CHAP. iii.

An Act for making better provision respecting the Fees to be taken in the City of London Court; and for other purposes. A.D. 1871.

[25th May 1871.]

WHEREAS in 1852 the London (City) Small Debts Extension Act, 1852, was passed (in this Act referred to as the Sheriffs Court Act of 1852): 15 & 16 Vict. c. lxxvii.

And whereas by the Sheriffs Court Act of 1852 provision was made respecting the proceedings in the Sheriffs Court in the city of London:

And whereas by the Sheriffs Court Act of 1852 it was (among other things) enacted that on every proceeding in the Sheriffs Court under the provisions of that Act there should be payable such fees as are set down in the schedule to that Act, or which should be set down in any schedule of fees reduced or altered under the power therein-after contained for that purpose, and none other, with a proviso that the mayor, aldermen, and commons of the city of London in common council assembled might lessen the amount of the fees to be taken in the court under the provisions of that Act in such manner as to them should seem fit, and might again increase such fees so that the scale of fees given in the schedule to that Act were not in any case surplused:

And whereas in 1867 the County Courts Act, 1867, was passed: 31 & 32 Vict. c. 71. (*Pub.*)

And whereas by the County Courts Act, 1867, new jurisdiction in various cases was given to the county courts:

And whereas by the County Courts Act, 1867, it was enacted that the words "county court" when used in that Act should (among other courts) mean and include the courts held by virtue of the Sheriffs Courts Act of 1852, unless otherwise provided, and that the last-mentioned court should be holden by the name of the City of London Court, and should be a court of record, and that its decisions should be subject to appeal in the same way and on the same conditions as the decisions of a county court were subject for the time

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being, and that rules and orders in force for the time being for regulating the practice of and costs in the county courts, and forms of proceedings therein, should be in force in the City of London Court to the exclusion of any rules and orders then in force in that court, and that the same fees should be taken for proceedings in which jurisdiction was thereby given to the court as upon similar proceedings in the county courts, and such fees should be applied in the same manner as the fees taken under the provisions of the said Act of 1852, with a proviso that nothing in the County Courts Act, 1867, or in any of the Acts specified in schedule (D.) to that Act (being Acts relating to the county courts), should take away, lessen, or diminish any of the powers, rights, or privileges of the judge of the said court, or the authority of the mayor, aldermen, and commons of the city of London in common council assembled in relation to such court, or to the judge or officers thereof, or to the fees taken therein, as such powers or authority existed previously to the passing of the County Courts Act, 1867:

And whereas it is expedient that the fees taken on proceedings in the City of London Court under the said Act of 1852 should be the same as those taken in the county courts:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as The City of London Court Act, 1871.

Power to take same fees in City of London Court as in county courts.

2. On every proceeding in the City of London Court under the provisions of the Sheriffs Courts Act, 1852, the same fees shall be taken as are for the time being taken upon similar proceedings in the county courts.

Certain provisions of Act of 1852 to extend and apply to fees under this Act.

3. The provisions of the Sheriffs Courts Act of 1852 relative to the application of fees shall extend and apply to fees taken under this Act, and except as in this Act expressly provided nothing in this Act shall repeal or otherwise affect the Sheriffs Courts Act of 1852.

Saving rights of Corporation of London.

4. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, or authority vested in or confirmed to the mayor, aldermen, and commons of the city of London in common council assembled, or to the judge of the said court, by the Sheriffs Courts Act of 1852, or by the County Courts Act, 1867, or by any other

Act, or otherwise, and every such right, power, and authority may be enjoyed and exercised as if this Act had not been passed. A.D. 1871.

Expenses of Act.

5. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the mayor, aldermen, and commons of the city of London in common council assembled out of the same moneys as the costs, charges, and expenses of passing the London (City) Small Debts Extension Act, 1852, were by that Act directed to be paid.

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