ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XLV.

An Act to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at *Westminster*, and in the Offices belonging thereto. [19th *June* 1865.]

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:

From and after Dec. 31, 1865, all Fees payable in Superior Courts to be collected by Stamps.

1. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-five, or from and after such earlier Time as the Commissioners of Her Majesty's Treasury, with the Concurrence of the Lord Chief Justices of the Courts of Queen's Bench and Common Pleas and of the Lord Chief Baron of the Court of Exchequer, by Notice published in the *London Gazette*, appoint, the following Fees shall be collected by Stamps; namely,—all Fees for the Time being payable in the several Courts and Offices, or to the several Officers, or in respect of the several Matters, specified in the First Schedule to this Act, whether under the several Enactments therein specified, or otherwise, and all Fees whatever for the Time being payable under any of those Enactments.

Stamps to be impressed or adhesive.

2. All or any Stamps to be used under this Act shall be impressed or adhesive, as the Commissioners of Her Majesty's Treasury from Time to Time direct.

3. The

General Rules to be made by Treasury.

3. The Commissioners of Her Majesty's Treasury, with the Concurrence of the Lord Chief Justices and Lord Chief Baron, may from Time to Time make such Rules as seem fit for regulating the Use of Stamps under this Act, and particularly for prescribing the Application thereof to Documents from Time to Time in use or required to be used for the Purposes of such Stamps, and for insuring the proper Cancellation of adhesive Stamps and keeping Accounts of such Stamps.

Documents not properly stamped to be invalid.

4. Any Document which ought to bear a Stamp under this Act shall not be of any Validity unless and until it is properly stamped; but if any such Document is through Mistake or Inadvertence received, filed, or used without being properly stamped, a Judge of One of the said Courts may, if he thinks fit, order that the same be stamped as in such Order may be directed, and on such Document being stamped accordingly the same and every Proceeding relative thereto shall be as valid as if such Document had been properly stamped in the first instance.

Nothing to interfere with Powers of Treasury, &c. for Alteration of Fees, &c.

5. Nothing in this Act shall interfere with the Exercise by any of the Judges of the said Courts, or by the Commissioners of Her Majesty's Treasury, or by any other Authority, of any Power of altering or otherwise regulating the Amount of any Fees comprised in this Act, or of any Salaries or other Charges for the Time being by Law payable thereout or charged thereon, or of directing that any Fees comprised in this Act shall cease to be applicable to any Charges or Payments charged thereon or payable thereout, and shall be from Time to Time paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom.

Payment of Salaries, &c. out of Money received for Stamps.

6. The Commissioners of Inland Revenue shall keep a separate Account of all Money received in respect of Stamps under this Act; and, subject to the Deduction out of the Money so received of any Expenses incurred by the Commissioners of Inland Revenue in the Execution of this Act, and to the Payment or Discharge thereout, in such Manner as the Commissioners of Her Majesty's Treasury from Time to Time direct, of Salaries or other Charges for the Time being by Law charged on or payable out of any Fees comprised in this Act, the Money so received shall, under the Direction of the Commissioners of Her Majesty's Treasury, be carried to and shall form Part of the said Consolidated Fund.

Accounts to be laid before Parliament.

7. The Account so kept by the Commissioners of Inland Revenue for every Year ending the Thirty-first Day of *March*, together with an Account for every such Year, prepared under the Direction of the Commissioners of Her Majesty's Treasury, showing the Salaries and other Charges now or formerly charged on

or payable out of any Fees comprised in this Act, and for the Time being in pursuance of any Act paid out of the said Consolidated Fund, or out of Money provided by Parliament, and also showing all other Charges in respect of the said Courts and their several Offices for the Time being paid out of the said Consolidated Fund or out of Money provided by Parliament, by way of Salary, Compensation, or otherwise, shall be laid before both Houses of Parliament within One Month after the Termination of such Year of Account, if Parliament is then sitting, or if not, then within One Month after the next meeting of Parliament; and the Second of such yearly Accounts and every subsequent Account shall show the Items for Two consecutive Years, and the Increase or Decrease of any of those Items in the Second of those Years as compared with the First.

Repeal of Enactments in Second Schedule.

8. From and after the Time appointed for the Commencement of the Collection of Fees by means of Stamps under this Act, the Acts described in the Second Schedule to this Act shall be repealed to the Extent in that Schedule specified.

Short Title.

9. This Act may be cited as The Common Law Courts (Fees) Act, 1865.

The FIRST SCHEDULE.

15 & 16 Vict. c. 73. s. 10. (7 Will. 4. & 1 Vict. c. 30. 18 & 19 Vict. c. 126. s. 20.)	The Superior Courts, and their several Offices, Judges Chambers, and Clerks of Assize acting as Associates on Circuits.
6 & 7 Vict. c. 20. s. 15. (23 & 24 Vict. c. 54.)	Crown Office, Queen's Bench.
17 & 18 Vict. c. 36. ss. 3, 4, 5.	Registration of Bills of Sale, Queen's Bench.
3 & 4 Will. 4. c. 74. s. 89. 5 & 6 Will 4. c. 82. s. 6. 13 & 14 Vict. c. 75. (17 & 18 Vict. c. 75. 20 & 21 Vict. c. 57.—as to England. 25 & 26 Vict. c. 67. s. 36. 25 & 26 Vict. c. 96.)	Registration of Certificates, &c. of Acknowledgments of Deeds of Married Women, &c., Common Pleas.
1 & 2 Vict. c. 110. s. 19. 2 & 3 Vict. c 11. ss. 2, 4, 7, 8, 9. 13 & 14 Vict. c. 75. 18 & 19 Vict. c. 15.—as to Common Pleas. 23 & 24 Vict. c. 115. s. 2. (3 & 4 Vict. c. 82. 13 & 14 Vict. c. 35. s. 17. 16 & 17 Vict. c. 107. ss. 195–7.—as to England. 22 & 23 Vict. c. 35. s. 22. 23 & 24 Vict. c. 38. s. 4. 24 & 25 Vict. c. 134. s. 213. 25 & 26 Vict. c. 89. s. 114.) 27 & 28 Vict. c. 112. s. 3.	Registration of Judgments, Crown Debts, &c., Common Pleas.
5 & 6 Vict. c. 86. s. 4. (22 & 23 Vict. c. 21. ss. 1–4.)	Queen's Remembrancer's Office.

The

The SECOND SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
5 & 6 Vict. c. 86. -	An Act for abolishing certain Offices on the Revenue Side of the Court of Exchequer in England, and for regulating the Office of Her Majesty's Remembrancer in that Court.	Section Five.
6 & 7 Vict. c. 20. -	An Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office.	Section Twelve.
13 & 14 Vict. c. 75.	An Act to regulate the Receipt and Amount of Fees receivable by certain Officers in the Court of Common Pleas.	Section One.
15 & 16 Vict. c. 73.	An Act to make Provision for a permanent Establishment of Officers to perform the Duties at Nisi Prius in the Superior Courts of Common Law, and for the Payment of such Officers and of the Judges Clerks by Salaries, and to abolish certain Offices in those Courts.	Sections Fourteen and Twenty-nine.

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