and Officers of his Consistory Court of Dublin, considered of by His Majesty’s Commissioners for reformation of Fees, approved of by the President and the rest of the Lords of the Upper House of Convocation, assembled at Dublin the 3d day of June 1662, and ordered by their Lordships to be attested and sent by Dudly Loftus, Doctor of the Laws, Vicar-general of the See of Armagh, Registrar of the said House of Convocation, unto all and every of the Archbishops of Ireland, whereby they and their respective Officers, and all Ecclesiastical Courts in this Kingdom of Ireland, are to be regulated and limited of taking of Fees.”

The uniformity of charge in these lists, and of the arrangement of the services stated in them, together with their severally containing in the heading a reference to a Table of 1662, then stated to exist in their respective Registries, demonstrates the fact, that so early as that year the Fees payable to the Bishops, Judges and Officers of these Courts were received on one uniform scale, and that the Table of 1662 was recognized in the year 1717 as the legal standard throughout the kingdom, having continued to regulate those Fees during a period of 55 years. Many of the fees now claimed, as well in the diocese of Dublin as in other dioceses, appear to have been taken from that Table. It probably continued to be the general standard in all the Courts for many years subsequent to 1717; and in the diocese of Dublin, though there were some deviations from it before 1763, it appears from the books of the office that the greatest number and most material occurred since. It has, however, of late ceased to be referred to as a standard to regulate the official fees: charges higher than those contained in it, and not regulated by any general standard, have been introduced in the different Courts. In the Archdioceses of Dublin and Tuam lists of fees, containing different and higher charges, have been signed by the Archbishops of those sees. These lists are of a modern date, the earliest being signed in 1820; other lists, differing from those and from each other, and also from that of 1662, are stated to have been submitted to and approved of by some of the other Archbishops and Bishops in their respective sees. It appears to us a matter of serious doubt, whether the Bishop or Ecclesiastical Judge can by his sanction give legal validity to new fees, for the remuneration of himself or the Officers of his Court. By the 82d canon, the Bishop, as well as the officer, is expressly prohibited from receiving any fees except such as are established by lawful authority. The 83d canon, though it supposes a list of fees to be delivered by the Bishop of the diocese to the Registrar, in order to be by him placed in the Consistory, yet confers no express authority to regulate their amount, nor can any such be implied from the terms there used; and both canons seem to presume the existence of some general standard, to which the fees are referable. Such a power is not recognized by any legal authority that we are aware of, while there are some which expressly deny it; nor does it appear reconcilable to the general standard, which is proved to have existed from 1662 to 1717. The circumstance of no exercise of such a power appearing to have been made or attempted during that period, in our opinion tends strongly to imply that none such existed; we shall therefore feel ourselves at liberty to canvass the reasonableness of the fees contained in modern lists, and to adopt, reject or qualify them, according to our opinion of their propriety.

Appendix,
N° 6.
N° 13, Q. 12.

Ballard v. Gerard,
1st Salkeld, 333.

Giffard’s case,
Id. Ibid.

The Court of Dublin, from the quantity of the business transacted in it, has been considered the most important; and from the circumstance of the same person having usually presided in it and the Court of Prerogative, its decisions have been

Metropolitan and Consistorial Courts. generally deemed of the highest judicial authority in ecclesiastical causes in Ireland, and have been made precedents for other similar tribunals in the kingdom. We have therefore felt it our duty to give our earliest and most particular attention to the practice of this Court, and the fees and emoluments of its Officers, and shall treat of this subject at large. With respect to the other Consistorial Courts, having already stated that different rates of fees prevail in different dioceses, varying from those in Dublin, and materially differing from each other, we shall not feel it necessary to point out particularly each instance of variance, but shall content ourselves with recommending, generally, that uniformity of practice and charge shall again be established in all those Courts.

JUDGE OF CONSISTORIAL COURT OF DUBLIN.

Appendix, Nos 1 & 2. THE several offices of Vicar-general, Official Principal, Chancellor and Commissary-general of and throughout the province and diocese of Dublin, and diocese of Glandelagh, are at present held by the Right honourable Dr. John Radcliff, under and by virtue of certain written appointments, bearing date the 9th day of May 1816, and the 10th day of May 1817, by which these several offices were granted to him for the term of his natural life. These appointments appear to have been afterwards confirmed by the respective Deans and Chapters of the Cathedrals of St. Patrick and of Christ's Church, by instruments bearing date respectively the 17th day of July and 24th November 1819. Dr. Radcliff performs his judicial duties in person, with the exception of swearing persons seeking licenses for marriage, churchwardens, schoolmasters, parish-clerks, &c. which is occasionally performed by his Surrogate. He states in his evidence that he does not now allow his Surrogate to grant probates and administrations, although he formerly delegated this duty, as appears by his Return. The duties of his office, as set forth in that Return, are as follows; viz. granting probates and administrations, granting licenses for marriages and to curates, parish-clerks and schoolmasters, swearing churchwardens, visiting the clergy, hearing causes in the Consistorial Court respecting the right to probates and administrations, subtraction of tithes, and all causes incident to the jurisdiction of the Ecclesiastical Courts, together with appeals from the Diocesan Courts of the province.

Nº 1. Nº 3, Q. 1, 2, 9. Several duties are occasionally performed by the Judge in virtue of his office, *in consequence of the absence of the Archbishop*, which, if he were present, would be performed by *himself in person*. For instance, the duty of the visitation of the bishops and clergy of the province, and of the clergy of the diocese, together with the institution of clerks presented by patrons other than the Archbishop. Another duty which he occasionally performs, not in virtue of his office, but under a special commission permanently held by the Judge, is the collation of clerks to benefices in the patronage of the Archbishop. This duty he exercises in case of the sickness or absence of the Archbishop, provided he be thereunto specially authorized in each case, by writing, in addition to his commission for that purpose.

Nº 3, Q. 10, 11. The hours of attendance, both of the Judge and Surrogate, are stated in the Judge's Return as follows. The Consistory Court is held on the same days as the Court of Prerogative, and immediately before the holding of that Court; that is to say, about half-past 10 o'clock in the forenoon of court days. The hours of visitation are from 10 o'clock in the forenoon till the business connected with it is completed. Dr. Radcliff appears to have taken, on his appointment, the oath of office mentioned in the canon.

Id. Q. 109. The fees payable to the Judge, on the several services which he performs as Official and Vicar-general, are set forth in Dr. Radcliff's Return. The list of fees returned by the Registrar of Dublin in 1717, pursuant to statute 4 Geo. 1, c. 8, already alluded to, comprises the fees of the Judge, with those of the Archbishop, Registrar, Apparitor and Seal-keeper, as claimed at that period. It is thus indorsed: "A List or Docket of what Fees have been or are now demanded or received by the respective Officers of the Consistory and Metropolitan Court of the Diocese of Dublin, 1717." This Return is signed by John Sale, as Registrar, and by him verified as a true copy of the ancient Table he found in the Registry of the Court; and as containing therein such fees as had been, or were demanded or claimed at that time. The ancient Table there alluded to is that of 1662, mentioned in the preliminary part of this Report. For what length of time

time the List of 1717 continued to be the sole standard of charges in the diocese of Dublin we have not ascertained; no other list, however, was exhibited in the Registry, or existed there within the memory of any person now living, previous to the year 1820, in which year a new list was introduced; this modern list bears date 8th July 1820, and is entitled, "A Table of the Fees payable and to be paid to the Judge, Registrar, &c. &c. of the Consistorial and Metropolitan Court of Dublin, approved of and ordered by his Grace John George, Lord Archbishop of Dublin; to be entered in the Registry Title-book of the year 1820." It received the signature of his Grace, and has since remained in the Registry, without being exposed to the public view; while a list of the same date, containing such of those fees as are payable by the public, and omitting those payable by Proctors, also received the signature of his Grace, and has been publicly exhibited in the Registrar's office: the former comprises the fees not only of the Judge and Registrar, but of the Seal-keeper and Apparitor, and of the Archbishop, on the several services therein set forth, as well those payable by the clergy of the diocese as by the public at large. This list, although with respect to the Judge's fees it does not vary materially from that of 1717, yet appears to us in many respects objectionable: it introduces several new fees, and, in some instances, adopts a different principle and mode of charging by the Registrar, of a vague and uncertain nature. Proctors' charges on probates and administrations (on which the ancient lists were altogether silent) are introduced into it: with respect to these, it refers to and adopts, in general terms and without reference to any of the items, the Table of 1812; on which, in our Report on the Court of Prerogative, we felt it necessary so pointedly to comment. It also, for the first time, introduces and attempts to sanction various new charges under the denomination of Clerks' fees, on the subject of which we have in that Report strongly expressed our opinion, condemnatory of the practice. Various objections to the construction of this Table, and to the rates of charge it in several instances prescribes, will be found in detail in that branch of this Report in which we treat of the Registrar's Office. This Table of 1820 appearing, on different grounds, seriously objectionable, we were desirous to ascertain from what ancient document, on what principle, or under what authority in point of law it was formed; we therefore felt it our duty to examine his Grace the Lord Primate, whose signature as Archbishop of Dublin is affixed to it; also the present Judge, who presided in the court at the time of its formation; and to take the evidence of Mr. Samuels, the present Deputy Registrar, who was clerk to the then Deputy Registrar, Mr. Thomas Clarke, at the same period. His Grace the Lord Primate's recollection is insufficient to afford any information as to the circumstances under which the Table was prepared, or by whom, or with whose assistance, or of the materials from which it was composed, or the principle on which it was established; nor had his Grace any recollection whether, at the time of his signing it, he had bestowed any consideration on the subject of fees, nor under what authority he considered himself acting at the time: but his Grace expressed himself satisfied that he sanctioned the Table under the conviction that the fees were proper and just: From the evidence of Mr. Samuels it appears, that the Table of 1820 was copied by him, when a clerk in the Registrar's office, from a draft in the handwriting of Mr. Clarke, who was Deputy Registrar at that time, and who had been in the office from 1794; but Mr. Samuels was unable to furnish us with any information, as to documental or other evidence, from whence the Table was prepared; and, if by Mr. Clarke, whether he had any assistance in preparing it. Mr. Samuels stated, that previous to 1820 the fees charged in the Registry Office for services, as well for the Archbishop and Judge as for the Registrar, were charged by reference to the books kept by the then Deputy Registrar; it may therefore be reasonably inferred, that the Table was formed by a reference to the charges contained in those books.

Dr. Radcliff states that he was not consulted on the subject of the framing of this List, and did not think he ever saw it until handed to him on his examination before this Board. In making the Return of his fees to this Board, he appears to have been guided by the information he received from Mr. Samuels, the Deputy Registrar, who receives and accounts with him for such fees as he is entitled to. He had given directions, when he was first appointed, that the same fees should be taken for his use as had been received by his predecessor, Dr. Duigenan, and believes no increase took place, either during his or Dr. Duigenan's tenure of the office. He refers to ancient usage as the sanction under

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Nos 6, 9.No 8, Q. 14, 75
to 78.19th Report,
p. 25 to 28.
(printed copy.)Appendix,
No 4 (passim.No 8, Q. 22. 40 to 56,
66 to 78.No. 3, Q. 110 to
126.

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which they are demanded and taken, and does not rely in any respect on the Table of 1820 as the legal foundation of his claim to receive them, nor does he make any reference to it. Under these circumstances, and having no direct evidence in what manner, by whom, or from what materials the List of 1820 was formed, we can only infer that it originated with Mr. Clarke, the late Deputy Registrar; and that his Grace the Archbishop, not having been furnished with the ancient List of Fees, from which the propriety of the new charges could alone be judged, was induced, at the suggestion of Mr. Clarke, to sanction the list presented to him, under a conviction that it contained the established fees of the office, and that they were fair and reasonable. On an attentive consideration of its details, and the several objectionable matters it contains, we do not think that the Table of 1820 should be the standard by which the official fees of the Consistorial Court of Dublin should be in future regulated. We shall, therefore, resort principally to the ancient List of 1717, as the foundation of such tables for the different officers of that Court as we may deem it expedient to recommend; and shall follow that Table in the rates of fees in future to be taken, save where, from the length of time which has elapsed since its establishment, or the changes which have taken place from Acts of the Legislature, or alterations in the practice of the Court, it may appear expedient to depart from it.

The Judge's fees, which are here the immediate subject of consideration, not appearing to have undergone any very material alteration by the Table of 1820 from those in the List of 1717, do not call for any particular comment in this place. We subjoin a Comparative Table of them, as established by the List of 1717, with those at present taken for him, from which it appears that many of the services upon which fees were formerly taken have ceased in practice, or, if performed, are unproductive of emolument, as no claim is now made for fees upon them: many of the fees remain as in the Table of 1717, and some fees are now taken for services not contained in that Table. When these changes took place, or under what authority, does not appear; but they were all prior to the appointment of Dr. Radcliff. The amount of income produced to Dr. Radcliff from the receipt of these fees has been, on an average of the three years ending the 31st December 1824, £.396. 15. 6. per annum, and for the three years ending 31st December 1830, £.445. 3. 5. per annum, late currency.

Appendix,
N° 3, Q. 125, 126.
N° 8, Q. 270.N° 1.
N° 8, Q. 707.

COMPARATIVE TABLE of the FEES set forth in the List returned in 1717, as belonging to the Judge of the Consistorial Court, and those claimed under the Table of 1820.

Nos.	SERVICES.	FEES IN 1717.			FEES IN 1820.		
		£.	s.	d.	£.	s.	d. Irish Currency.
1.	For every original citation ex officio mero, or at the instance of a party.	-	-	4	-	3	4 primary citations (except for tithes) and citations on letters of request.
					-	1	4 subsequent citations and processes.
2.	For a denunciation against any man excommunicated.	-	-	4	-	3	4
3.	For every significavit pro corpore capi-endo, whether for one or more persons, only one fee for each significavit.	-	10	-	-	10	- significavit.
4.	For every mandat. pro corpore deliberando	-	10	-	-	-	no claim.
5.	For a testimonial under the judge's seal and registrar's hand, of the absolving of every man excommunicated, if the party desire it.	-	10	-	-	10	- absolution from decree of contumacy.
6.	For exhibiting of articles against any man detected or presented for fornication, or other crimes.	-	-	6	-	-	no claim.
7.	For the production of every compurgator	-	-	7	-	-	no claim.
8.	For the party himself purgant	-	1	6	-	-	no claim.
9.	For the proclamation, intimation or publication for a purgation.	-	3	4	-	-	no claim.

Nos.	SERVICES.	FEES IN 1717.			FEES IN 1820.		
		£.	s.	d.	£.	s.	d. Irish Currency.
10.	For a testimonial under seal, where a purgation is passed, if desired by the party.	-	10	-	-	-	no claim.
11.	For a definitive sentence against every adulterer, fornicator, incestuous persons, and other offenders convicted.	1	-	-	1	-	for every final sentence, decree or dismiss.
12.	For every interlocutory sentence - -	-	10	-	-	10	for every interlocutory decree or dismiss.
13.	For every testimonial under seal of any man performing his penance, if demanded by the party.	-	10	-	-	-	no claim.
14.	For every citation at the instance of a party, with an inhibition or intimation.	-	3	4	-	6	8 inhibition containing citation and monition.
15.	For the production of the party principal upon libels, allegations, articles, or other matters exhibited in court.	-	1	6	-	-	no claim.
16.	For the production of every first witness upon every libel, allegation, or other matter exhibited in court.	-	1	-	-	-	no claim.
17.	For the production of every other witness	-	-	8	-	-	no claim.
18.	For examination and repetition of every first witness upon articles, libels, exceptions, or any other allegation or matter exhibited.	-	1	-	-	-	no claim.
19.	For examination and repetition of every other witness.	-	-	9	-	-	no claim.
20.	For examination and repetition of every witness upon interrogatories exhibited by the defendant.	-	1	-	-	-	no claim.
21.	For a commission to examine witnesses, or a party principal.	-	10	-	-	7	8 App ^x N° 8, Q. 726.
22.	If the judge goes out of his house to examine a party principal, or other.	-	10	-	-	10	attending to swear.
23.	For a commission to take an oath or bonds in the country, or to 'praise goods, or to take an account.	-	10	-	-	7	8 commission or requisition to swear executors or administrators.
24.	For every suppletory oath of a party -	-	1	6	-	-	no claim.
25.	For every decree of court; viz. against witnesses, parties, principals, or for any other decree of court.	-	1	-	-	-	no claim; save as in N° 28.
26.	A citation or decree viis et modis -	-	1	-	-	-	no claim; save as in N° 1.
27.	For a decree or citation to show cause why a man should not be excommunicated.	-	1	-	-	-	no claim; save as in N° 1.
28.	For other decrees, as personal, viis et modis, compulsory against witnesses, to see sentence put in execution, or any other decree decreed by the judge against any person, either of office or instance.	-	1	-	-	1	decree for personal answer.
29.	For the renunciation of an executorship of the right of an administration.	-	3	4	-	3	4
30.	For exhibiting the writ of prohibition, at the first bringing thereof.	-	10	-	-	-	no claim.
31.	For a sentence definitive or interlocutory, having vim. sententiæ definitivæ, at the instance of a party.	1	-	-	-	-	same as N° 11.
32.	For every other dismiss - - -	-	6	8	-	-	same as N° 12.
33.	For taxing every bill of costs - -	-	4	-	-	4	certificate of costs.
34.	For apostles, where an appeal is made from the judge.	-	10	-	-	10	-
35.	For an inhibition against the judge a quo reg. and party appellant, with a citation against the appellation.	-	13	4	-	-	same as N° 14.
	If the party appellant be excommunicated, and the inhibition contain an absolution of the party so excommunicated, added to the former fees.	-	3	4	-	-	no claim.
36.	For every decree of court in a cause of appeal, ad transmittend. process, iudice a quo.	-	3	4	-	-	no claim.
37.	For transmitting a process to a superior court to a judge for his seal.	-	6	8	-	10	-
38.	For the exemplification of any sentence, will, administration, or other proceedings of court, if the party require it.	1	-	-	1	1	-
39.	For an exemplification of an act under the seal, if it be required.	-	6	8	-	-	same as N° 38.

(continued)

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Nos.	SERVICES.	FEES IN 1817.			FEES IN 1820.		
		£.	s.	d.	£.	s.	d. Irish Currency.
40.	For a certiorari or certificate under seal of any record or act into any His Majesty's four Courts.	-	10	-	-	-	no claim.
41.	For letters of tutill of the goods and person of a minor.	1	-	-	-	-	no claim.
42.	Where an administration is granted during the minority of an executor, or of children, if upon expiration or revoking thereof he that was a minor shall acknowledge satisfaction, apud acta.	-	6	8	-	-	no claim.
43.	For entering every caveat in a beneficiary cause.	-	3	4	-	-	no claim.
44.	For entering a caveat in any other cause	-	1	4	-	-	no claim.
45.	For every license of marriage - -	-	10	-	-	11	-
46.	For every license of what nature soever -	-	10	-	-	11	- parish clerk, schoolmaster, boarding-school.
47.	For every suspension of a minister -	-	3	4	-	-	no claim.
48.	For every sequestration - - -	-	10	-	-	11	-
49.	For every relaxation - - -	-	10	-	-	11	-
50.	For letters requisitory - - -	-	3	4	-	-	no claim, save as in Nos 21 and 23.
51.	For exhibiting every resignation of a benefice before the Judge, and entering the same.	-	3	4	-	3	4
52.	For admitting and entering every presentation made by a lay patron to any ecclesiastical benefice.	-	3	4	-	3	4
53.	For all proceedings upon the consecration of a bishop.	4	-	-	4	-	- for each bishopric.
54.	For all the proceedings upon the election and confirmation of a dean, where the deanery is elective.	1	-	-	-	-	no claim.
55.	For exhibiting proxies in the Archbishop's Provincial Synod.						
	For every bishop not appearing - -	-	6	8	-	6	8
	For every dean - - - -	-	6	8	-	6	8
	For the chapter - - - -	-	6	8	-	6	8
	For every archdeacon - - - -	-	6	8	-	6	8
	For the body of the clergy - - - -	-	6	8	-	6	8
	For exhibiting every proxy of every clergyman not appearing in the ordinary visitation.	-	1	-	-	1	- and if no proxy for non-appearance.
	For exhibiting the clergy's titles in the Archbishop's triennial and ordinary visitation; viz.						
	For letters of deacon and priesthood -	-	2	6	-	2	6
	For every union - - - -	-	6	8	-	6	8
	For every dispensation - - - -	-	6	8	-	6	8
	For every institution and induction to each benefice.	-	2	6	-	2	6
	For certificate of oaths and subscriptions	no claim			-	2	6
	Two-thirds of these fees for the Judge and one-third for the Registrar, at a primary visitation; at all other visitations half of these fees only are received, divisible in the same proportions.						
56.	For exhibiting an inventory, ante vel in diem.	-	1	-	-	-	no claim.
57.	For exhibiting an inventory, post diem -	-	1	6	-	-	no claim.
58.	For the probate of a will, if the will be delivered to the Judge, engrossed according to the statute, the statute fees and no more.						
	If otherwise, the fees to be received as followeth:						
	For the probate of a testament, which is not brought in engrossed to the Judge, if the goods amount to 100 <i>l.</i> sterling.	1	-	-	1	1	- for probate of a will.
	If the goods amount to 40 <i>l.</i> or under -	-	10	-	-	-	
59.	For every quietus est upon an account made by an executor or administrator.	-	10	-	-	-	no claim.

Nos.	SERVICES.	FEEs IN 1817.	FEEs IN 1820.	Metropolitan and Consistorial Courts.
		£. s. d.	£. s. d. Irish Currency.	
60.	For every administration - - -	no claim	1 1 -	
61.	Monition for alimony or tithes decreed -	no claim	- 3 4	
62.	For exhibiting at the Archbishop's pri- mary triennial or annual visitation :			
	Every license to a cure - - -	no claim	- 2 6	
	Letters of orders - - -	no claim	- 2 6	
	Certificate - - -	no claim	- 2 6	
	Two-thirds of one-third of these fees go to the Archbishop or Judge, the remainder to the Registrar; at all other visitations half of these fees only are received, divisible in the same proportions.			
63.	Executing letters of request sent from England, &c.	no claim	1 - -	
64.	Authentic certificate of the service of a citation by letters of request from an- other diocese, sealing, &c.	no claim.	- 10 -	
	These two last services are not either in the Table of 1717, or that of 1820; they are stated to be an emolument, gratuity or fee received by the Surrogate.			

By the Returns of the several persons holding the offices of Vicar-general, and Official Principal for the different dioceses, it appears that the fees of these officers vary from each other considerably at the present day. In some of them they much exceed, in most instances, those of the diocese of Dublin; in others they in some instances fall short of them; but no two of them precisely agree, either in the entire of the services, or the amount of all the fees payable on them. Of the four Metropolitan Judges, the fees taken in Tuam appear to be at the highest rates; those received in Cashel to be the lowest. The smallness of the latter may be accounted for from the Table which at this day regulates the charges in that diocese being principally taken from the Table of 1662, as stated in the Return of the Vicar-general of that see. With respect to the other sees, the fees of this officer in the diocese of Elphin appear to be the highest; those in the see of Cloyne the most moderate, being stated to agree with the List of 1662, except in two trifling particulars.

From the Returns of those officers, it appears that in some of the sees there are modern Tables of Fees, which are lodged in the Registry. In some they are likewise publicly exhibited, pursuant to the canon, but in none do they appear of sufficient authority to justify the claims made under them. These jurisdictions being in every respect the same, and the duties of the judicial officers who preside over them being precisely similar, no sound reason could be assigned to justify any variance in the rates of fees to be taken for the performance of them. We have therefore adopted the principle so early established, and so long followed, by recommending an uniformity of fees for the remuneration of these officers throughout the several dioceses. The Table which we subjoin has been framed after a due consideration of the several different Returns of these officers. It contains all the services which we conceive can arise in any of the dioceses, and assigns to each service such a rate of fee as appears to us to afford for each an adequate recompense. We have not obtained sufficient information to enable us to frame a Comparative Table of the annual receipts of the several individuals holding these offices in the different sees; but from all we have been able to collect, we may venture to estimate their annual income as varying from about 65*l.* to about 500*l.*

Metropolitan and
Consistorial Courts.

We subjoin a Table of such fees as we consider proper to be in future received by the Judge of the Consistorial Court in Dublin: and as the duties of the Judge of the several other Consistorial Courts throughout Ireland are similar, we recommend the adoption of this Table as general in all the Courts.

THE REGISTRAR.

THE appointment of the Registrars of the Archbishops and Bishops, in the several dioceses in the kingdom, belongs to, and from the earliest periods has been exercised by the Archbishops and Bishops; but in order to make such appointments binding on their successors, it is considered necessary that they should be confirmed by the Chapters of the respective dioceses.

In the instruments by which the office is granted to the several Registrars, a power has been generally given, and frequently exercised, of appointing a deputy, subject, however, to the approbation of the Archbishop or Bishop.

The Metropolitan and Consistorial Court of Dublin has been already mentioned as the most important, from the quantity and nature of the business transacted in it, compared with the several other Spiritual Courts in Ireland, and consequently the official duties of the Registrar of the Archbishop of Dublin are the most considerable; and as they are the same with those of the Registrars of the several Metropolitan Courts in the kingdom, and comprehend also those in the Diocesan or Consistorial Courts, we propose to pursue the same course which we adopted in the case of the Judge, and to select this office for a particular Report, conceiving that any suggestions or regulations with respect to the office of Registrar in the Court in Dublin will be applicable to the others.

Appendix,
Nos 5 & 6.
No 8, Q. 19.

The office of Registrar of the Archbishop of Dublin and Bishop of Glandelagh, and of the Metropolitan and Consistorial Court of these sees, is at present held by the Rev. Charles Cobbe Beresford, who was appointed by the Right rev. Robert, late Lord Archbishop of Dublin, by an instrument in writing under the Archiepiscopal Seal, bearing date the 2d of March 1801. By the terms of this instrument his Grace "gave, granted and confirmed to the Rev. Charles Cobbe Beresford the office of Principal Registrar or Scribe of the acts of him and his successors, Archbishops of Dublin and Bishops of Glandelagh, and the custody of the Registry or Registership of him, and of all and every the books, acts, proceedings, writings, instruments, testaments, inventories, accounts, and all other records whatsoever, by whatever names they may be called or esteemed; to have, hold, enjoy, possess and occupy all that the said office of Principal Registrar and Writer of the acts of him and his successors, and the custody of the Registry or Registership aforesaid, to the said Charles Cobbe Beresford, to be exercised by himself or his sufficient deputy or deputies, to be approved of with the consent of him or his successors, for and during the term of the life of the said Charles Cobbe Beresford, with all and singular the commodities, fees, profits, &c. appertaining." This grant has been duly accepted and confirmed by the Deans and Chapters of the respective Cathedrals of St. Patrick and Christ's Church.

Nos 6 & 7.
No 8, Q. 44.

Mr. Beresford has never acted in person in the performance of the duties of the office, having always exercised his power of appointing a deputy for that purpose. The present deputy is Mr. John Samuels, who holds the office under a written commission or deputation, bearing date 30th January 1829, approved of by the Archbishop of Dublin, by a writing under his Grace's hand, and subsequently confirmed by the Deans and Chapters of St. Patrick's and Christ's Church:

The tenure of Deputy in the office is not expressed in the commission; but, in his Return, he claims to hold during the continuance of his principal in office.

Mr. Samuels did not give any consideration for his appointment, and holds the office on the terms of accounting with his principal for two-thirds of the official fees, after deducting the expenses; the remaining one-third is divisible, in the proportion of three-fifths to the deputy, as a compensation for discharging the duties, and two-fifths to a person, placed in the office as Cashier and Book-keeper

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by the Registrar, without the concurrence of the deputy. The assistance of this latter person the Deputy Registrar considers to be altogether unnecessary for the due discharge of the duties of the office: with these duties Mr. Samuels has been acquainted for a considerable period, having assisted in the performance thereof from the year 1805; first as clerk to his brother, who had been employed in the office; afterwards, in the year 1817, as principal clerk to the then deputy, at whose death, in 1825, he was appointed jointly with Mr. Edwards; and, under his late appointment in 1829, he is now sole deputy.

Metropolitan and
Consistorial Courts.

Appendix,
N^o 6.

No. 8, Q. 3. 20, 21.
23 to 26. 79. 96.
722.

Before entering upon the duties of his office, Mr. Samuels was required to take the following oath: "I swear that I will, to the uttermost of my understanding, deal uprightly and justly in my office, without respect of favour or reward;" but no security was given. Mr. Samuels is also a notary public, which is deemed a necessary qualification for holding the office of Deputy Registrar.

In the Return of Mr. Samuels the duties of the office are stated as follows: "To sit in Court as Registrar; to take all the decrees and orders made and sentences pronounced by the Judge in the progress of the various causes, as also all *viva voce* evidence in tithe, matrimonial and other causes, on the court-days during Term and the after-sittings; the examination and cross-examination of all witnesses produced in the several causes depending in Court, (where *viva voce* evidence is not received), comprising matrimonial and testamentary causes, causes of correction at the promotion of the office, and several others; as also causes of appeal of the several kinds enumerated from the several dioceses in the province; those under the head Matrimonial, consisting of divorce for adultery, and separate maintenance, restitution of conjugal rights, and various other matters; and those under the head of Testamentary, for the proof of wills contested, the grant of administration to next of kin, creditors, &c. and the execution of commissions for examination of such witnesses as are examined by commission, as also of requisitions where the witnesses reside out of the jurisdiction of the Court (in the latter case, the Deputy Registrar has, in several instances, been appointed Actuary of the Diocesan Judge and Registrar, for the examination of witnesses under requisitions.) The Deputy Registrar has also, by himself or clerks, the copying, signing and authenticating all copies of wills, administrations, pleadings, depositions, &c. &c. bespoke in and issuing from the office, making Returns required by Parliament. It devolves likewise on the Deputy Registrar to receive and register all wills, grants of probates, of administrations with will annexed, and intestate, as also all documents annexed thereto; as likewise the copies of all exhibits lodged in the Court, and subsequently ordered to be delivered out; all inventories, renunciations, bonds, testamentary, matrimonial and sequestration: to issue sequestrations of clergymen's benefices on writs issued from the courts of law. It is likewise the duty of the Deputy Registrar to make out a transmiss in all cases of appeal to the Court of Delegates, to attend the Judge on all judicial acts performed in Term and out of Term, and to enter same in the Court-book. The taxation of costs is the duty of the Deputy Registrar. It is incumbent on the Deputy Registrar to attend the Archbishop in his annual and triennial visitations throughout the dioceses and province; and many other duties, both of a judicial and official character, which arise in the progress of his business, not herein specifically enumerated."

For the performance of these several duties, the officer is remunerated by fees, received at present under the authority of the Table of 1820, already mentioned to have been sanctioned by his Grace the Lord Primate, at that time Lord Archbishop of Dublin. The objections to this Table, on principle, have been already considered; and, in the subsequent part of this Report, we shall have occasion to point out some of the practical evils resulting from its adoption. The following Table will show the several charges taken under its authority, contrasted with those returned in the List of 1717.

Metropolitan and
Consistorial Courts.

No.	SERVICES.	FEES claimed in 1717.	FEES CLAIMED in 1820.
		£. s. d.	£. s. d.
1.	For articles in visitation - - -	- - 6	- - - no claim.
2.	For entering every bill of presentment -	- - 4	- - - no claim.
3.	For every original citation, ex officio mero, or at the instance of the party.	- 1 6	- - primary citation, except for tithes, 4 s. 5 d. including 1 s. 1 d. for clerks. Ditto, on letters of re- quest and for act and exhibiting, 12 s. 8 ½ d., including 2 s. 8 ½ d. for clerks. Subsequent citation and processes, 5 s. 2 ½ d., including 2 s. 8 ½ d. for clerks.
4.	For the appearance of every man cited to appear of office, or at the instance of the party.	- 1 6	- 1 6 for every appearance.
5.	For every contumacy act entered against a man.	- - 6	- - - no claim.
6.	For drawing and writing a sentence of ex- communication against any man.	- 3 4	- - - no claim.
7.	For a denunciation against any man ex- communicated.	- 2 6	- 3 4 every denunciation.
8.	For every significavit pro corpore capi- endo, whether for one or more persons, only one fee for each significavit.	- 3 4	- 12 1 including 5 s. 5 d. for clerks.
9.	For every mandate pro corpore deliberando	- 3 4	- - - no claim.
10.	For entering into the Act Book the ab- solving of every man excommunicated.	- 1 -	- - - no claim.
11.	For the copy of the act - - -	- 1 -	- - - no claim, save as in N ^{os} 74 & 75.
12.	For a testimonial, under the judge's seal and the registrar's hand, of the absolving of every man excommunicated, if the party desire it.	- 3 4	- 6 8 absolution from a de- cree of contumacy.
13.	For drawing of articles against any de- tected or presented for fornication, or other crimes, to the registrar, or proctor that doth the work.	- 3 4	- - - no claim.
14.	For exhibiting the same - - -	- 1 -	- 1 6 for every exhibit.
15.	For the production of every compurgator	- - 6	- - - no claim.
16.	For the party himself purgant - -	- 1 -	- - - no claim.
17.	For the proclamation, intimation or pub- lication for a purgation.	- 3 4	- - - no claim.
18.	For a testimonial under seal, where a pur- gation is passed, if desired by the party.	- 3 4	- - - no claim.
19.	For a definitive sentence against every adulterer, fornicator, incestuous person, and other offenders convicted.	- 6 8	- 10 - for every final sentence or decree or dismiss.
20.	For every interlocutory sentence - -	- 3 4	- 3 4 for every interlocutory decree or dismiss.
21.	For every order or form of penance en- joined and prescribed unto offenders.	- 3 4	- - - no claim.
22.	For the return and entering the certificate of performance of penance enjoined to an offender.	- 3 4	- - - no claim.
23.	For every testimonial under seal of any man's penance performed, if demanded by the party.	- 6 8	- - - no claim.
24.	For the constitution of a proctor, entered apud acta.	- 1 -	- - - no claim.
25.	For exhibiting every proxie, or substitu- tion of a proctor.	- 1 6	- - - same as for an exhibit, N ^o 14.
26.	For every citation, at the instance of a party, with an inhibition or intimation.	- 3 4	1 2 9 inhibition containing ci- tation and monition, in- cluding 5 s. 5 d. for clerks.
27.	For entering every act, in loco solito judicii.	- - 6	- 6 8 every act of court ap- pointing a curator.
28.	For ditto, extra locum solitum judicii -	- 1 -	- 1 - for every other act of court.
29.	For exhibiting every libel, allegation, article or other matter whatsoever, exhibited in court.	- 1 6	- 1 6
30.	For the production of the party principal upon libels, allegations, articles or other matters exhibited in court.	- 1 -	- 5 - for the production of every witness and party principal.

No.	SERVICES.	FEES claimed in 1717.	FEES CLAIMED in 1820.	Metropolitan and Consistorial Courts.
		£. s. d.	£. s. d.	
31.	For the taking and writing the personal answer of every such party.	- 2 6	- - - no claim.	
32.	For the production of every first witness upon every libel, allegation or other matter, exhibited in court.	- - 6	- - - same as N ^o 30.	
33.	For the production of every other witness	- - 4	- - - same as N ^o 30.	
34.	For examination and repetition of every first witness upon articles, libels, exceptions, or any other allegation or matter exhibited.	- 1 -	1 2 9 for every 16 office sheets of depositions.	Appendix. N ^o 8, Q. 579.
35.	For examination and repetition of every other witness.	- - 9		
36.	For examination and repetition of every witness upon interrogatories exhibited by defendant.	- 1 -		
37.	For a commission to examine witnesses, or party principal.	- 3 4	- - commission or requisition to swear executor or administrator and bond, or to examine, 17s. 2½d., including 2s. 8½d. for clerks.	N ^o 8, Q. 726.
38.	For every instrument or matter that shall be annexed to such commission.	- 3 4	- - 10 for copies of pleadings, per sheet of 90 words.	
39.	To the registrar, if he goes out of his house to examine a party principal, or others.	- 3 4	- 6 8 for drawing receipt for original papers.	
40.	For a commission to take an oath or bonds in the country, or to appraise goods, or take an account.	- 3 4	- 6 8 attending with a will to swear an executor.	
41.	For every suppletory oath of a party	- 1 -	- - - same as N ^o 37.	
42.	For showing the records for comparison of hands.	- 3 4	- - - no claim.	
43.	For a copy of the relation of the comparison.	- 3 4	- 3 4 comparison of record.	
44.	For attending every information, and showing the records.	- 3 4	- - - no claim; save as in Nos 74 & 75.	
45.	For registering small exhibits - each	- 1 8	- - - no claim.	
46.	For registering indentures and other large exhibits, after the rate of 5s. a side, in the Registrar's book, close written, the same in folio in royal paper, or the like proportion.	ut intra -	- - - no claim; save as in N ^o 14.	
47.	For every decree of court, viz. against witnesses, party principal, or for any other decree of court.	- 2 6	- - - same as N ^{os} 19 & 20.	
48.	For a citation or decree, viis and modis -	- 2 6	- - - no claim; save as in N ^o 3.	
49.	For a decree or citation to show cause why a man should not be excommunicated.	- 2 6	- - - no claim; save as in N ^o 50.	
50.	For other decrees, as personal, viis et modis, compulsory against witnesses, to see sentence put in execution, or any other decree, decreed by the judge against any person either of office or instance.	- 2 6	- 2 6 decree for personal answer.	
51.	For making of every bond or obligation	- 2 6	- 5 - special bonds.	
52.	For cancelling the same - - -	- 2 6	- - - no claim.	
53.	For a copy of every act - - -	- - 6	- - - no claim; save as in Nos 74 & 75.	
54.	For the renunciation of an executorship, or right of administration.	- 3 4	- 3 4 and for drawing same, 3s. 4d.	
55.	For every several search made in the office	- 2 6	- - search for will or administration, 2s. 8½d., including 2½d. for clerks; other searches, if short, 3s. 4d.; if long, 6s. 8d.	
56.	For exhibiting the writ of prohibition at the first bringing thereof.	- 5 10	- - - no claim; save as in N ^o 14.	
57.	For conceiving or drawing every definitive sentence (to the registrar or proctor).	- 6 8	- - - same as N ^{os} 19 & 20.	
58.	For a sentence definitive or interlocutory, having vim. sententiæ definitivæ at the instance of a party.	- 6 8		
59.	For every other dismiss - - -	- 3 4		
60.	For the copy of every sentence - - -	- 6 8	- - - no claim; save as in Nos 74 & 75.	
61.	For comparing and examining a bill of costs with the records.	- 3 4	- - - no claim.	

(continued)

(continued)

Metropolitan and
Consistorial Courts.

No.	SERVICES.	FEES. claimed in 1817.	FEES CLAIMED in 1820.
		£. s. d.	£. s. d.
62.	For the registrar or proctor who makes the bill of costs.	- 3 4	- - - no claim.
63.	For taxing of every bill of costs - -	no claim -	- 6 8 certificate of costs.
64.	For every protestation of an appeal made apud acta.	- 1 -	- - - no claim; save as in N ^o 27.
65.	For every appeal made viv. voc., and entered apud acta.	- 3 4	- - - no claim; save as in N ^o 27.
66.	For exhibiting every appeal in scriptis -	- 3 4	- - - no claim; save as in N ^o 14.
67.	For apostles, where an appeal is made from the judge.	- 3 4	- 6 8
68.	For exhibiting apostles to the Metropolitan Court, where an appeal is made a judici inferiori.	- 3 4	- - - no claim; save as in N ^o 14.
69.	For entering of every certificate of the prosecution of an appeal.	- 3 4	- - - no claim.
70.	For an inhibition against the judge, a quo reg ^t and party appellat, with a citation against the appellat. If the party appellat be excommunicated, and the inhibition contains an absolution of the party so excommunicated, added to the former fees.	- 6 8	- - - same as N ^o 26.
71.	For every decree of court in a cause of appeal ad transmitt ^m proc ^m judici a quo.	- 3 4	- - - no claim.
72.	For transmitting a process to a superior court to the registrar, after the rate of the tax made by the judge ad quem, which is commonly for every leaf, 4 d.	ut intra -	- - for every sheet of 90 words in a transmiss sent to the Court of Delegates in an appeal cause, 10 d., including 1 d. to clerk, to be paid by appella ^t . For certificate and attestation of judges' seal, 6 s. 8 d.
73.	For a composition of processes, transmitted a judice inferiori, ab utrâque parte, viz. the 4th part of the Appel ^t s and 3d of the Appellate.	ut intra -	- - on appeal sent from inferior court, 1 s. 3 d. to appella ^t , and 2 s. 3 d. to respond ^t , at rate above-mentioned in N ^o 72.
74.	For the copy of the examination of every witness examined, as well upon a libel, allegation or other matter, as upon interr ^t , 1 s.; and if long, 6 d. per sheet to be copied, 10 words in a line, and 15 lines in a sheet.	ut intra -	For copies of wills, pleadings, interrogatories, exhibits, depositions, &c. per sheet 10 d., including 1 d. for clerks.
75.	For the copy of every libel, allegation, matter, answer, interrogatory or commission in partibus, or administration, 3 s. 4 d.; if long, 6 d. per sheet, 15 lines in a sheet.	ut intra -	
76.	For the copy of every will, proxie, inventory, account or any other matter, 6 d. per sheet.	ut intra -	For copy of an inventory, for each skin of 880 words, 11 s. 1 d., including 1 s. 1 d. to clerks.
77.	For the copy out of the record for an act of institution of any clerk admitted to a benefice.	- 3 4	
78.	For the exemplification of every sentence, will, administration or other proceedings of court, if the party require it.	1 - -	1 2 8 ½ for every exemplification, per skin of 880 words, including 2 s. 8 ½ d. to clerks.
79.	For an exemplification of an act under the seal, if it be required.	- 3 4	
80.	For letters testimonial upon libels, depositions of witnesses, answers or other records, after the rate of 8 s. per skin of parchment (after the first skin allowed free) over and above the registrar's fees as aforesaid.	ut intra -	- - - no claim.
81.	For the admission of every advocate and proctor, and for registering same.	- 1 6	- - - no claim.
82.	For a certificate under the registrar's hand of the probate of a will, granting letters of administration, sequestration, letters of tutill, letters ad collegium, or any other thing done or granted, remaining upon record.	- 3 4	- - certificates of grants of probates and administrations and marriage licences 4 s. 5 d., including 1 s. 1 d. for clerks.

No.	SERVICES.	FEES claimed in 1717.			FEES CLAIMED in 1820.		
		£.	s.	d.	£.	s.	d.
83.	For a certiorari or certificate under seal of any record or act into any His Majesty's four courts.	-	3	4	-	-	no claim.
84.	For letters of tutill of the goods and person of a minor.	-	6	8	-	-	no claim.
85.	Where an administration is granted during the minority of an executor, or of children, if upon expiration or revoking thereof, he that was a minor shall acknowledge satisfaction apud acta, then to the registrar for enacting the same.	-	3	4	-	-	no claim.
86.	For entering every caveat in a beneficiary cause.	-	3	4	- 1 -	-	extracting caveat.
87.	For entering of a caveat in any other cause.	-	2	-			
88.	For a copy, if the party desire it - -	-	1	-	-	-	same as Nos 74 & 75.
89.	For every license of marriage - -	-	3	4	- 13 8½ including bond, and - 2 8½ for clerks. - 6 - taking instructions for license, drawing fiat for same, and attending to get parties sworn. - 13 8½ license for boarding-school, including 2s. 8½ d. for clerks; drawing and registering certificate of minister and churchwardens, 5s. - 6 8 attendance with roll, administering oaths, and taking subscriptions to canons. - 14 6½ parish clerk or schoolmaster's license; for drawing and entering same, exhibiting and registering nomination, and attendance with roll, administering oath, and taking subscriptions to canons, including 2s. 8½ d. for clerks. - 16 7½ curate, assistant, or lecturer's license; for drawing out and engrossing same, and certificate to annex thereto; entering same, and attendance to administer oaths, and take subscriptions to canons and declarations; including 2s. 8½ d. on license. - 2 8 for exhibiting and registering nomination. - 15 6½ license for ordination; drawing out and entering same; including 2s. 8½ d. for clerks.		
90.	For every other license of what nature soever.	-	3	4			
91.	For every suspension of a minister -	-	3	4	-	-	no claim.
92.	For every sequestration - - -	-	3	4	1 2 8½ including 6s. 8d. for bond, which is very special, and 2s. 8½ d. for clerks. In many cases of sequestration, the registrar has to draw a draft of same, and submit same to an advocate for perusal, for which, and necessary attendances, he makes a reasonable charge for his trouble.		
93.	For every relaxation - - - -	-	3	4	- 16 -½	-	including 2s. 8½ d. for clerks.
94.	For exhibiting and registering of a minister's nomination of a parish clerk.	-	2	-	-	-	no claim; save as in N ^o 90.
95.	For drawing of every qualification -	-	3	4	-	-	no claim.
96.	For letters requisitory - - - -	-	3	4	- 15 6½	-	letters demissory, including 2s. 8½ d. for clerks.
97.	For drawing a resignation of an ecclesiastical benefice, to the registrar or public notary who does the work.	-	6	8	- 6 8	-	
98.	For the registrar's or notary's test to the resignation.	-	3	4	-	-	no claim.
99.	For the instrument or prothocoll thereupon.	-	6	8	-	-	no claim.

Appendix.
N^o 8, Q. 715.

(continued)

Metropolitica and
Consistorial Courts.

No.	SERVICES.	FEES claimed in 1717.			FEES CLAIMED in 1820.		
		£.	s.	d.	£.	s.	d.
100.	For exhibiting every resignation of a benefice before the judge, and entering the same.	—	3	4	—	3	4
101.	For admitting and entering every presentation made by a lay patron to an ecclesiastical benefice, to the judge 3 s. 4 d., and to the registrar - - - But if not admitted, no fee to the judge.	—	3	4	{ 1 - - entering patent from the Crown. - 13 4 from a lay patron.		
102.	For writing letters of orders for deaconship.	—	10	—	{ - 16 - $\frac{1}{2}$ drawing out or engrossing and entering in registry, including 2 s. 8 $\frac{1}{2}$ d. for clerks.		
103.	For writing letters of full orders - -	—	10	—			
104.	For all the proceedings upon the consecration of a bishop.	2	—	—	2 11 4 $\frac{1}{2}$ for each bishopric, including 11 s. 4 $\frac{1}{2}$ d. for clerks; for patent, 10 s. 6 d.; for drawing certificate, 8 s. 2 d.		
105.	For all the proceedings on the election and confirmation of a dean, where the deanery is elective.	1	—	—	- - - no claim.		
106.	For every institution to a benefice upon a presentation, mandat. ad inducend. subscription and all other certificates and other fees thereupon, to the archbishop or bishop, if not otherwise granted by them, 30 s., and to the registrar - - -	1	—	—	{ 2 18 - $\frac{1}{2}$ for every institution to a benefice upon a presentation, or admission upon a collation, for each benefice or denomination, including 11 s. 4 $\frac{1}{2}$ d. for clerks; and for certificate of assent and consent, 6 s. 8 d.; for instructions to read same, if required, 3 s. 4 d.; certificate of induction, 6 s. 8 d.; registering constat, 3 s. 4 d.; drawing and engrossing mandate to induct. and certificate, 10 s. 6 d.		
107.	For drawing and entering every collation.	1	—	—			
108.	For a union of two benefices durante vitae incumbentiâ to the archbishop or bishop, (if not by them granted) 33 s. 4 d., and to the registrar - - -	1	13	4	{ 1 13 4 and for certificate of assent and consent, 6 s. 8 d., and for instructions to read same, if required, 3 s. 4 d.; for certificate of induction, 6 s. 8 d.; registering constat, 3 s. 4 d.; drawing and engrossing mandate to instal. or induct. and certificate, 15 s. 10 d.		
109.	For exhibiting proxies in the archbishop's provincial synod, viz. for every bishop not appearing.	—	6	8	- 6 8		
	For every dean, archdeacon, the chapter, and the body of the clergy (each).	—	6	8	- 6 8		
110.	For exhibiting every proxy of every clergyman not appearing in the ordinary visitation.	—	1	—	- 1 -		
111.	For exhibiting of the clergy's titles in the archbishop's triennial and ordinary visitation, viz. for letters of deacon and priesthood, 2 s. 6 d.; for every institution and induction to each benefice, 2 s. 6 d.; for every union, 6 s. 8 d.; for every dispensation, 6 s. 8 d., two-third parts thereof to archbishop or bishop (if not by them otherwise granted, and one-third part thereof to the registrar - - -	ut intra.			{ Primary, triennial or annual visitation. For letters of deacon and priesthood, and every institution and induction to each benefice, 2 s. 6 d.; and certificate of oaths and subscriptions, 2 s. 6 d., and for every union and every faculty or dispensation, 6 s. 8 d. In every ordinary visitation, half of the foregoing fees. Two-thirds to the archbishop or judge, and the remaining one-third to the registrar.		
112.	For exhibiting every license to serve a cure.	—	2	6	{ For every license to a cure and letters of orders, certificate at primary visitations, 2 s. 6 d. each; at ordinary visitations, half said fees; two-thirds of one-third of which to archbishop or judge, and remainder to registrar.		
113.	For exhibiting every license for a clerkship.	—	2	6			
114.	For engrossing every will brought to be engrossed, after the rate of, per skin of parchment.	—	8	—	For entering every will proved, at the rate of 10 s. for every skin of 880 words, and for engrossed copies of wills, if done in the office, 12 s. 8 $\frac{1}{2}$ d. per skin, including 2 s. 8 $\frac{1}{2}$ d. for clerks.		

DUTIES, SALARIES *and* EMOLUMENTS, *in* COURTS *of* JUSTICE. 19

No.	SERVICES.	FEES claimed in 1817.	FEES CLAIMED in 1820.	Metropolitan and Consistorial Courts.
		£. s. d.	£. s. d.	
115.	For exhibiting an inventory, ante vel in diem.	- 1 6		
116.	For exhibiting an inventory, post diem -	- 1 10	- 6 8	filing inventory.
117.	For a longer day to exhibit an inventory or an account - - - - -	In court, 3d. Out of c ^{rt} , 6d.		
118.	For drawing up an account in paper, after the rate of 12d. per sheet, to be close written.	ut intra	- -	no claim.
119.	For engrossing of every inventory and account in parchment, brought to be engrossed, per presse.	- 2 -	- -	no claim.
120.	For the probate of a will, if the will be delivered to the judge, engrossed according to the statute, the statute fees to be taken and no other; and if otherwise, the fees to be received as followeth: For the probate of a testament which is not brought in engrossed, if the goods amount to 100 l. But if the goods amount to but 40 l. or under.	- 6 8	- 17 4	for every probate, including gratuity of 6s. to deputy registrar and 2s. 2d. for clerks.
			1 -	administration intestate, including like gratuity, and clerk's fees.
		- 3 4	1 -	6½ administration de bonis non, and will annexed, including like gratuity and clerks' fees.
121.	For every quietus est upon an account made by an executor or administrator.	- 3 4	- -	no claim.
122.	For attendance with will or other record to any of the Courts of Dublin or Examiners in Chancery, for each day.	no claim	- 11 4½	including 4s. 8½d. for clerks.
	Out of Dublin, for each day - -	no claim	2 16 10½	including 1l. 14s. 1½d. for clerks.
123.	For a notification of the vacancy of a living; for drawing out and registering same, 7s. 11d., and for delivering or serving same, 5s. 5d.	no claim	- 13 4	
124.	For monition for payment of alimony, or for tithes decreed.	no claim	- 3 4	
125.	For a commission to value buildings or improvements on church lands:			
	For drawing out commission - -	- - -	- 18 9	including 5s. 5d. for clerks.
	For registering memorial therein recited, according to length.	- - -	- -	from 3s. 4d. to 10s.
	For entering proceedings after commission returned, at the rate of, per page of Title-book.	- - -	- 5 -	
	To the registrar for archbishop's certificate.	- - -	- 18 9	including 5s. 5d. for clerks.
	To ditto, for his attestation thereto -	- - -	- 6 8	
126.	For the consecration of churches and church-yards:			
	For drawing and preparing petition of the minister and churchwardens.	- - -	- 10 -	
	Perusing and abstracting deeds to enable him to draw deed of consecration.	- - -	- 13 4	
	Drawing draft same - - - -	- - -	- -	from 13s. 4d. to 1l. 6s 8d. according to length.
	Attendance therewith on archbishop or vicar-general, for his perusal and approbation.	- - -	- 6 8	
	Engrossing two parts, one for the parish and one for archbishop, 1l. 5s. 5d. each.	- - -	2 10 10	including clerk's fee of 5s. 5d. on each part.
	Entering proceedings at the rate of, per page.	- - -	- 5 -	
	Registrar's attendance and expenses, if in town or the vicinity.	- - -	1 2 9	
	If distant in the country, at the rate of, per day and expenses.	- - -	2 5 6	
	Some few other necessary attendances may occur relating to the business, for which the registrar charges 6s. 8d. for each attendance.			
127.	For filing certificate of composition and applotment under Tithe Composition Act.	no claim	1 6 8	
128.	For registering leases under the see -	no claim	1 - -	

Appendix.
N° 8, Q. 710.
N° 8, Q. 722.

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Appendix,
N^o 6.

N^o 8, Q. 708, 709.

The annual receipt of the Registrar's fees, on an average of three years ending December 1829, amounted to 1,081*l.* 2*s.* 2½*d.*; the average annual expenses, for the same period, amounted to 37*l.* 7*s.* 5*d.*; leaving the net average receipts of the office 1,043*l.* 14*s.* 9½*d.* per annum, divisible as already mentioned. The deputy also received under the head of gratuities and emoluments, during the same period, on an average annually the sum of 36*l.* 4*s.* 5½*d.*, and for executing requisitions for the same period, on an average, 167*l.* 6*s.* 7*d.*; besides which he derives emoluments from extracting probates and administrations, which, in like manner as the Deputy Registrar in the Prerogative, he claims to be entitled to do: his income from this source he states, on an average for the same period, to have amounted to 174*l.* 6*s.* 3*d.* annually.

Id. Q. 88 to 96.
100 to 103. 637,
638.

In addition to the fees of the Registrar claims are made in this office, as in that of the Prerogative, on many services, for the clerks. The origin of these claims it would be difficult to trace; they appear to have been received at the present rates as long as Mr. Samuels has been acquainted with the office. From the silence of the Registrar on the subject of Clerk's Fees, in his Return in the year 1717, we infer that they have been introduced since that period.

Id. Q. 97, 98. 196.

The Deputy Registrar is assisted in the performance of the duties by two clerks, who receive the clerks' fees as a remuneration for their services, without any salary: these clerks' fees, with certain gratuities received by them, on an average of three years, ending December 1829, appear to have produced the sum of 210*l.* 12*s.* 10½*d.* annually.

N^o 8, Q. 111 to 113.

During the period when Mr. Clarke was deputy, the clerks' fees were received by him for his own use, and the clerks were remunerated by a salary; which, in this as in other offices, illustrates the abuse of imposing fees for subordinate persons employed in discharging the duties, by showing that those fees actually form an increase of the officer's own emolument. We have stated in our former Reports the objections to the system of clerks' fees, which appear equally forcible as applying to this office.

The fees at present received for the clerks are contained in the Table of 1820, and their introduction there, as already stated, forms one very principal objection to the authority of that Table.

In the Table of 1717 the Registrar's Fees are classed as follows:

- 1.—Fees due in Causes of Office.
- 2.—Fees due in Causes of Instance and Decrees of Court.
- 3.—Fees due for Copies and Exemplifications, Letters Tutill and Caveats.
- 4.—Fees due for Licences, Suspensions, Sequestrations, Relaxations, Resignations, and such like.
- 5.—Fees due for Letters of Orders, Consecrations of Bishops, Unions, Institutions, and such like.
- 6.—Fees due for Exhibits.
- 7.—Fees due for Testaments, Administrations, and other things incident thereto.

We propose to consider them under three general heads, which will embrace all the foregoing; viz. Fees on Probates and Administrations, and the several services connected with them; Fees on proceedings in Suits in the Consistorial and Metropolitan Courts; and, Fees on services arising from the Jurisdiction of the Archbishop or Bishop over his Clergy, not strictly of a judicial nature, and other proceedings connected with Ecclesiastical matters. On the two former we shall have little more to do than refer to our Report on the Prerogative Court, in which subjects precisely similar are fully considered; but on the third head, being peculiar to the Registrars of Archbishops and Bishops, and imposing charges on the Clergy and the Public, we shall have occasion to enter more into detail.

The fee now payable to the Registrar on each probate is 9*s.* 2*d.*, and on each administration, 11*s.* 10*d.* In the List of 1717 the fees claimed are thus stated: "For the probate of a will, if the will be delivered to the Judge engrossed according to the Statute, the statute fees, and no more. If otherwise, the fees to be received as followeth: for the probate of a testament which is not brought

“ in engrossed, 6*s.* 8*d.*, if the goods amount to 100*l.*; but if the goods amount to but 40*l.*, or under, 3*s.* 4*d.* Metropolitan and Consistorial Courts.

The Statute referred to in this exception in the List, is the Act 28 Hen. 8, c. 18, made at the time of the Reformation, for the purpose of regulating the charges payable to the Judges and officers of the Consistorial Courts, on the extraction of probates and administrations. The following are the rates of fees payable to the Registrar by this Statute; viz.—

	£.	s.	d.
Where the goods do not exceed 10 <i>l.</i> - - - - -	-	1	4
Where they amount to 10 <i>l.</i> , and do not exceed 20 <i>l.</i> - - - - -	-	1	8
Where they amount to 20 <i>l.</i> , and do not exceed 40 <i>l.</i> - - - - -	-	2	-
Where they amount to 40 <i>l.</i> , and do not exceed 100 <i>l.</i> - - - - -	-	2	8
Where they amount to 100 <i>l.</i> , and above - - - - -	-	3	4

The provisions of this Act, thus recognized by the Table of 1717, have been subsequently entirely disregarded. The fee claimed by the Registrar, on administrations, is not stated in the List of 1717; but it appears from the books of the Registrar to have been 6*s.* 8*d.* in the year 1763. The increase from 6*s.* 8*d.* to its present rate of 11*s.* 10*d.* on administrations intestate, took place before the appointment of the present Deputy Registrar.

In addition to the fees claimed as of right on probates and administrations, gratuities of a stated amount are received for the use of the Deputy Registrar. Clerks' fees are also received on the same services. On other services, incidental to probates and administrations, fees are received; such as commissions to swear executors and administrators, and to take bonds, &c. All these charges are the same in this Court as in the Court of Prerogative; and it appears, that not only the amount of charge, but the mode of regulation and practice, has been adopted here from that Court; and every increase of fee, and alteration of practice which took place in the Prerogative, was immediately, or very shortly after, introduced into this. The Scale of 1812, by which the charges of Proctors extracting probates and administrations in the Court of Prerogative were regulated, and upon which we have so fully commented in our Nineteenth Report, was, immediately after its introduction there, adopted as the rule in this Court; and it is not alleged that any order of the Judge of this Court was obtained for that purpose. Having in our Nineteenth Report fully stated the history of the establishment of this Scale in the Court of Prerogative, and pointed out its effects in augmenting the charges on probates and administrations, we do not feel it necessary to repeat them here. The same objections we there pointed out apply equally to this Court; and the same observations will equally apply to the gratuities and Clerks' fees; the discontinuance of which we recommended in that Report. We shall, therefore, recommend regulations and fees on services connected with probates and administrations, similar to those contained in the Nineteenth Report.

Appendix,
N^o 8, Q. 54 to 62.
104 to 110. 257 to
331. 348.

p. 21 to 29.
(printed copy.)

COURT BUSINESS OF THE REGISTRAR.

IN this Court, as in the Court of Prerogative, each party litigating makes his proxy, thereby putting his Proctor into his place, for the purpose of that suit; after which the cause does not abate by the death of the party, provided the proxy has been regular. It has hitherto been the practice for the promovent to exhibit his proxy with his first libel or pleading, and the impugnant with his appearance; but, by a late rule, the promovent has been directed to exhibit his on the return of his citation. For each exhibit, and for each appearance, a fee of 1*s.* 6*d.* is payable to the Registrar, which is at the same rate as those services are stated in the List of 1717.

Fees on office copies are now, with one exception, viz. copies of inventories, all charged at the uniform rate of 10*d.* per sheet of 90 words, of which 9*d.* is for the Registrar, and 1*d.* for the clerks. In the List of 1717 the following items are contained, as the charges to be made upon copies :

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	£.	s.	d.
For the copy of the examination of every witness examined, as well upon a libel, allegation, or other matter, as upon interrogatories - - - - - } If long, 6 <i>d.</i> per sheet, to be copied 10 words in a line, and 15 lines in a sheet.	-	1	-
For the copy of every libel, allegation, matter, answer, inter- rogatory or commission in partibus, or administration - } If long, 6 <i>d.</i> per sheet, 15 lines a sheet.	-	3	4
For the copy of every will, proxy, inventory, account, or any other matter, 6 <i>d.</i> per sheet.			
For the copy out of the record for an act of institution of } any clerk admitted to a benefice - - - - - }	-	3	4

N^o 8, Q. 100. 418;
419. 456 to 460.
465.

These several distinctions have now ceased in practice, and copies of every description are charged for by the sheet, except copies of inventories, which are charged for at the rate of 10*s.* for each skin of 880 words: we cannot see any reason for the introduction of this variance, which, although of long standing, did not exist in 1717. The increase in the charge made in this office for copies, since those lists were returned, has been very considerable indeed, the fee at that time being but 6*d.* for 150 words, whilst it is now 9*d.* for 90 words. Thus, the labour is diminished two-fifths, and the charge increased one-half; in addition to which, a clerk's fee of 1*d.* has been superinduced. It is, however, but justice to the present Deputy Registrar to state that no increase has taken place since his appointment in any of the charges made in the office. We recommend that the fee shall be again reduced to 6*d.* per sheet on all office copies exceeding six sheets; and that for those not exceeding that number of sheets, the charge be 3*s.* 4*d.*; and, as in every other case, we recommend the entire discontinuance of clerk's fees. We further recommend that no person be compelled to take out or pay for a copy of any document which he does not require, except in the case of a party exhibiting a pleading or affidavit in answer to a previous pleading or affidavit, in which case he should be obliged to take out a copy of such former pleading or affidavit; and that in cases of appeals from inferior courts, any party having obtained copies in the Court below, may use such copies in this Court, without being obliged again to take out or pay for copies of the same document in the Metropolitan Court; and further, that any person requiring a copy or extract of any particular bequest or paragraph in a will, shall be furnished with it, without being obliged to take a copy of the entire. These recommendations, with others, will be subjoined in the more precise form of Regulations, and will, if adopted, we trust be found sufficient to remedy the excessive expense attendant upon office copies.

Id. Q. 507 to 510.
517. 522 to 524.

Searches are made in this office for various documents and purposes; the most frequent are for wills or grants of administration; but there are several others, many of which may be very troublesome. The fee charged for a search for a will is uniformly 2*s.* 8½*d.*, of which 2*s.* 6*d.* is for the officer, and 2½*d.* for the clerks. The lowest charge for any other search is 3*s.* 4*d.*, but it may be much higher, and is made according to the officer's own estimate of the time and trouble expended in the search, and has in some instances amounted to 1*l.* 6*s.* 8*d.* There is not any charge made to a Proctor making a search. In the List of 1717, the fee for a search of any kind is stated to be 2*s.* 6*d.* which we recommend to be the fee demandable from each person, other than a Proctor, making a search in this office. It has not been the practice to charge for a search in cases where a copy has been taken out of the document searched for. This practice appears proper, and we recommend its continuance; but as searches for presentations and collations, and amongst ancient visitation books, &c. may be required from very early periods, and it may be desirable that they should be made by the officer or his clerks having experience in such matters, we think it not unreasonable that in such cases the fee of 2*s.* 6*d.* should be repeated for every ten years the officer is required to search; this repetition not, under any circumstances, to be considered applicable to searches for wills, or where the party himself makes the search, but only where the officer is required by memorandum in writing to make the search, specifying the periods within which it is to be made.

The observations upon acts of Court, or rules and decrees, and appeals to the Court of Delegates, contained in our Report on the Court of Prerogative, will apply,

apply, in a great measure, to those services in this Court, which therefore do not call for any particular comment.

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Appendix,
Nº 8, Q. 350 to 368.
476 to 504.

Appeals are made from the decisions of the several Diocesan Courts of the province to the Metropolitan Court of Dublin. Upon an appeal of this kind being lodged, a fiat is obtained from the Judge for an inhibition, citation and monition to the Judge and Registrar of the Court below. This process is served upon the party, and upon the Judge and Registrar below; and is returned into the Metropolitan Court, with an affidavit of the service. A rule is then obtained, expecting the appearance of the respondent; and on appearance, the respondent obtains a rule that the appellant shall exhibit a libel, and lodge transmiss. When the transmiss is lodged, aperture is decreed; and when issue is joined on the appellatory libel, a day is assigned for hearing the cause. The transmiss contains the proceedings of the Court below; and should be certified by the Registrar to the Judge below, and by him to the Court of Appeal, to which it is transmitted under the seal of the Court below. Upon this transmiss being lodged, the appellant takes out a copy of it, and the respondent is permitted to make use of this copy on paying a portion of the expenses of it. Appeals of this nature are both from written sentences, and from grievances or interlocutory orders; and the several proceedings are of the same nature as in the case of appeals from this Court to the Court of Delegates. We conceive that the unlimited right of appeal tends much to increase the delay and expense of proceedings in these Courts, and that some restrictive regulations would be highly advantageous.

For the various kinds of process issued from this Court charges are made according to the nature of the process required, with the exception of citations for tithes, which are exempt, under the statute 7 Geo. 3, c. 21, s. 5, from payment of any fee. The Proctors have, however, in general, paid for such citations at the same rate as others; but if payment was refused, the citation would have been given without it; and since Mr. Samuels was appointed sole deputy, he has not received fees for tithe citations. In the Table annexed to this Report, we shall specify the fees which we consider should be received for the several descriptions of process.

Nº 8, Q. 375.

The examination of witnesses in this Court is, in general, as in the Court of Prerogative, conducted by taking their depositions in writing secretly, either in support of pleadings, or upon interrogatories; and, as in that Court, the duty originally belonged to the Judge. It has, however, for a long time been delegated to the Registrar or Deputy Registrar, who examines witnesses in causes depending in the Court, whether the examination is had in Dublin or in the country. In the latter case, he acts either under the authority of a commission, if the witness resides within the jurisdiction of the Court, or, if in another diocese, a requisition is addressed to the Bishop of that diocese, his Vicar-general or Surrogate, and the Registrar or Deputy Registrar is almost always assumed as Actuary, and thereupon conducts the examination. The details of the performance of this duty, and the charges made by the officer for them, being precisely similar to those stated in our Report on the Court of Prerogative, we think it needless here to repeat them; but shall subjoin Regulations calculated to diminish the burdens of suitors in this respect. In justice to the Deputy Registrar of this Court, it is fair to state, that when examining in the country under a commission or requisition, he devotes six hours each day to business, which is one hour more per day than is given by the Examiners of the Court of Prerogative.

Nº 8, Q. 125 to 129, 423 to 453, 474, 475, 550 to 585, 643, 644, 683, 725.

In the List of 1717 the following fees are contained applicable to the examination of witnesses:

	£.	s.	d.
For the production of every first witness, upon every libel, allegation or other matters exhibited in court - - -	-	-	6
For the production of every other witness - - - -	-	-	4
For the examination and repetition of every first witness upon articles, libels, allegations, or any other allegation or matter exhibited - - - -	-	1	-
For examination and repetition of every other witness - -	-	-	9

These fees are now unknown in practice; but one fee of 5s. is taken for the production and swearing of each witness, and again repeated if such witness be sworn to answer interrogatories; and the fees for examination are at the same rates as in the Prerogative, both in Dublin and in the country.

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C 4

After

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After publication has passed, the depositions are copied for and furnished to the Proctors of the parties; and not only the depositions, but also the original citation, the pleadings and interrogatories at both sides, the several exhibits, if any, the commission or requisition, if any, and the oath of the Actuary, and return; for a copy any part will not be given, but a person requiring any particular deposition, must take the entire. Thus it follows that each party, where an examination is had by commission or requisition, is obliged to take out and pay for two copies of his own and his adversary's pleadings, besides being required to pay for copies of interrogatories, commissions, requisitions, and other matters, which serve no purpose whatever, but to render litigation more expensive, by increasing the emoluments both of the officer and of the Proctors. And, according to the practice of the Court, should both parties agree to contribute to the expense of one copy of the depositions for their joint use at the hearing, it would not be permitted; as it is considered that every party using depositions must take out and pay for a separate copy. Our subjoined Regulations will be framed with a view to remove this evil. In cases where the examination is *viva voce*, in open Court, the witnesses are examined by the Proctor or advocate, and their evidence is taken down on the Rule-book by the Deputy Registrar. For this service there is not any additional fee charged.

Appendix,
N° 8, Q. 525 to 549.

Attendances with wills out of the office are sometimes required, but more frequently in Dublin; the production of a will in the country being a service of rare occurrence; it has, however, sometimes happened; and in such case the officer has charged what was customary in the Court of Prerogative, from which he states his charges in this respect were adopted. For the control, therefore, of these charges, we shall submit Regulations similar to those in our Nineteenth Report.

Id. Q. 586 to 706.

On the taxation of costs we have few observations to offer which have not been anticipated in former Reports, and more especially in that on the Court of Prerogative; the service being similar, as well in the authority from whence it is derived, and under which it is exercised, as in the manner of its performance. The reasons which have induced us, on former occasions, to object to the principle of entrusting to an individual, himself interested in so many of the items in a bill, the duty of controlling them, apply equally here; though we consider the manner in which Mr. Samuels has discharged this trust has been creditable to himself, and that what appears objectionable on the subject in this Court may be considered as the defects of an established system; and that the officer, in following the precedent and practice, in which he did not feel authorized to introduce innovation, appears to have exercised as much vigilance as could have been reasonably expected under the circumstances in which he was placed. We consider that the tribunal to which costs are submitted for taxation, should be altogether disinterested in the increase or diminution of any of the items contained in them. Should the mode of remunerating the Registrar be at any time by Salary instead of Fees, as at present, his knowledge of the proceedings in each case, and of the practice in the Court in general, would render him peculiarly competent to exercise the functions of a taxing officer; and we consider the suggestions in our Nineteenth Report as to the mode in which this duty should be discharged, equally applicable to this Court as to that for which they were originally intended.

We shall next consider those fees which are payable to the Registrar for services arising from the jurisdiction which the Archbishop or Bishop exercises over his Clergy, not strictly of a judicial nature, and other proceedings connected with ecclesiastical matters. Most of these services are comprised in the List of 1717, but there are some introduced for the first time, in the Table of 1820; for instance, Commissions to value Improvements in Glebe-houses, &c., and Consecrations of Churches and Church-yards. For the services comprised in the ancient Table of 1717, fees have been paid to the Registrar of this Court from the earliest period, and the rate and service are accurately defined in that Table. In the newly-constructed Table of 1820, there is a departure from the precision with which the service and the fee are expressed in the former Table, which we have already stated to be objectionable. Under the latter, the Registrar is authorized to make what is termed a reasonable charge for his trouble in drawing drafts of the different documents which are required from the office, and for his necessary attendances in preparing same.

When

When a duty is required to be performed by an officer, he must be supposed capable of performing it; and we do not conceive that, because, occasionally, some proceedings are more difficult than ordinary, there should necessarily be, in such cases, an increase of charge. Other proceedings under the same title are of frequent occurrence, and are simple in their nature; and such may be deemed a compensation for those that are more difficult. Nor do we think that the mode of remunerating the Registrar's services by fees on attendances is a proper or legitimate one for an officer whose attendance in his office must be always presumed; and more especially when the occasion for, and the number of attendances in each case, must be left to his own discretion. We therefore recommend that all charges of the nature alluded to, shall be discontinued, and the practice according to the ancient Table be restored, of having the fee for each service in every case defined.

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The service performed by the Registrar, on the occasion of issuing a license to marry, consists in filling up a printed form of license, preparing a bond to be executed by the person applying, and attesting the execution thereof: he also, in cases where a Proctor is not employed, draws a fiat, which consists of a few lines, to authorize the seal of the Archbishop to be affixed to the license. For these services the following charges are contained in the Table of 1820:

Appendix,
Nº 8, Q. 164, 165.
339 to 342.

	£.	s.	d.
To the Registrar, and for bond - - - - -	-	11	-
To - ditto - taking instructions for license, drawing fiat } for same, and attending to get the parties sworn - }	-	6	-
And when the parties are under age, for each consent -	-	6	8

The charges for this service, according to the Table of 1717, were, for the license 3 s. 4 d., for the bond 2 s. 6 d., making together 5 s. 10 d., which, from old books of the Registrar found in the office, appears to have been the whole amount of the charge down to so late a period as the year 1768. From subsequent books of the same kind it appears, that they have progressively increased to their present rate; but under what authority we have not been able to ascertain, nor at what time the present rate of charge was first introduced: it was, however, before Mr. Samuels' acquaintance with the office. There is a fee of 2 s. 8 ½ d. to the clerk added on every license: we consider the fees provided for this service in the Table of 1717 sufficient, and recommend their re-establishment.

The charges made for licenses to curates, according to the Table of 1820, are as follows:

	£.	s.	d.
To the Registrar, for drawing out and engrossing same, and certificate to annex thereto; entering same, and attendance to administer oaths and take subscriptions to canons and declarations - - - - -	-	12	10
Exhibiting and registering nomination - - - - -	-	2	8
To which is added, fee to clerk - - - - -	-	2	8 ½
Amounting in the whole to - - - £.	-	18	2 ½
While for the same service the fee in the Table of 1817 is but	-	3	4

According to the Registrar's books before mentioned, the charge had been increased, between 1717 and 1763, to 9 s. 2 d.: it was afterwards raised, in 1795, so high as 1 l., and has therefore been reduced in some degree by the Table of 1820; and a fee of 13 s. 4 d., previously demanded for attendance, is wholly omitted.

Nº 8, Q. 37. 138
to 141.

The fees on letters of orders have undergone nearly the same changes, having been progressively increased and subsequently reduced. The service consists in attending the ordination, administering the oaths, taking subscriptions to the canons, engrossing the letters of orders, attending the Archbishop for his signature, and entering the letter of orders in the Title-book: the fee to the officer for this service, according to the Table of 1717, was but 3 s. 4 d.; in 1768, 9 s. 2 d.

146.

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Metropolitan and Consistorial Courts. was charged for it: it was raised in 1795 to 1*l.*, and now, according to the Table of 1820, it is

	£.	s.	d.
To the Registrar, for drawing and entering - - - - -	-	13	4
And to the clerk - - - - -	-	2	8½

Appendix,
N° 8, Q. 148 to 160.

Fees on sequestrations are mentioned in the Table of 1717, and form an important item in that of 1820. Sequestration is a process, under the Consistorial Seal, to recover the tithes and other profits of an Ecclesiastical Benefice; it is used for various purposes, and has in consequence been distinguished by the officer into what he terms different kinds of sequestrations: First, it is used to levy out of the emoluments of a benefice a debt due by an incumbent, in obedience to a writ issued from one of the superior Courts of Common Law. Secondly, it is used, in case of the vacancy of a benefice or the suspension of a minister, to levy the emoluments to provide for the performance of the duties. Thirdly, this process has been used, under the authority of modern Acts of Parliament, to sequester the profits of a benefice of a clergyman absenting himself, in order to compel his residence. Fourthly, to levy the emoluments of a benefice, to compel payment of a debt due to the Board of First Fruits, in consequence of money advanced by that Board to incumbents, to build glebe houses and make other improvements; and it may be used for other purposes, which it is unnecessary here to enumerate.

In relation the several kinds of sequestration, the duty of the officer, in every case, is to prepare the documents containing the proper recitals. These recitals vary according to the nature of the process, some being of greater length than others, those which are used to levy the profits to pay a debt of the incumbent under a writ from a court of law, being the longest. In every case of sequestration a bond is also executed by the persons appointed sequestrators, for the due performance of the duties imposed on them in levying and applying the profits.

According to the Table of 1820, the following fees are claimed by the Registrar:

For every sequestration - - - - -	-	13	4
For the bond, which is very special - - - - -	-	6	8

To which is added the following memorandum (already alluded to); viz. "In many cases of sequestration, the Registrar has to draw a draft of same, and to submit same to an advocate for perusal, for which, and for necessary attendances, he makes a reasonable charge for his trouble."

In the List of 1717, the fee payable to the Registrar on every sequestration is stated to be 3*s.* 4*d.*, on every bond 2*s.* 6*d.*; and we find from the books of the Registrar that such continued to be received so lately as the year 1768, when the fee on a sequestration on a vacancy is entered therein at 5*s.* 10*d.*; being 3*s.* 4*d.* for the sequestration, and 2*s.* 6*d.* for the bond, which appears to have been the whole charge. But the fees mentioned in the Table of 1820, although so much greater than in 1717, afford no criterion of the actual expense, as in every case there is an additional charge of 3*s.* 4*d.*, as for the order of the Judge, 6*s.* 8*d.*; for attending to have the bond executed, from 6*s.* 8*d.* to 16*s.* 8*d.*; for drawing draft sequestration and for entering same, according to length, 5*s.* per page. The number of attendances, for each of which 6*s.* 8*d.* is charged, and for letters, for each of which 3*s.* 4*d.* is charged, may vary in different cases. In case of a sequestration to levy a debt under a writ from a court of law, the following are the ordinary charges.

Writ having been lodged and sequestrator nominated.

N° 8, Q. 168 to 171.

	£.	s.	d.
Attending his Grace the Archbishop when he nominated } Sequestrators - - - - -	-	6	8
Order for sequestration - - - - -	-	6	8
Drawing special fiat - - - - -	-	3	4
Drawing and engrossing special bond - - - - -	-	13	4
Stamp thereon - - - - -	1	1	8
Draft sequestration - - - - -	-	16	8
Sequestration under seal - - - - -	-	13	4
Judge - - - - -	-	11	-
	Parchment		

Parchment - - - - -	£.	s.	d.	Metropolitan and Consistorial Courts.
Clerks - - - - -	-	5	-	
Entering proceedings in the registry (four pages) - -	-	2	8 ½	
	1	-	-	
To which is added the charges for the relaxation, always made at the same time - - - - -	6	-	4 ½	
Entering same and clerks - - - - -	1	6	10	
	-	7	8 ½	
	£	7	14 11	
From which deducting the amount of stamp duty and fees paid to the Judge - - - - -	1	12	8	
There remains, as the amount paid to the Registrar - - £.	6	2	3	

The officer justifies these charges under the authority of the Table of 1820; and such appears to have been the usage of the office for some time before that Table was established, but we conceive that they are not warranted by the terms of it, the charges made, both for the bond and the sequestration, exceeding the rates there specified; and as it cannot be presumed that every sequestration is of a special nature, the memorandum in the Table, which appears to be intended to apply only to cases where the circumstances are special, cannot sanction the introduction of extra charges, except where such circumstances arise. Most of the charges, such as draft sequestration, attendance on the Archbishop, drawing bond, and attendance to have same executed, letters written, are all of the nature of private agency, and such as cannot be properly considered fees of office, which should always be clearly defined. On examining several bills furnished by the Registrar, in relation to this service, they appear to vary in the items; charges are introduced in some and omitted in others, different attendances charged in each; and there is a difference also in the rates charged; the order for fiat being 3s. 4d. in one, and 6s. 8d. in another; drawing fiat 3s. 4d. in one case, and 5s. in another. The principle which occasioned these variances the Deputy Registrar was not able satisfactorily to explain; and it is manifest that he had no data by which he regulated the application of those fees, which were therefore left entirely to his own discretion.

Appendix,
Nº 8, Q. 256.

The services on the resignation of and presentation to benefices, and on institution and collation thereto, and others relating to the titles of the clergy, form an important part of the duty of the Registrar, and from thence a considerable proportion of his profits arise. Some fees connected with these services in the Table of 1717, are not included in the Table of 1820; namely, a fee of 6s. 8d. for drawing the resignation of a clergyman, payable to the Registrar or Notary who draws it, and a fee of 3s. 4d. payable to the Registrar or Notary who attests the resignation. The former fee, although not sanctioned by the Table of 1820, continues to be received by the Registrar; but Mr. Samuels recollects no instance of the latter fee being claimed.

Nº 8, Q. 715 to
717.

The fee at present received by the Registrar for admitting and entering every presentation to a benefice, if by a lay patron, is 13s. 4d., but if by patent from the Crown, in consequence of the greater length of the document, 1*l.* according to the Table of 1717 this fee could not exceed, in any case, 3s. 4d. It appears from the books of the Registrar already mentioned, that the fee for this service was received at the same rate so lately as the year 1783: when it was raised to its present amount we have not ascertained,

Id. Q. 142 to 147.

A fee of 7s. 11d. is now claimed by the Registrar for drawing out and registering a notification to the patron of a living having become vacant, and for delivering and serving same, 5s. 5d.: those services are not mentioned in the Table of 1717, nor is there any entry of fees on them in the early books of the Registrar. They are paid by the succeeding clergyman on his institution.

The fee payable to the Registrar under the Table of 1820, for every institution to a benefice, upon a presentation, and for every collation, is, for each denomination, 2*l.* 6s. 8d. In the List of 1717, the following items appear relating to this service: "To the Registrar, on every institution upon a presentation mandat. "ad. inducend. subscriptions, and all other certificates, 1*l.*; for drawing and writing

Id. Q. 192 to 194.
197 to 221. 345
to 347, & Supple-
mental Answer to
Q. 345 after 347.

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“ writing a collation, 1 *l.*” The fee for this service has been received at the present rate during the entire period embraced by the Registrar’s books in the office, which we have examined; namely, from the year 1763. According to the terms used in the ancient Table, the fee on institution and induction was intended to comprise all certificates, subscriptions to oaths, and other services connected with the institution or induction of the clerk; the fee on resignation and presentation not being considered as included therein; and such appears to have been the practice so late as the year 1783, for to that date there is no entry of any fee charged, except for the institution, induction or collation, and the fee on resignation and presentation. At present, under the Table of 1820, the following fees are charged on every such service, in addition to the fee of 2 *l.* 6 *s.* 8 *d.*

	£.	s.	d.
For certificate of assent and consent - - - - -	-	6	8
Instructions for reading same (if required) - - - - -	-	3	4
Entering presentation, if from the Crown - - - - -	1	-	-
if from a lay patron - - - - -	-	13	4
Certificate of induction - - - - -	-	6	8
Registering same - - - - -	-	3	4
For drawing, engrossing and entering mandate to induct, and a certificate - - - - -	-	15	10

The origin of this last fee is ascribed by the Deputy Registrar, Mr. Samuels, to a Stamp Act passed in the year 1816, by which the Registrar was required to retain the titles of the clergy. There is also a fee of 3 *s.* 4 *d.* for registering constat, which is stated by Mr. Samuels to have been occasioned by the necessity of having a certificate from the Office of the First Fruits, that no debt is due from the benefice to that Board; which certificate, or a receipt, must be registered. This service has arisen from statutes enabling the Board of First Fruits to advance money to incumbents to build glebe houses, and make other improvements, on the security of the benefice. There is also a fee of 2 *s.* 6 *d.* (authorized by statute), charged for entering a certificate from the Stamp-office that the duty has been paid on the presentation or collation, and that those instruments have been duly stamped.

The fee of 2 *l.* 6 *s.* 8 *d.*, and where there is a presentation, of 6 *s.* 8 *d.* for exhibiting presentation, and in case of a resignation, a further fee of 6 *s.* 8 *d.*, together with fees of 1 *l.* 10 *s.* for the Archbishop, 10 *s.* for his Seal-keeper, and 2 *s.* 8 $\frac{1}{2}$ *d.* for the Apparitor, are repeated for each denomination of which the benefice consists, according to its description in the Title-books in the Registry. The fee of 6 *s.* 8 *d.* for exhibiting the presentation, and in case of resignation a further fee of 6 *s.* 8 *d.*, are, under the Table of 1820, divisible between the Judge and the Registrar, in equal proportions; but, in point of fact, have been altogether received solely for the Registrar latterly, by mistake of the present deputy, who was ignorant of the entry in the Table, and did not know that the Judge was entitled to any part of them. The fee for exhibiting presentation is for a merely constructive service, which, even if performed, would be unnecessary; as the previous service of registering the presentation, for which a fee is received, cannot be distinguished by the officer from exhibiting; and although the latter is much smaller in amount than that for registering, yet, from the repetition of the former for each denomination in the titles, it frequently amounts to considerably more. Thus, if the benefice consists of a union of two or more rectories or vicarages, the aggregate of the fees above-mentioned is charged on each.

Even in those cases where a rectory has been once separated from, and afterwards re-united to the vicarage, thus forming again but one parish, each is considered a separate denomination, and the fees are charged on each; and this course is adopted on every union, whether ancient or modern, whether by Act of Parliament, Act of Council or Episcopal; though in effect, in the two first instances, the several denominations become by law but one parish to all other intents; and with respect to the service performed by the Registrar, on which the fees arise, there is no difference, and although there is a distinct fee of 1 *l.* 13 *s.* 4 *d.* charged for the union. In the List of 1717 this latter fee is stated as payable upon an episcopal union, and it is so expressed also in the Table of 1820, but in practice it is received on every union. Thus this inconsistent system has been adopted of charging the fees both as on separate parishes and on a union. Whether the practice of repeating the fees on institutions and collations existed in the year 1717,

we have no means of ascertaining; but it appears to be a usage of long standing, and prevailed in the year 1765, according to the Registrar's books of that period. It does not appear warranted by the language of the original Table; but the continued usage for so long a period furnishes a reasonable excuse to the officer for now claiming and receiving it.

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In addition to the fees already mentioned on institutions and collations, a clerk's fee of 11 s. 4 $\frac{1}{2}$ d. is taken on each: it is recognized by the Table of 1820, and was received before that Table existed, and as long as the present deputy has been acquainted with the office. The clerk's fee is not, however, repeated upon each denomination.

In order more clearly to show the principle and mode of charge made to the Clergy upon their admission to benefices, we have obtained from the officer a copy of a bill containing the amount and particulars of those fees actually charged, in a modern instance, under the authority of the Table of 1820, on the occasion of the institution of a Clerk, presented by the Crown, to a union consisting of five denominations:

Appendix.
N^o 8, Q. 197.

	£.	s.	d.
Registering presentation - - - - -	1	-	-
Order for institution - - - - -	-	3	4
Lord Archbishop - - - - -	£. 1	10	-
Registrar - - - - -	-	2	6 8
Lord Archbishop's Seal-keeper - - - - -	-	-	10 -
Apparitor - - - - -	-	2	8 $\frac{1}{2}$
Exhibiting presentation - - - - -	-	6	8
		4	16 - $\frac{1}{2}$
Like for - - - - -		4	16 - $\frac{1}{2}$
Like for - - - - -		4	16 - $\frac{1}{2}$
Like for - - - - -		4	16 - $\frac{1}{2}$
Like for - - - - -		4	16 - $\frac{1}{2}$
Union - - {To Archbishop - £. 1 13 4}		3	6 8
{To Registrar - 1 13 4}			
Certificate of assent and consent and instructions - - - - -		-	10 -
Ditto - of induction - - - - -		-	6 8
Ditto - of stamps - - - - -		-	2 6
Registering constat - - - - -		-	3 4
Drawing, engrossing and registering mandate to induct. } certificate and parchment - - - - - }		-	17 10
Lord Archbishop's Seal-keeper - - - - -		-	10 -
Clerks - - - - -		-	11 4 $\frac{1}{2}$
	£.	31	11 11 $\frac{1}{2}$
From which deduct,			
To Archbishop - - - - -	£. 9	3	4
To Apparitor - - - - -	-	13	6 $\frac{1}{2}$
To Archbishop's Seal-keeper - - - - -	-	3	-
For Parchment - - - - -	-	1	-
		12	17 10 $\frac{1}{2}$
	£.	18	14 1 $\frac{1}{2}$

Remains as constituting the emoluments of the Registrar, including 11 s. 4 $\frac{1}{2}$ d. to clerks, on one institution. Had there been a resignation in this case, there would have been a fee of 6 s. 8 d. for drawing it, and 6 s. 8 d., five times repeated, for exhibiting it, which would have added to the Registrar's emoluments on this occasion 2 l.; and as many unions contain a much greater number of denominations, the Registrar's profits will consequently, on collations and institutions to such, be considerably greater.

Another head of Fees payable to the Registrar is, on the exhibits of proxies, and of titles of the Clergy, at the Triennial and Annual Visitations. On the occasion of both these visitations, in case a Bishop or Clergyman bound to attend absents himself, a proxy for him must be exhibited. It is the duty of the Registrar to receive such proxies, to lodge them in the Registry, and to enter an abstract of them in the Visitation-books. For this service, according to the List of 1717, fees are payable for the Archbishop and the Registrar at the following rates: From every Bishop not appearing at a Provincial Synod, and when proxy is exhibited, a fee of 6 s. 8 d.; from every Dean 6 s. 8 d., from the Chapter 6 s. 8 d., and for

N^o 8, Q. 232 to 236.

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every Archdeacon 6*s.* 8*d.*, and the body of the Clergy 6*s.* 8*d.*; and from every Clergyman, not appearing at the ordinary Visitation, a fee of 1*s.* The same fees on exhibiting proxies are contained in the Table of 1820, and continue to be received at present. It is also necessary for the Clergy of the Suffragan Dioceses at the Archbishop's primary Triennial Visitation, and for his own Clergy at his primary Annual Visitation, to exhibit their titles: on this occasion it is the duty of the Registrar to receive the letters of orders and the titles of the Clergy, and take an abstract of them, and, after marking the exhibit on the back of each, to return them: on this service fees are payable to the Archbishop and the Registrar, according to the List of 1717, at the following rates; viz.

	£.	s.	d.
For letters of deacon and priesthood - - - - -	-	2	6
For every union - - - - -	-	6	8
For every dispensation - - - - -	-	6	8
For every institution and induction - - - - -	-	2	6

Two third parts thereof payable to the Archbishops and Bishops, if not by them otherwise granted*, and one third part to the Registrar: and,

	£.	s.	d.
For exhibiting every license to serve a cure - - - - -	-	2	6
For exhibiting every license to a clerkship - - - - -	-	2	6

The fee of 2*s.* 6*d.* payable to the Registrar for exhibiting every license to a clerkship is not contained in the Table of 1820, but that for a license to serve a cure, with two others, viz. letters of orders, 2*s.* 6*d.*, and certificate, 2*s.* 6*d.*, are there given, divisible between the Judge and Registrar in the proportion of two-thirds of one-third to the former, and the remainder to the latter. Though the titles of the Clergy are in point of fact exhibited at a primary visitation only, and it is obviously unnecessary that they should be so again; nevertheless half fees are paid by them on every other visitation. We have not ascertained when this practice was first adopted, but as no claim for half fees is made in the List of 1717, it would appear that it was introduced subsequently to that period. It is however a practice of long standing, and was in use before the appointment of the present Deputy Registrar, or his acquaintance with the office. It is evidently useless to require a clergyman, whose titles have been once inspected and recognized by an Archbishop or Bishop, again to exhibit them from time to time at every visitation; and in practice it is not done; the charge therefore is manifestly an abuse, no service, even of a colourable kind, being performed for it: we think it ought not be suffered to continue.

Appendix,
N° 8, Q. 228 to 231.

On the consecration of a Bishop it is the duty of the officer to attend, to enter the Patent from the Crown in the Title-book, and to prepare a certificate, which is signed by the Archbishop, attesting the act. The fee to the Registrar for this service is thus stated in the List of 1717: "For all proceedings on the Consecration of a Bishop, 40*s.*" In the Table of 1820 the fee for the Registrar is the same, to which is added for patent, 10*s.*, for drawing certificate, 8*s.* 2*d.*, and for the clerk, 11*s.* 4½*d.* The present rates were received by the Registrar before the Table of 1820 was framed, and as long as Mr. Samuels has known the usage of the office; but we find by the Registrar's books, that the fee in the Table of 1717 continued to be received without any addition so late as the year 1768.

Id. Q. 173 to 190.

Another important class of Fees connected with the duties and the interests of the Clergy, and payable by them, arises on the service of preparing and issuing commissions to value buildings and improvements on mensal and glebe lands. This has become of late a duty of frequent recurrence and considerable importance. It has originated under Acts of Parliament, which enable Bishops and incumbents of parishes erecting buildings and making improvements on their residences and glebe-houses, to charge their successors with a certain proportion of the expenses incurred in relation thereto.

The documents which are the evidences of the expenditure, and which render the benefice on which it is made liable to future charge, and thus give title to the person

* The Archbishop's proportion is, in Dublin, paid to the Vicar-general, which is the case in many other sees.

person or his representative who has made it, must be prepared with strict attention to the forms prescribed by the several statutes. They consist of a memorial from the person intending the improvement to the Archbishop or Bishop, specifying the nature and particulars of the buildings proposed, with the sum intended to be laid out, &c., and praying the Archbishop's or Bishop's allowance and approval of it, that he may charge his successor. A subsequent memorial, after the improvement made, stating that, pursuant to the previous memorial, the building has been completed, and praying that a commission may issue to inquire into the amount and propriety of the expenditure. A commission issued by the Archbishop or Bishop for that purpose, and the return thereon of the commissioners to whom it was directed, and a certificate under the Archiepiscopal or Episcopal Seal, ascertaining the sum laid out, and the amount to remain a charge on the benefice. The duty of drawing the memorials and commission, and entering the entire proceedings in the Title-books of the Registry, appertains to the Registrar. As these services have arisen under Acts of Parliament passed since the year 1717, there are of course no services of this nature mentioned therein. The following items connected with this service appear in the Table of 1820 :

	£.	s.	d.
For drawing out commission - - - - -	-	13	4
For registering memorial therein recited, according to length -	{ from -	3	4
		to -	10 -
For entering proceedings after commission returned, at the rate of 5 s. per page of Title-book.			
To the Registrar, for Archbishop's certificate - - -	-	13	4
To - ditto - for his attestation thereto - - -	-	6	8

After which there is the following note :
“ The Registrar is obliged in many instances to draw drafts of commissions
“ and certificates, for which, and for necessary attendances respecting same,
“ he makes a reasonable charge for his trouble, according to the nature of
“ the business done.”

We do not think the charges specified in the Table unreasonable for a service new, and requiring, from its nature, precision on the part of the officer, with the exception of the uncertain fee for registering, which we think ought to be rendered certain ; and we consider the service of entering in the Title-books in this and almost every other instance in which the documents are deposited in the Registry, might be dispensed with. Thus the memorial, commission and return being filed in the office, need only be indexed and preserved ; and it would be sufficient to enter the certificate in the Title-books, as an instrument given out of the office under the Seal of the Archbishop ; and for this service, so restricted, in this and the several other cases in which it occurs, we think the rate of fee in the Table of 1820 not unreasonable. With respect to the memorandum in that Table, which allows to the discretion of the officer the charges for drafts of commissions and certificates, we have already expressed our opinion of its impropriety ; and we find accordingly that it has, in this, as in every other case where it exists, led, in practice, to the mischievous consequence to be apprehended from it ; for in all cases of commissions, according to the evidence of Mr. Samuels, there are charges for drafts of commissions and of certificates and for attendances relating thereto. The following is a copy of the ordinary charges for a Commission to value Improvements.

	£.	s.	d.
Draft memorial for permission to build - - - - -	-	6	8
Fair copy thereof - - - - -	-	3	4
Attending the Rev. Mr. ——— to have same signed, and Archbishop with same - - - - -	-	6	8
Registering same - - - - -	-	6	8
Registering plan and estimate - - - - -	-	6	8
Drawing draft memorial for commission to view and value same - - - - -	-	6	8
Attending Archbishop's commissary with same - - -	-	6	8
Drawing draft commission - - - - -	-	13	4
Engrossing same, and parchment - - - - -	-	18	4
Archbishop's Seal-keeper - - - - -	-	10	-
Proceedings having been returned, attending Archbishop's commissary with same for approval, and order for certificate - - - - -	-	6	8

Appendix,
Nº 8, Q. 223 to 227.

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	£.	s.	d.
Drawing draft certificate - - - - -	-	13	4
Engrossing same, and parchment - - - - -	-	18	4
Archbishop's Seal-keeper - - - - -	-	10	-
Attending Archbishop's commissary with same for approval and signature - - - - -	-	6	8
Entering the whole proceedings, 9 pages at 5s. per page -	2	5	-
Clerks, on the whole proceedings - - - - -	-	10	10
	£.	9	15 10

The amount of the aggregate of charges for such commissions, with certificates, &c. is stated to vary from 7*l.* to 14*l.*, they are paid by the incumbent and do not form a part of the charge against his successor. The discretionary charges for drafts and attendances, in relation to such commissions and certificates, appear to have been made at even higher rates before the Table of 1820, but nevertheless are not of a long standing, as we find entries of the fees for these services in the books of the Registrar in the year 1781, in which there is not any mention made of drafts of commission or certificate, or of attendances. We propose to define what we deem proper fees on the services of the Registrar connected with commissions of this nature, in the Table annexed to this Report.

Appendix,
N^o 8, 2. 237 to 256.

The last class of fees payable by the clergy which we deem it necessary to consider, arises on the consecration of churches and church-yards. The duty of the Registrar connected with this service must have existed at all times, though probably it is of more frequent occurrence at present, yet there is no fee whatsoever mentioned in the List of 1717 for it. The fees for these services are thus stated in the Table of 1820, and, on some services, at rates less than were previously demanded.

	£.	s.	d.
For drawing and preparing petition of the minister and churchwardens for the consecration of a church - -	-	10	-
Perusing and abstracting deeds to enable him to draw deed of consecration - - - - -	-	13	4
Drawing draft same, according to length - - - - -	{ from - to	13	4
Attendance therewith on Archbishop or Vicar-general, for his perusal and approbation - - - - -		1	6 8
Engrossing two parts, one for the parish and one for the Archbishop, 1 <i>l.</i> each - - - - -	-	6	8
Entering proceedings, at the rate of 5s. per page.	-	2	- -
Registrar's attendance and expenses, if in town or vicinity -	1	2	9
If distant in the country, at the rate of two guineas per day, and expenses; and the Deputy Registrar states that some few other necessary attendances may occur relating to the business, for each of which he charges 6 <i>s.</i> 8 <i>d.</i>			

These fees are in general paid by the incumbent, who is afterwards reimbursed by the parish. From the nature of the charges made by the officer, they more resemble the remuneration of an agent selected by the party, than fees of a public officer.

We have already stated our objection to the principle of considering a public officer the private agent of the party. As the public must resort to the officer for services of this nature, it seems highly inconsistent that he should be invested with a discretion for regulating his charges. We conceive he should have a reasonable and sufficient fee for preparing the necessary documents, and for his attendance out of his office, where rendered necessary; but these fees should be defined and certain, and not left to the discretion of the officer, or liable to be increased by charges for drafts or attendances.

We propose, in the Regulations which we shall submit, to endeavour to define with more precision the fees to be received by the Registrar, in relation to the consecration of churches and church-yards.

The duties of the Registrars of the several other Archbishops and Bishops throughout Ireland are occasionally performed by the principal, but more frequently by deputies, and in some instances by the principal with the assistance of a deputy.

From

From the imperfection of the Returns furnished to us, in most instances, by these officers, we cannot state with accuracy their annual profits; several of the Registrars having kept no account of their receipts, and others having stated them in a very vague and inconclusive manner. From the Returns which we have obtained, however, it may be collected, that the annual amount of income of the lowest, on an average of three years ending 1829, was about 140*l.*, and the highest 885*l.*; and that the receipts of the Registrars in the other dioceses varied in amount within those limits.

The emoluments of these officers are derived from fees on the services performed by them; and it is strange that whilst the duties of all are the same, or nearly so, no two of them are governed by the same rates of charge, but all differ in a greater or less degree from the practice in the diocese of Dublin, and from each other, notwithstanding that the Table of 1662, recognized in 1717, was the standard by which the fees of all the Courts continued to be regulated during the long period already mentioned. We deem it unnecessary to furnish every instance of the variation; and shall therefore confine ourselves to pointing out the variance in a few striking examples. Thus the fee to the Registrar on probates, as now claimed in the diocese of Tuam, is a bulk sum of 1*l.* 8*s.* 4*d.*, including the charge for engrossing and entering the will, whatever may be its length; whilst in Armagh, the lowest charge for the same service, viz. where the will does not exceed half a skin, amounts to 2*l.* 7*s.* 6*d.*, consisting of a variety of items, and is progressively increased according to the length of the will, at the rate of 8*s.* per half skin for entering, and a like sum for engrossing. In Ossory, the fee on administrations intestate is 10*s.* 8*d.*; in Tuam it is 1*l.*, while in Armagh various charges are made, amounting in the whole to 2*l.* 2*s.* 6*d.* There are other variances in the fees to the Registrar on probates and administrations in the several other Consistorial Courts, and there is a conformity in the charges of very few of them.

Fees payable to the Registrar on Office-copies furnish another example of difference between the charges in the several Courts. The fee for this service in Armagh is 10*d.* per sheet of 90 words, besides clerks' fees. In Ossory it is 10*d.*, including clerks' fees. In Tuam a copy of a will is charged at 9*d.*, but copies of pleadings, depositions, and all other documents are charged at the enormous rate of 3*s.* 4*d.* per sheet, being nearly four and a half times more than the charge made in Dublin on the same service.

The fees on the production and examination of witnesses are also a striking example of variance in the practice and charge in the different Courts. In Armagh they are as follows:

	£.	s.	d.
For the production of each witness on allegations and other matters - - - - -	-	3	6
For the examination of each witness - - - - -	-	13	4
For the repeating each witness - - - - -	-	6	8

In Ossory they are three guineas per day during the time employed. In Tuam the following fees are claimed:

	£.	s.	d.
For every first witness on each side in open Court - - -	-	2	6
For every other witness examined or re-examined - - -	-	1	8
If examined in chamber, for every witness - - - - -	1	-	-
And if the Registrar is obliged to leave home for that purpose, he receives per day - - - - -	3	8	3

The fees payable on Curate's Licenses would amount in Ossory to 1*l.* 10*s.* 8*d.* In the Table for Armagh the charge is stated to be 2*l.*, which was received for some time, until his Grace the Lord Primate expressed a wish that the Registrar should reduce the fee to 1*l.* which has been since received thereon. In the several other dioceses the fees on this service vary considerably.

The provisions of the 83d Canon, requiring the Registrar to expose to public view, lists of fees both in the Consistorial Court and in the Registrar's office, have been but rarely complied with; even in those cases where lists of fees have been furnished to the Registrar, and where those lists are the professed standard by which the fees are regulated, they have not been publicly exhibited. In the diocese of Kildare the ancient List of 1662 is entered in the Title-books, but is not

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Appendix,
N^o 11, Q. 57, 58.
N^o 13, Q. 23 to 26.
N^o 19, Q. 41.

N^o 11, Q. 29, 54.
N^o 13, Q. 65 to 69.
N^o 19, Q. 46 to 48.
75.

N^o 11, Q. 44 to 46.
N^o 13, Q. 56.
N^o 19, Q. 74.

N^o 11, Q. 90, 91.
N^o 19, Q. 60.

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N^o 14.

No. 15, Q. 4 to 8.

N^o 19, Q. 8 to 12.

32. 40. 41. 45. 53.

55. 60 to 63.

N^o 13, Q. 11 to 13.N^o 17, Q. 6 to 8.

referred to by the Registrar as the scale of charge. In Ossory no List is exhibited, but an ancient List exists in the office, dated in 1670, or thereabouts, which is stated by the Registrar not to be now in use. He says, that there being no authenticated Table, he, of his own authority, procured a copy of the Table of 1820 from the Consistorial Court of Dublin, and adopted it as the rule of his charges; it appears, however, that he does not apply this standard invariably, as there are many charges still made by him not contained in that Table, but which he states existed before its introduction into the diocese. In Tuam there is a List signed by the Archbishop, bearing date in 1822, but the Registrar states it to be very imperfect, and it is not exposed to public view. The present Registrar of Meath found a List in the office, which, with the sanction of the late Bishop, he submitted to the then Deputy Registrar of the Consistorial Court of Dublin, who made some alterations in it, after which it was submitted to the Bishop, and approved of by him; a copy of this Table is posted up in the Consistory of the diocese. It is remarkable that though this List was corrected by Mr. Clarke, yet the fees, in many instances, vary from those charged in Dublin, as mentioned in the Table of 1820.

In Meath, the fees on sequestrations are, for sequestration, 10 s. 2d, entering, 5 s. per page, bond, 10 s.; four copies, at 2 s. each, 8 s., for relaxation, 10 s. 2d. In Armagh and Tuam a gross charge of 7 l. is made, including stamp duty, and the Judge's fees, which is about the average amount of charge in Dublin for that service; and the Registrar of Armagh expressly refers to the amount taken in Dublin as the ground of his making the same charge in his diocese. In the other dioceses the charges for this services differ materially.

Id. Q. 42.

N^o 11, Q. 99.N^o 13, Q. 93.N^o 11, Q. 28 to 33.N^o 15, Q. 24 to 26.N^o 19, Q. 22 to 30,

47 to 58.

In many of the Diocesan Courts there are charges, under the head of Clerk's Fees, on services performed in the Registries, which differ in amount in the different dioceses. In some cases those fees are received by the Registrar, and the clerks are paid by salaries, which is the case in Ossory. The Registrar of Ossory is himself a practising Proctor in that Court, being in partnership with one of the Proctors, in whose name the proceedings are carried on, and with whom he participates in all profits derived from business in contested suits. The obvious mischief of such a practice it is almost superfluous to state: we recommend the absolute prohibition of it. In the Diocesan Courts in general, the Registrars extract probates and administrations. In those cases, in addition to the official fees, they receive the charges usually made by Proctors. In the great majority of these Courts, the Proctors practising are but few in number; in Ossory there are three and in Meath but two; we therefore feel that the recommendation contained in our Nineteenth Report, with respect to the Court of Prerogative, and which we shall make with respect to the Consistorial Court of Dublin, namely, that the Registrar should not be allowed to extract probates and administrations, could not be made to apply to these courts without inconvenience; unless the Registrars of the Diocesan Courts were allowed this privilege in cases uncontested, persons applying for probate or administration (who in these Courts are generally of the poorest classes) might be unable to procure a Proctor to perform that duty when required. An illustration of this appears in the evidence of Mr. Brabazon, the Registrar of Meath, who states that neither the Registrar nor his deputy extract probates and administrations, except in the absence of a Proctor, and then it is done on his account, and for his benefit. We recommend, however, that the charges for this service, whether performed by the Registrar or by Proctors, shall be strictly confined to the rates suggested in our Nineteenth Report, and herein repeated.

N^o 17, Q. 17.

On the duty of taxation of costs in the several Diocesan Courts we have few observations to offer which have not been anticipated in this and former Reports. The reasons which have induced us to object to the principle on which is founded the practice of entrusting to an individual interested in the items (not merely official, but, in some instances, professional) of a bill, the duty of controlling them, apply equally, at least, here. This service is similar in the Diocesan Courts, to that of Dublin, in the authority from whence it is derived, but exhibits some variety in the mode in which it is exercised; in some, the difference of allowances on taxation between party and party, and between Proctor and client, consists in the nature and number of the services; in others, in the rate of fee; in all, however, it is comparatively of but rare occurrence; and

N^o 11, Q. 75 to 89.N^o 13, Q. 82 to 91.N^o 17, Q. 37 to 39.N^o 19, Q. 92 to 116.

in respect of the fees arising from it, in point of emolument to the officer, of trifling value. Metropolitan and Consistorial Courts.

In Ossory the officer represents himself as exercising the utmost vigilance of inquiry into every item in bills submitted to him for taxation, with a view to ascertain the propriety of, and necessity for each service, and the proper rate of allowance; and in every instance where costs are submitted to him, in which he is himself both officially, and, through his partner, professionally interested, he submits the bill either to the Registrar of the Court in Dublin, or to some eminent Proctor, whose deductions he states he invariably adopts. In Tuam, the Registrar professes to be guided by the List of Fees already mentioned to have been signed by the Archbishop, which he, however, admits to be very imperfect; and where that fails, he is governed by his discretion. He appears not to have been negligent in ascertaining the propriety of the demands made by Proctors for professional services, and their conformity in amount to those recognized by the Table; but he considers that his duty as taxing officer is principally confined to this, and that official charges are to be left untouched; and accordingly he allows whatever sums the Proctors have paid him as Registrar, without any examination as to their correctness; and in all cases he receives and allows his own fees in British instead of late Irish currency.

In the Diocesan Courts we think it would be a considerable improvement if the duty of taxation were performed entirely by the Vicars-general, and we are induced to recommend it from feeling the impossibility of otherwise providing a tribunal equally well qualified, and accessible to persons desirous to resort to it.

We have stated that the duties of the office of Registrar of several of the Consistorial Courts have, in like manner as in that of Dublin, been executed by deputies. The remuneration of these deputies varies according to the agreements made with their respective principals. Of this mode of discharging official duties we have on all occasions expressed our disapprobation, as tending, in our opinion, to the increase and multiplication of fees; and therefore we strongly recommend that in any future appointment of this office, (as well throughout the country as in Dublin) the power of acting by deputy shall be strictly confined to occasions of pressing necessity, to be approved of and sanctioned by the Archbishop or Bishop of the diocese, who shall at the same time assign a proportion of the emoluments of the office, not less than one half, which such deputy shall receive as his remuneration for the performance of the business during the period he shall continue to act as such deputy.

We cannot dismiss the subject of the Registries of the Diocesan Courts without adverting to the mode in which wills and other records are kept. There are, with very few exceptions, no public offices attached to these Courts where the records are preserved or the business transacted. In general, apartments in the house of the Registrar for the time being are applied to that use; in some instances the records are preserved in a church, or in the cathedral of the diocese. The consequence of the want of public depositories is, that they are removed from place to place, according to the succession of the respective Registrars or the deputies, and exposed to great hazard of destruction or loss. The imperfection of many of the Registries is probably attributable to this cause. To remedy this inconvenience we think a permanent office should be established in each diocese, as has been effected in the Consistory of Dublin, and in that of Armagh.

To give effect to the suggestions contained in this branch of our Report, we recommend the establishment and observance of the following

Appendix,
N^o 8, Q. 31.
N^o 11, Q. 10.
N^o 13, Q. 7.
N^o 15, Q. 10, 11.
N^o 17, Q. 9. 44.
N^o 19, Q. 6.

REGULATIONS:

1.—THAT the several Fees comprised in Table No. 1, subjoined to this Report, shall be the legal fees belonging to the Vicars-general, and Official Principals, or other Judge of the several dioceses throughout Ireland; and that the receipt of any other fee, gratuity or emolument for the services therein specified, by any Vicar-general, Official Principal, or other Judge, or any person employed by them to collect or receive such fees, shall subject the person receiving same to a pecuniary penalty.

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2.—That

2.—That of the several fees heretofore demanded, taken or accepted in the office of Registrar, such only shall be continued and be deemed lawful as are comprised in the Table, No. 2, subjoined to this Report; and that the receipt of any other fee, gratuity or emolument, for the services therein specified, by any person belonging to or employed in this office, shall subject such person to a pecuniary penalty for each offence, and further disqualify him from ever acting in the office, or the Court to which it belongs.

3.—That all fees so established shall be considered as fees of the Registrar alone, and constitute the fund for payment of all persons employed under him, and for the disbursements and expenses of the office.

4.—That a fair and legible Table of the established Fees shall be constantly exposed in some conspicuous part of the office, so that any person may read the same, and take a copy thereof; and that on proof made, on summary application to the Court, that such exposure has been neglected for two successive days, the Registrar shall be liable to a pecuniary penalty on account of such neglect.

5.—That each and every Registrar shall keep a Day-book, in which shall be entered the several services performed in the office and the fees received thereon; and shall, on or before the first sitting-day of the Court which shall happen next after the first day of November in each year, exhibit same to the Judge, and shall verify the same upon oath to be administered by the Judge, and to be entered in such book as containing full, true and perfect entries of all business done and fees received in the office in the preceding year, to the best of his knowledge and belief; and that such day-books shall be considered as Records of the office, accessible to the Public, and as such shall be preserved therein.

6.—That the office-sheet in this Department shall contain 90 words, and that in no one copy shall more than one fraction of a sheet be charged for as an entire sheet.

7.—That on every copy made in this office the Registrar, or his clerk, shall mark the number of office-sheets contained therein, and sign his initials after such marking, for the correctness of which the Registrar shall be responsible; and that if such copy be taken out by a Proctor, the Proctor shall be bound to ascertain that such marking is correct; and in case of overcharge, the party or person overcharged may recover a certain penalty against the Registrar or Proctor, at his election; and that no fee be demandable for any copy issued from this office, unless the charge be distinctly endorsed thereon, specifying the manner in which it is made up.

8.—That no party shall be required to take out or pay for any copy of his own pleadings, affidavits or proceedings, or be compelled to take out or be charged with any fee for copies of any will, record, order, decree or document in this office, unless where some ulterior proceeding is to be founded thereon, or the same shall be necessary under any rule of Court, but that he shall be at perfect liberty to judge whether or not it be necessary to provide himself therewith; but that it shall be lawful for the Registrar to require a person exhibiting any pleading in answer to a former pleading, to pay for and take out a copy of such former pleading.

9.—That every party in a cause, who shall have caused witnesses to be examined or cross-examined, shall be chargeable with one copy of the depositions of such witnesses which shall have been taken on the articles or interrogatories exhibited by such party; and that no party in a cause shall be compellable to take out or pay for copies of the depositions taken on articles or interrogatories exhibited by any other party, but shall be at perfect liberty to take out such copies or not at his pleasure.

10.—That no party requiring copies of depositions shall be compellable to take out or pay for copies of the articles exhibited or interrogatories lodged by himself, and that no party be required to take out or pay for copies of the exhibits to which witnesses have been examined, but be left at perfect liberty to do so or not, as he may think proper.

11.—That all parties or persons requiring copies of the depositions of any witness examined upon articles or interrogatories *not exhibited by themselves*, shall be compellable to take out a copy of the articles or interrogatories on which such
depositions

depositions shall have been taken, unless, in the case of articles, they shall produce to the Registrar, at the time of bespeaking copies of such depositions, office copies of such articles previously taken out of the Registry by them, in which case they shall not be required a second time to take them out; and with respect to copies of all other articles or interrogatories, be left at perfect liberty to require or reject them.

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12.—That no person having occasion for any depositions taken upon articles or interrogatories not exhibited by himself, shall be required to take out copies of any other depositions than such as he may deem requisite for his purposes; provided, however, that the Registrar shall not be compellable to furnish a copy of any fraction of a deposition.

13.—That the Registrar, previously to the examination of any witness, whether in Dublin or by commission, be at liberty to require the party producing him, to deposit a reasonable sum for securing the fees for the examination, and also for one copy of the depositions to be taken on the articles or interrogatories exhibited by such party.

14.—That when any party in a cause, or other person, shall require the depositions, or any of them, which shall have been taken on articles or interrogatories exhibited by any other party, the Registrar shall be at liberty to insist on a previous deposit, to secure the fees that shall become due to him on furnishing such copies.

15.—That no party requiring an extract of any will, codicil, or testamentary paper deposited in this office, shall be required to take out or pay for a copy of the entire, but shall be at liberty to take out a copy of such portion thereof as he shall deem requisite for his purpose, and shall be charged for the same according to its length, at the rates comprised in the subjoined Table, No. 2.

16.—That in cases of appeals to a Metropolitan Court, from any decision of a Consistorial Court, and in like manner in cases of appeals from a Metropolitan Court to the Court of Delegates, when any party shall require a transmiss to be made out for the Court of Appeal, such party shall be at liberty to bring in to the Registrar of the Court below such office copies of the several pleadings and proceedings in that case as shall have been previously obtained, and that same be made use of as part of the transmiss, and the number of additional sheets only be charged for; and that such office copies shall be re-compared by the Registrar, who, for re-comparing and attesting office copies so formerly issued and brought in, to form part of the transmiss, shall be allowed to charge a fee of 2*d.* per sheet, in addition to the charges for supplying the remainder of the transmiss.

17.—That it be the Registrar's duty to make out all engrossed copies of wills to be annexed to grants of probate or letters of administration; and that he shall employ in his office a sufficient number of writing clerks for that purpose, so that no person requiring same shall be unnecessarily delayed; but that to meet the convenience of parties, the Proctor be at liberty to prepare engrossed copies of wills, to be annexed to first grants of probate or administration uncontested, for the comparison and accuracy of which the Registrar shall, however, be responsible; and that in such case the Registrar shall deduct and allow out of the fee payable to him for such engrossed copies, at the rate of 6*s.* late Irish currency for every skin thereof, the person making the engrossed copy to supply the parchment without any additional charge.

18.—That all copies given out of the office, shall, if required, be attested by the Registrar as true copies, but that no fee in addition to the sheet-fee shall be charged or taken for such attestation.

19.—That neither the Registrar of the Consistorial and Metropolitan Court of Dublin, nor any person employed in his office, shall in any manner practise or act as a Proctor or practitioner in this or any other Court, in extracting probates or administrations, or in prosecuting suits, either in his own name, or that of any other person, or have any partnership with any person so practising, or derive any emolument from the carrying on of any such practice; and that any violation of this Regulation by the Registrar, or any person employed in his office, shall subject such person to a pecuniary penalty, and further disqualify him from ever acting in any capacity in the office or the Court.

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20.—That

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20.—That neither the Registrars of the several other Consistorial and Metropolitan Courts throughout Ireland, nor any person employed in their offices, shall in any manner act as a Proctor or practitioner in their own or any other Ecclesiastical Court, in prosecuting suits, either in their own name or that of any other person, or have any partnership with any person so practising, or derive any emolument from the carrying on of any such practice; and that any violation of this Regulation by any such Registrar, or any person employed in his office, shall subject such person to a pecuniary penalty, and further disqualify him from ever acting in any capacity in the office or the Court; but that the several Registrars of these Courts be at liberty to extract probates and administrations in cases uncontested, charging for such service the fees only (in addition to their official fees) which are contained in Table, No. 3, subjoined to this Report, as recommended to be the allowance made to Proctors for extracting probates and administrations.

21.—That the seal of the Court shall not be affixed to any grant of probate or administration, unless the costs of obtaining such grant shall be endorsed thereon, or annexed thereto, signed both by the Proctor and the Registrar; such costs not to include those incurred (if any) in previous litigation, or otherwise.

22.—That the fees heretofore taken for Rules shall be discontinued, except only in cases of orders actually pronounced by the Judge, or entered in the Rule-book; and that in every such case the Registrar may demand and receive one fee from the party obtaining such order, previously to taking down or entering same in the Rule-book.

23.—That in all cases in which, according to the practice of the office, proceedings or documents are entered in the Title-books, such entry shall in future be confined to documents issued from the office; and that no proceedings or documents remaining in the office shall be entered, but referred to in their proper place amongst the records of the office.

24.—That the Registrars of the several Metropolitan and Consistorial Courts throughout Ireland, except only in the diocese of Dublin, shall in future be prohibited from taxing costs of any proceedings in their respective Courts, but that the duty of taxation be in future exclusively performed by the Official Principals respectively, according to the original principles of the jurisdictions.

25.—That when any suitor, Proctor or other person, shall think himself aggrieved by any practice, demand, delay or omission of the Registrar, or any person employed in his office, he shall be at liberty to submit the same to the Court, in a summary way, by petition and affidavit, to be answered by the person complained of, and such application shall be disposed of on the next Court-day, in open Court; the costs of such application to be paid by the petitioner or respondent, at the discretion of the Court.

Table, No. 1.

Containing a LIST of the several FEES which shall be considered the lawful Fees to which the Judges of the several Metropolitan and Consistorial Courts throughout Ireland shall be entitled.

								British Currency.		
								£.	s.	d.
For every probate or administration	-	-	-	-	-	-	-	-	19	5
For every commission or requisition	-	-	-	-	-	-	-	-	7	1
For every renunciation of an executor or administrator	-	-	-	-	-	-	-	-	3	1
For entering every caveat	-	-	-	-	-	-	-	-	3	1
For a significavit	-	-	-	-	-	-	-	-	9	2
For every inhibition containing citation and monition	-	-	-	-	-	-	-	-	6	2
For an exemplification of an act under the seal, if required	-	-	-	-	-	-	-	-	6	2
For every other exemplification	-	-	-	-	-	-	-	-	19	5
For every interlocutory decree	-	-	-	-	-	-	-	-	9	2
For every final sentence, or decree, or dismiss	-	-	-	-	-	-	-	-	18	6

For

	British Currency.			Metropolitan and Consistorial Courts.
	£.	s.	d.	
For apostles, where an appeal is made from the judge - - - -	-	9	2	
For attending to swear an executor, witness, or party principal, at the request of the party, at his or her place of residence, if the distance does not exceed two English miles - - - -	-	9	2	
For every citation, whether primary or subsequent, except for tithes -	-	2	-	
For monition for alimony or tithes decreed - - - -	-	3	1	
For every denunciation - - - -	-	-	4	
For every absolution from a decree of contumacy - - - -	-	9	2	
For seal to transmiss - - - -	-	6	2	
For a decree for personal answers - - - -	-	1	-	
For every certificate of costs - - - -	-	3	8	
For exhibiting presentations and resignations to each benefice - -	-	3	1	
For every sequestration - - - -	-	10	1	
For every relaxation - - - -	-	10	1	
For a license for marriage - - - -	-	10	1	
For a license for a parish clerk, schoolmaster, boarding-school, or other license which the judge is entitled to grant - - - -	-	10	1	
For proceedings upon the consecration of a bishop, for each bishopric -	3	13	10	
For exhibiting proxies in the Archbishop's Provincial Synod:				
For every bishop not appearing - - - -	-	4	4	
For every dean - - - -	-	4	4	
For every archdeacon - - - -	-	4	4	
For the chapter - - - -	-	4	4	
For the body of the clergy - - - -	-	4	4	
For exhibiting every proxy of every clergyman not appearing at visitation, and if no proxy, for non-appearance - - - -	-	-	8	
For exhibiting the clergy's titles in the Archbishop's or Bishop's Triennial or Annual Visitations, for the first time such titles are exhibited:				
For letters of deacon and priesthood - - - -	-	1	6 $\frac{1}{2}$	
For every union - - - -	-	4	2	
For every faculty or dispensation - - - -	-	4	2	
For every institution and induction to each benefice - - - -	-	1	6 $\frac{1}{2}$	
For certificate of oaths and subscriptions - - - -	-	1	6 $\frac{1}{2}$	
These fees only to be charged on the first exhibition of the titles of of the clergy.				
For executing letters of request to swear executors, &c. - - - -	-	18	6	
For authentic certificate of the service of a citation by letters of request from another diocese - - - -	-	9	2	

Table, No. 2.

Containing a LIST of all FEES recommended to be established as the lawful Fees for the Duties to be discharged in the Office of Registrar in the Metropolitan and Consistorial Courts throughout Ireland.

	British Currency.		
	£.	s.	d.
For every administration - - - -	-	6	2
For every administration bond - - - -	-	2	4
For every probate of a will - - - -	-	6	2
For registering and entering will, for every half-skin, containing five office sheets - - - -	-	3	8
If there be a fractional part of half a skin, such fractional part to be charged as for half a skin.			
For making an engrossed copy of a will to be annexed to a grant of probate or administration, for each half skin, including parchment - -	-	3	8
If there be a fractional part of half a skin, such fractional part to be charged for as half a skin. If the copy be engrossed by the proctor, the registrar to deduct, per half skin, 2 s. 9 d. for the proctor.			
For every commission or requisition - - - -	-	3	1
For every renunciation of an executor or administrator - - - -	-	3	1

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		British Currency.		
		£.	s.	d.
For receiving and filing every caveat	- - - - -	-	3	1
For a significavit	- - - - -	-	3	1
For every inhibition, containing citation and monition	- - - - -	-	6	2
For every exemplification of an act under the seal, if he be required	- - - - -	-	3	1
For every other exemplification, for the first skin of 880 words	- - - - -	-	18	6
For every skin after the first	- - - - -	-	7	4
For every interlocutory decree or dismiss	- - - - -	-	3	1
For every final sentence or decree or dismiss	- - - - -	-	6	2
For apostles, where an appeal is made from the judge	- - - - -	-	3	1
For an attendance with a will or other document or record at any court or place in the city or town where the registry shall be kept	- - - - -	-	6	2
For the production of wills or other documents required out of the city or town where the registry is kept	- - - - -	1	1	-
And for the attendance therewith, as for two days, at 9 s. 2 d. per day	- - - - -	-	18	4
And for every days' actual attendance beyond a second day	- - - - -	-	9	2
For the expense of travelling to and from any place at which such attendance shall be required, for every English mile	- - - - -	-	-	10
The amount of the fees for production, attendance and expense of travelling, to be deposited at the time of requiring the service.				
For showing the records for comparison	- - - - -	-	3	1
For every citation, whether primary or subsequent, except primary citation for tithes	- - - - -	-	2	-
If on letters of request, for the necessary recitals therein, per sheet	- - - - -	-	-	6
For monition for alimony, or tithes decreed	- - - - -	-	3	1
For every denunciation	- - - - -	-	2	4
For absolution from a decree of contumacy	- - - - -	-	3	1
For every rule, from the party obtaining it	- - - - -	-	1	-
For copy of any rule, if required	- - - - -	-	-	6
For every appearance and every exhibit, each	- - - - -	-	1	4
For every copy or extract of any pleading, exhibit, deposition, will or other matter, if not exceeding 6 sheets of 90 words each	- - - - -	-	3	1
If exceeding 6 sheets, then for every sheet of 90 words	- - - - -	-	-	6
For the production of every party principal	- - - - -	-	1	-
For the production of every first witness	- - - - -	-	-	6
For the production of every other witness	- - - - -	-	-	4
For the examination and repetition of every first witness	- - - - -	-	1	-
For the examination and repetition of every other witness	- - - - -	-	-	9
For the examination of every witness, upon interrogatories	- - - - -	-	1	-
For examining a witness or party, if the registrar be required to go out of his office in the city or town where the registry is kept	- - - - -	-	3	1
If beyond the city or town, where the registry is kept, while absent from his office, examining witnesses, including travelling expenses, per day	- - - - -	1	1	-
Or his actual reasonable expenses incurred, to be ascertained and regulated by the judge.				
For every search made by any person not employed in the office	- - - - -	-	2	4
For every search made by the officer or his clerks, in pursuance of a requisition in writing for that purpose, specifying the periods within which the search is to be made, for every 10 years included in the requisition, or fractional part of 10 years	- - - - -	-	2	4
For every certificate	- - - - -	-	3	1
For filing an inventory	- - - - -	-	1	6
For preparing letters of orders, whether for deacon or priest, entering same in registry, and all other services connected therewith	- - - - -	-	9	2
For preparing and entering letters demissory, and all services connected therewith	- - - - -	-	6	2
For a license for marriage	- - - - -	-	3	1
For bond thereon	- - - - -	-	2	4
For a license for a curate, assistant lecturer, parish clerk or schoolmaster, boarding school or other license, entering same, and all other services connected therewith	- - - - -	-	9	2
For exhibiting and registering nominations	- - - - -	-	2	-

For

	British Currency.			Metropolitan and Consistorial Courts.
	£.	s.	d.	
For drawing and entering titles for orders and nominations and proxies, when required to be done by the registrar - - - - -	-	3	1	
For exhibiting presentations and resignations, to each benefice - -	-	3	1	
For entering presentation, whether from the Crown or from a lay patron -	-	13	4	
For every sequestration - - - - -	1	-	-	
For entering same in registry, for every sheet of 90 words, or fractional part of 90 words contained therein - - - - -	-	-	6	
For bond for same, and every other special bond - - - - -	-	6	2	
For every relaxation, when required - - - - -	-	6	2	
For receiving and registering memorial, praying for liberty to make improvements on glebe or mensal lands - - - - -	-	3	1	
For receiving and registering subsequent memorial, praying for commission to value improvements - - - - -	-	3	1	
For preparing and issuing commission thereon - - - - -	-	12	4	
For preparing the archbishop's or bishop's certificate, and attesting same -	-	18	6	
For entering certificate, per office sheet of 90 words, or fractional part of 90 words - - - - -	-	-	6	
For every institution to a benefice, upon a presentation or admission, or upon a collation, whether consisting of one or more denominations, and including certificates of assent and consent, of induction, and all other certificates and services connected therewith - - - - -	2	3	1	
For an archiepiscopal or episcopal union - - - - -	1	13	4	
For preparing mandate to install or induct - - - - -	-	6	2	
For entering same, per sheet - - - - -	-	-	6	
For entering documents of any kind in title-books, where necessary, for every sheet of 90 words or fractional part of 90 words - - - - -	-	-	6	
For proceedings upon the consecration of a bishop - - - - -	2	-	-	
For exhibiting proxies in the Archbishop's Provincial Synod:				
For every bishop's not appearing - - - - -	-	2	1	
For every dean - - - - -	-	2	1	
For every archdeacon - - - - -	-	2	1	
For the chapter - - - - -	-	2	1	
For the body of the clergy - - - - -	-	2	1	
For exhibiting every proxy of every clergyman not appearing at visitations, and if no proxy, for non-appearance - - - - -	-	-	4	
For exhibiting the clergy's titles in the Archbishop's or Bishop's Triennial or Annual Visitations, for the first time such titles are exhibited:				
For letters of deacon and priesthood - - - - -	-	-	9 $\frac{1}{2}$	
For every union - - - - -	-	2	1	
For every faculty or dispensation - - - - -	-	2	1	
For every institution and induction to each benefice, whether consisting of one or more denominations - - - - -	-	-	9 $\frac{1}{2}$	
For every certificate of oaths and subscriptions - - - - -	-	-	9 $\frac{1}{2}$	
For every license to a cure - - - - -	-	2	4	
These fees only to be charged on the first exhibition of the titles the clergy.				
For preparing petition of the minister and churchwardens for the consecration of a church or church-yard, when the registrar is required so to do -	-	12	4	
For preparing two parts of deed of consecration, one for the parish and one for the archbishop, 12 s. 4 d. each - - - - -	1	4	8	
Entering same, per sheet of 90 words - - - - -	-	-	6	
Attendance and expenses, if within the town, or within two miles of the place where the office is kept - - - - -	-	10	6	
If distant in the country, at the rate of 10 s. 6 d. per day, and 10 d. per English mile for his expenses.				
For registering leases of the see - - - - -	-	18	6	
For receiving and filing certificates of composition of tithes and applotment	1	4	8	
In case any service comprised in the List of 1717 shall occur, for which a fee is not provided in these Tables, the same fee to be demanded and received as appears by that List to have been claimed by the judge or the registrar at that time.				

Metropolitan and
Consistorial Courts.

Table, No. 3.

SCALE of FEES to be allowed to the Proctors on extracting Probates and Administrations.

	£.		£.	£.	s.	d.
Where assets are under	300	- - - - -	-	-	6	8
Where assets exceed	300	and are under	400	-	8	4
—	400	—	500	-	10	—
—	500	—	600	-	11	8
—	600	—	700	-	13	4
—	700	—	800	-	15	—
—	800	—	900	-	16	8
—	900	—	1,000	1	—	—
—	1,000	—	1,500	1	10	—
—	1,500	—	2,000	2	—	—
—	2,000	—	3,500	2	10	—
—	3,500	—	5,000	3	3	—
—	5,000	—	7,500	5	—	—
—	7,500	—	10,000	6	6	—
			and upwards			

SEAL-KEEPER.

BY the Table of 1717 fees are recognized for the Seal-keepers of the several Archbishops and Bishops; the following are the rates there stated as claimed:

	£.	s.	d.
For his Grace's Archiepiscopal Seal, fixed unto every lease made by the Lord Archbishop of Dublin, his Grace, of any his lands, tenements, tithes or other grants	-	10	-
For the collation or institution unto an ecclesiastical benefice	-	10	-
For the seal fixed unto letters of deacon	-	6	8
For the like, for letters of full orders	-	6	8

By the Table of 1820, the services upon which fees for the Seal-keeper are taken are much more numerous, and are in every instance charged at 10 s.; and as is the case with respect to the Registrar's fees already commented on, the fee for the Seal-keeper upon institutions and collations is multiplied by the number of denominations in the benefice. From the language of the Table of 1717, it appears clear that this practice could not have prevailed during the long period in which that Table continued to be the standard by which the several official charges in this department were regulated: we think it should not continue, but that the Seal-keeper should only receive one fee for each instrument actually sealed; and we also recommend that the fee for sealing letters of deacon, and of full orders, should be reduced to 6 s. 8 d. each. There is not at present, nor has there been for a considerable time, any person appointed to hold the office of Seal-keeper in the diocese of Dublin; the seal being kept by the Archbishop, and the fees received for his use, and accounted for in his Grace's general accounts: they appear to have produced 25 l. 16 s. 8 d. per annum, on an average of the three years ending 31st December 1830. We subjoin a Table of the Fees which we consider proper to be established for the Seal-keepers, in the several Dioceses.

Appendix,
No. 8, Q. 737 to
741.

APPARITOR.

THE office of Apparitor is now, and has been for several years, held by Mr. Anthony Clavelle, who performs the duties of it by deputy. Mr. Joseph M'Fadden is the deputy, and holds that situation on the terms of paying to his principal out of the official receipts the sum of 10 guineas annually, and discharging the entire duties of the office: these duties at present are stated to be, "Attending as crier at the Consistorial Court, and at the Annual and Triennial Visitations, and serving notice of visitation upon the Clergy."

The

The Table of 1717 contains several services upon which fees were payable to the Apparitor: some of these have become obsolete, or been discontinued in practice, whilst some have been since introduced, which are not to be found in that List. The following Table will exhibit the several services upon which fees were then taken, with the rate of fee upon each, contrasted with those recognized by the Table of 1820:

Metropolitan and
Consistorial Courts.

SERVICES.		FEES, claimed in 1717.	FEES CLAIMED in 1820.
		£. s. d.	£. s. d.
1.	For his attendance and service at the consecration of a bishop.	- 10 -	- 10 - for every bishopric.
2.	For every institution - - - -	- 1 -	- 2 8 $\frac{1}{2}$ each benefice or denomination.
3.	For every will or administration - -	- 1 -	- 1 1
4.	For every sentence - - - -	- 1 -	- 5 5 final sentence.
5.	For every quietus est - - - -	- 1 -	- - - no claim.
6.	For the oath of every one sworn in court	- - 4	- - 4 every oath.
7.	For serving every citation in town -	- - 6	} - - 6 every primary citation returned into court.
8.	For serving every citation viis and modis	- 1 -	
9.	For serving every citation, ad dicend. causam quare excommunicari non debeat, and every other decree of court.	- 1 -	
10.	For serving every citation or decree whatsoever in the country, 2 d. a mile, over and above the rates abovesaid; but with this caution, that for matter of instance the apparitor to have no fee for serving, unless at the request of the plaintiff, who must pay the same without any allowance in the case of the party.	ut intra -	
11.	For the parson, vicar or curate summoned to appear in visitation.	- - 3	- 1 1 for each of the clergy at visitation.
12.	For summoning churchwardens of every parish to a visitation.	- - 6	- - - no claim.
13.	For the purgation of any party detected for any crime whatsoever.	- 1 -	- - - no claim.
14.	For every excommunication carried forth against contemptuous persons, whether it contains one or more persons within the town, 4 d.; to the country, 2 d. per mile.	ut intra -	- - - no claim.
15.	For every sequestration, carrying and delivering, made out, of the fruits of any benefice, in usum Domini Regis, and prox ^t incumben. 2 d. per mile.	ut intra -	- - - no claim.
16.	For every minister appearing in the lord archbishop's triennial visitation, according to the ancient custom.	- 1 -	- - - same as N ^o 11.
17.	On every commission or requisition to swear executor or administrator.	no claim -	- 1 -
18.	On every exemplification - - - -	no claim -	- 1 -
19.	Apostles - - - - -	no claim -	- 1 -

In point of fact the fee of 5 s. 5 d. upon final sentence, has not been received for the Apparitor, as the Deputy Registrar, who collects the fees for him, was not aware until immediately before his examination, that such was contained in the Table; but it appears that a gratuity of 10 s. 6 d. had been paid to him on each final sentence by the Proctors, which may have been an increase of this fee, or in lieu of it. The average amount of these fees, in the three years ending 31st December 1830, appears to have been 25 l. 12 s. 1 d. per annum, from which being deducted 10 l. 10 s., paid to the principal, leaves the net annual income of the deputy 15 l. 2 s. 1 d. We think the fee of 5 s. 5 d. on each final sentence should be reduced to 1 s., the rate given by the List of 1717. The subjoined Table will contain the several fees which we recommend to be established in future, as the legal fees of the Apparitors of the several Dioceses throughout Ireland; and in this and every other case we think the duty of each office should be performed by the officer in person, instead of by deputy.

A LIST of all FEES recommended to be established as the lawful Fees for the Seal-keepers of the respective Archbishops and Bishops in the several Dioceses.

For the seal of the Archbishop or Bishop to letters of orders, } whether for deacon or priest - - - - - }	£. s. d. - 6 2
For the seal of the Archbishop or Bishop to every collation, } institution, lease or other instrument requiring the seal, } and which shall be actually sealed - - - - - }	- 9 2

A LIST of all FEES recommended to be established as the lawful Fees for the Apparitors of the several Dioceses.

For attendance and service at the consecration of a bishop -	£. s. d. - 9 2
For every institution or collation - - - - -	- 1 -
For every probate or administration - - - - -	- 1 -
For every sentence - - - - -	- 1 -
For every oath - - - - -	- 4 -
For each of the clergy at visitations - - - - -	- 1 -

In case any service comprised in the List of 1717 shall occur, for which a fee is not provided in these Tables, the same fee to be demanded and received as appears in that List to have been claimed by the Seal-keeper and Apparitor at that time.

All which we submit to Your Majesty's most gracious consideration.

Dated this 25th day of }
July 1831. }

HENRY KEMMIS, (L. S.)
BERTRAM MITFORD, (L. S.)
WM WYNNE, (L. S.)
PETER LOW, (L. S.)
CONWAY E. DOBBS, (L. S.)

(A true Copy,)

Godfrey Fetherston H.
Secretary to the Commissioners.

APPENDIX
TO THE
TWENTY-FIRST REPORT.

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A P P E N D I X.

Appendix, No. 1.

GENERAL RETURN of the Right Honourable JOHN RADCLIFF, Vicar-general and Official Principal of Dublin and Glandelagh.

Query 1st. STYLE of the office?—*Answer.* Vicar-general and official principal of and throughout the province and diocese of Dublin, and the diocese of Glandelagh. Metropolitan and Consistorial Courts.

2d. Name of the officer?—John Radcliff.

3d. By whom appointed, and at what period; and how and on what condition and consideration?—By his late Majesty King George the Third, during the lunacy of his Grace Euseby, late Archbishop of Dublin, on the 9th of May 1816, unconditionally and without consideration; and that appointment was afterwards ratified by his Grace Charles, Lord Archbishop, coadjutor of the said archbishop, a lunatic, on the 10th day of May 1817, unconditionally and without consideration. The first-mentioned appointment is signed and sealed by the chancellor, the second is signed by the coadjutor, and sealed with the Archbishop of Dublin's seal. No. 1.
General Return of
the Right Hon.
John Radcliff.

4th. Duration of interest?—For life.

5th. If executed in person or by deputy?—In person, so far as relates to the contentious jurisdiction of the office, and to the office of vicar-general. So far as relates to the rest of the jurisdiction, by a surrogate or deputy, whose principal duty is to swear persons seeking licenses for marriages, probates, &c. &c., and he has no power to hear tithe or other causes. I also administer oaths, and act in the voluntary jurisdiction, when called on, between 10 and 12 o'clock in the day.

6th. Names of deputy and other assistants permanently employed in the office?—The Rev. John Lewis; but he hears no causes; no other assistants but the registrars and their clerks.

7th. The manner in which deputy and clerks are paid; whether by salary, or fees and gratuities, or both; and whether they or any of them pay, or have paid any proportion of their fees and emoluments, or any sum and to what amount on account of the same, to any and what person or persons?—No salary; he receives part of the vicar-general's fees, and also a gratuity or fee on the execution of requisitions from England and other countries, as his predecessors have used to do. He did not and does not, to my knowledge or belief, pay or agree to pay any proportion of his fees or of his emoluments to any person or persons, or any sum on account of the same. He was surrogate to Dr. Duigenan, and continued by me.

8th. Whether any tables of fees in the officer's possession or power, or in the possession of any and what person, to his knowledge, with dates thereof, and where they now are?—There is a table of fees in the Registry-office in the Record-buildings, Henrietta-street, dated the 8th day of July 1820. I have no table of fees in my possession. The above table was, I understand, framed by the order of his Grace John George, late Archbishop of Dublin, and is conversant of such fees only as were payable usually without the intervention of a proctor. I am told there are lists of all fees in the books of the Registry-office; and I thought, until within these few days, that the table comprised all fees of every kind; but there are also ancient lists of fees, as hereafter mentioned, which can be compared with those at present charged.

9th. Duties and hours of attendance?—Granting probates and administrations, granting licences for marriage, and to curates, parish-clerks and schoolmasters; swearing churchwardens; visiting the clergy, and hearing causes in the Consistorial Court respecting the right to probates and administrations, subtraction of tithes, and all causes incident to the jurisdiction of consistorial courts, and appeals from diocesan courts. The surrogate attends usually at three o'clock in the afternoon, to swear persons seeking licences for marriage, churchwardens and parish-clerks, &c.; and I hold the Consistory Court on the same days of holding the Court of Prerogative, and immediately before holding that court, that is to say, about half-past 10 in the forenoon of court days. Hours of visitation from 10 o'clock till the business ends.

Metropolitan and
Consistorial Courts.

No. 1.
General Return of
the Right Hon.
John Radcliff.

10th & 11th. The several acts, matters and things, on account of which fees are now, or at any time (within the knowledge of the officer) have been demanded, taken or accepted by the officer, or for his use; specifying the amount of each fee particularly?—

							Irish Currency.		
							£.	s.	d.
Original citation, except for tithes	-	-	-	-	-	-	-	3	4
Subsequent citations or processes	-	-	-	-	-	-	-	1	4
Citation on letters of request	-	-	-	-	-	-	-	3	4
Renunciations	-	-	-	-	-	-	-	3	4
Commission or requisition to swear executors or administrators	-	-	-	-	-	-	-	7	8
Decree for personal answer	-	-	-	-	-	-	-	1	-
Administration, probate or exemplification	-	-	-	-	-	-	1	1	-
Inhibition, containing citation and monition	-	-	-	-	-	-	-	6	8
Monition for alimony or tithes decreed	-	-	-	-	-	-	-	3	4
Final sentence, decree or dismiss	-	-	-	-	-	-	1	-	-
Interlocutory sentence or decree	-	-	-	-	-	-	-	10	-
Significavit	-	-	-	-	-	-	-	10	-
Absolution from contumacy	-	-	-	-	-	-	-	10	-
Certificate of costs taxed	-	-	-	-	-	-	-	4	-
Transmiss, seal, &c.	-	-	-	-	-	-	-	10	-
Attending at parties' residences to swear to probates, &c.	-	-	-	-	-	-	-	10	-
Apostles, on appeal	-	-	-	-	-	-	-	10	-
Sealing included in the above fees.									
Sequestration of benefices	-	-	-	-	-	-	-	11	-
Relaxation thereof	-	-	-	-	-	-	-	11	-
License for marriage, or to clerk or schoolmaster, &c.	-	-	-	-	-	-	-	11	-
Consecration of a bishop by the archbishop, &c. for each see of the bishop consecrated	-	-	-	-	-	-	4	-	-
Sealing included in the above charges.									
Visitation Fees, not, as I hear, specified in former Return by Dr. Duigenan :									
Exhibits : proxy for clergy not appearing, or for not appearing though no proxy	-	-	-	-	-	-	-	1	-
Letters of orders of priest or deacon	-	-	-	-	-	-	-	1	3
Every union, faculty or dispensation	-	-	-	-	-	-	-	3	4
Institution, &c. to a benefice at the visitation	-	-	-	-	-	-	-	1	3
Certificate of oaths by beneficer	-	-	-	-	-	-	-	1	3
N. B.—Two-thirds of such fees only receivable by the vicar-general; they are doubled at the first visitation of a new archbishop.									
License to a curate at visitation, and certificate of his oaths, each	-	-	-	-	-	-	-	1	3
Two-thirds of one-third of those fees are paid to vicar-general, and they are also doubled at a first visitation.									

12th. Commencement thereof (*id est*, of fees stated in Nos. 10 & 11,) when in the officer's knowledge, and by what authority claimed, whether by usage, order of court authority of Parliament, or otherwise?—Save as after-mentioned, I do not know the commencement thereof; and they are, I believe, claimed by usage, and that an ancient one. It is my duty to say, that in my opinion the fee on probates and administrations requires regulation, as may some of the other fees. I cannot account why the fee on probates and administrations has not been variable by the amount of the assets. I have endeavoured to provide a remedy in the case of poor persons seeking probates and administrations, by passing them without fees, though they might obtain assets by the probates or administrations; but the proper remedy would be to reduce such fees proportionably by the assets. I have not ventured to alter any fee, finding that the whole matter has been duly attached in this office of inquiry, since my immediate predecessor's time, and before I was appointed. Within these few days, I have discovered that there is in the State Paper Office, No. 191, a List of Dublin Fees, and there is a printed list in p. 51, Robin's Abridgement of the Statutes Ecclesiastical, stated to be presented to the Commissioners for Reformation of Fees in the year 1662. In that State Paper Office there are fees of other dioceses; several of the fees then paid are not payable now, and something may have been done on that commission by the Lord Lieutenant to account for the present fees.

13th. Whether any, and what part of said fee is an increase; and when and under what authority originating, whether by usage, order of court, authority of Parliament, or otherwise?—I believe there is no increase within a great number of years last past.

14th. Salary of the office?—None.

15th. Gratuities and emoluments not comprised in the preceding queries, Nos. 10, 11 & 14, distinguishing the acts and services, on account of which same are now or at any time (within the knowledge of the officer) have been received, and the rates thereof respectively?—None received by me, or for me; but I understand from Mr. Lewis, the surrogate, that he has received the following emoluments, gratuities, or fees, on the execution by him of requisitions from England and other countries; and I find, on inquiry, that his predecessors, surrogates, received them also for a series of years.

Authentic

	Irish Currency.	Metropolitan and Consistorial Court.
	£. s. d.	
Authentic certificate of the service of a citation by letters of request from another diocese, and sealing, &c. - - - - -	- 10 -	
Executing letters of request to swear executors, &c. sent from England &c. -	1 - -	No. 1.

These seem more in the nature of gratuities than fees; and I do not know what the surrogate has yearly received on such accounts, and I do not include them in any of my emoluments, nor am I aware of their origin, if not merely from usage. I understand that the surrogate receives them from the proctors. They do not relate to the ordinary business of the Consistory of Dublin.

16th. Receipts on account of fees, gratuities and emoluments (exclusive of salary,) of the said office, for three years, ending 31st December 1824, distinguishing the amount in each year respectively?—

	£. s. d.
Amount of fees in the year ending 31st December 1822 - - -	369 2 2
Amount of gratuities and emoluments - - -	none.
Amount of fees in the year ending 31st December 1823 - - -	482 11 10
Amount of gratuities and emoluments - - -	none.
Amount of fees in the year ending 31st December 1824 - - -	338 12 6
Amount of gratuities and emoluments - - -	none.

N. B.—Of the receipts of 1822, 41 l. 0 s. 5 d. were the visitation fees of that year, a first visitation; and of the receipts of 1823, 136 l. 10 s. 6 d. were received as fees of the triennial or provincial visitation which occurred in that year, a first visitation of the province. There was no visitation for 1824. I have taken those sums, and the particular fees in questions 10 and 11, from the statement of the deputy registrars, having received nothing but through the deputy registrars, who gave me, every quarter of a year, what they state to me as the receipts for the quarter.

17th. Deductions and allowances for three years, ending 31st December 1824, particularizing the same, and the amount in each year respectively?—None.

18th. Whether holding any, and what other office or offices?—I hold the offices of judge of the Courts of Prerogative and Faculties, and the office of vicar-general and official principal of the archdiocese of Armagh.

19th. Whether any, and what change or changes has or have taken place in the proceedings of the office, or the court to which it belongs, or relating to the business thereof, which cause or induce any fees or expense, or increase of either, and when originating, and to whom payable, and by whom received?—None, to my knowledge or belief.

This Return is true and correct to the best of my knowledge and belief.

28th August 1825,

J. Radcliff.

Appendix, No. 2.

Copy COMMISSION appointing the Right Honourable JOHN RADCLIFF Vicar-general of the Diocese of Dublin, dated 9th May 1816.

GEORGE the Third, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth, To all the faithful in Christ to whom these presents shall come, greeting;—Whereas the office or offices of vicar-general in spiritualties, official principal, chancellor and commissary-general of his Grace Euseby, by Divine Providence archbishop of Dublin, primate and metropolitan of Ireland, and bishop of Glandelagh, is now vacant by the death of the right honourable and right worshipful Patrick Duignan, doctor of laws, the last vicar-general of the said Euseby, lord archbishop of Dublin, and by reason of the lunacy of the said Euseby, lord archbishop of Dublin, to our appointment for this turn in full right belonging, we therefore, as well for the good and faithful counsel and service heretofore done and to be performed by our beloved John Radcliff, esquire, doctor of laws, as for divers other causes and considerations us thereunto specially moving, have given, granted and confirmed, and by these presents do for us, and the said Euseby, archbishop of Dublin and bishop of Glandelagh, and for his successors, archbishops of Dublin and bishops of Glandelagh, give, grant and confirm to the said John Radcliff, for and during his natural life, the said office or offices of vicar-general in spiritualties, official principal, chancellor and commissary-general of the said Euseby, lord archbishop of Dublin, and his successors, in and throughout the whole dioceses of Dublin and Glandelagh, and the whole province of Dublin, and we do by these presents, nominate, ordain, make and constitute you the said John Radcliff, for and during your natural life, vicar-general in spiritualties, official principal, chancellor and commissary in and throughout the whole diocese and province aforesaid, for the said Euseby, archbishop of Dublin and his successors, with power of surrogating, substituting and appointing one or more person or persons in his place and stead (the consent of the said Euseby, archbishop of Dublin, or his coadjutor, being first obtained under his archiepiscopal seal) and of revoking him or them; and we do give, grant and confirm unto you the said

No. 2.
Commission appointing the Right Hon. John Radcliff Vicar-general.