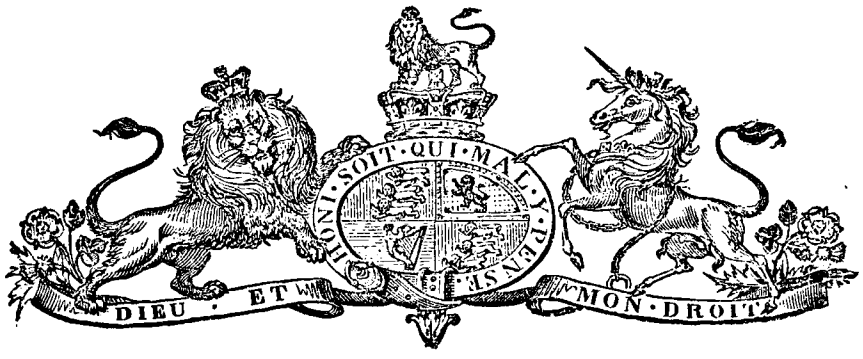


ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XLVIII.

An Act to supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other Purposes. [19th *June* 1865.]

WHEREAS a Bill has been or is about to be introduced into Parliament in the present Session by the Short Title of "The Courts of Justice Concentration (Site) Act, 1865," and the Purposes intended to be carried into effect by such Bill are the Acquisition of a Site capable of affording Accommodation to the Superior Courts of Law and Equity, the Probate and Divorce Courts, the High Court of Admiralty, and the various Offices belonging to the same, and to such other Courts for the Administration of Justice, and Offices connected therewith, as may be required: 28 Vict. c. 49.

And whereas it is expedient to make Provision for the Cost of acquiring such Site, and of the Erection thereon of suitable Buildings, with all proper Furniture and Conveniences, for such Courts and Offices; and also to make Provision for such other Changes incident to and consequential on the Removal of the existing Courts and Offices from the Sites now occupied by them as are herein-after mentioned:

And

And whereas it is expedient that the Cost of erecting the said Courts of Justice should be borne, as follows:

1st. By Money to be provided by Parliament to the Extent of the Value of Property surrendered, and of Relief to the Public by the Cessation of Rents now charged to the Public:

2dly. By a Contribution of One Million Stock, Part of a Sum of One million two hundred and ninety-one thousand six hundred and twenty-nine Pounds Ten Shillings and Fivepence Three Pounds *per Cent.* Stock, now standing in the Books of the Bank of *England* to the Credit of an Account intituled "Account of Securities purchased with Surplus "Interest arising from Securities carried to Account of "Monies placed out for the Benefit and better Security of "the Suitors of the High Court of Chancery," which has arisen from the Profit of Investments, made under the Authority of Parliament at the Risk of the Public, of unemployed Cash Balances paid into the High Court of Chancery on account of individual Suitors, and which is herein-after referred to as the Surplus Interest Fund:

3dly. By the Taxation of Suitors of the Courts other than the Court of Chancery to be accommodated in the said Building:

And whereas it is expedient that the Monies required from Time to Time for carrying into effect the Purposes of the said Site Act and this Act should be defrayed in the first instance out of Monies to be provided by Parliament:

And whereas the Capital of the aforesaid Surplus Interest Fund is ultimately liable to make good any Deficiency which may occur in the general Cash Balance remaining in the Court of Chancery from Time to Time for Payment of the Sums due to the Suitors of the said Court, and the same is, with other Funds in Chancery, also charged with the Payment of certain Compensations in the Nature of Life Annuities and other temporary Charges, and it is expedient that Provision should be made for such Liabilities and Charges in the Manner herein-after appearing:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title. 1. This Act may be cited for all Purposes as "The Courts of Justice Building Act, 1865."

2. "The

Definition of Terms

2. "The Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being, or any Two or more of them:

"Suitors" shall mean and include not only Suitors in Courts but also all Persons proving Wills or conducting Business in any of the Courts or Offices to be accommodated in the said new Buildings other than and except Suitors in the Court of Chancery:

"Compensation Allowances" shall mean and include not only the Compensation Allowances charged on or payable partly or wholly out of the "Surplus Interest Fund" or the Interest or Dividends thereof or other Funds in Chancery and existing at the Time of the passing of this Act, but also the Salaries payable to the abolished Masters in Chancery and their Clerks and to the Master of the Reports.

Provision of Funds for Works.

Advances to be made by the Paymaster General.

3. All Sums of Money required from Time to Time for carrying into effect the Purposes of "The Courts of Justice Concentration (Site) Act, 1865," and for the Purpose of erecting upon the Site to be acquired under the same Act all such suitable Buildings for the Accommodation of the Superior Courts of Law and Equity, the Probate and Divorce Courts, and the Court of Admiralty, and the various Offices connected therewith, and of such other Courts for the Administration of Justice, and Offices connected therewith, or Offices used for any other Purpose of legal Administration, as may from Time to Time be prescribed by the Treasury, with all proper Furniture and Conveniences, and Accesses thereto, not exceeding in the whole One million five hundred thousand Pounds Cash, shall be provided in the first instance by Issues to be made to the Paymaster General by the Comptroller General of the Exchequer out of Monies to be provided by Parliament, and the Paymaster General shall keep a separate Account thereof.

Plan of Building and Arrangements for Care and Maintenance of the Building.

4. The Plan upon which the said Buildings shall be erected, and the necessary Arrangements for the proper and convenient Accommodation of all the Courts and Offices to be provided for therein, and for proper Accesses thereto, shall be determined upon by the Treasury, with the Advice and Concurrence of such Persons as Her Majesty shall think fit to authorize in that Behalf; and after the Completion of the said Buildings Her Majesty may, by Order in Council, from Time to Time nominate and appoint such Persons as She shall think fit, with such Powers to superintend and regulate the said Buildings and to provide for the proper Care and Maintenance thereof, and also (if it shall be found necessary) to vary from Time to Time the internal Arrangements of the said Buildings, and the

the Purposes to or for which any Part thereof may be used or appropriated, as to Her Majesty shall seem proper and expedient: Provided always, that no Orders or Regulations requiring any Expenditure of public Money shall be made by such Persons without the Consent of the Treasury.

Repayment of Advances.

Repayments to the Account of the Paymaster General to be carried to and be made Part of the Consolidated Fund.

5. All Sums of Money which shall be paid into the Bank of *England* to the Account of the Paymaster General, in Repayment of Advances made by virtue of this Act, shall from Time to Time, at such Periods as the Treasury shall direct, be transferred to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Mode of Repayment of Advances to Consolidated Fund.

6. For the Purpose of securing the Repayment of the Advances to be made, under the Provisions of this Act, other than those to be granted as the estimated Value of the present Courts and Offices, as herein-after provided, there shall be contributed a Sum not exceeding One million three hundred thousand Pounds Cash, as follows:

First, One million Pounds Three Pounds *per Cent.* Stock, out of the Three Pounds *per Cent.* Consolidated Annuities, and out of the Three Pounds *per Cent.* Reduced Annuities, now standing in the Books of the Bank of *England* to the Credit of an Account, intituled "Account of Securities purchased with Surplus Interest "arising from Securities carried to Account of Monies placed "out for the Benefit and better Security of the Suitors of the "High Court of Chancery, which Account is herein called "'The Surplus Interest Fund:'"

And secondly, a Contribution in the Nature of a Redemption Annuity, payable for a Term not exceeding Fifty Years, to be raised by Fees to be imposed as herein-after directed on Suitors and on Processes in the Courts and Offices to be accommodated in the said new Buildings other than the Court of Chancery, equivalent to the Residue of the said Advances, with Interest thereon.

200,000*l.* to be contributed out of Money to be provided by Parliament as the Value of Courts and Offices transferred, and of

7. Out of the Monies to be provided by Parliament as aforesaid for carrying into effect the Purposes of "The Courts of Justice Concentration (Site) Act, 1865," the Sum of Two hundred thousand Pounds Cash, being the estimated Value of the present Courts and Offices, to be transferred to the Commissioners of Public Works and Buildings, or to become available for other public Purposes, and of the Relief from Rental which is at present defrayed out of public Monies for

for Buildings in the Occupation of Legal Departments to be hereafter accommodated in the new Courts, shall be considered as a Grant towards the Erection of the said Courts, and shall not be repayable to the Consolidated Fund; and if any other Property now used for Courts and Offices, and not included in the said Estimate of Two hundred thousand Pounds, should in like Manner be transferred or become available for other public Purposes, Credit shall be given for the Value of such Property by a Reduction of the Annuity to be paid by the Contribution to be levied on Suitors as herein-after provided, or otherwise as the Commissioners of the Treasury and the Lord Chancellor shall jointly determine.

Relief from Rent, to the Public.

8. There shall from Time to Time be sold, under the Order of the Lord Chancellor (such Order to be made on the Certificate of the Treasury), such Portions of the said Surplus Interest Fund, to the Extent of but not exceeding in the whole One million of the Stock composing the same, as the said Lord Chancellor shall from Time to Time direct; and the Monies arising from every such Sale shall be received by One of the Cashiers of the Bank of *England*, and be paid by him to the aforesaid Account of the Paymaster General at the Bank of *England*, and shall be transferred to the Account of Her Majesty's Exchequer as aforesaid.

1,000,000*l.* Stock to be contributed by the Surplus Interest Fund.

9. The Residue of the Advances, with Interest, is to be repaid, and is to be deemed to be discharged, by a Contribution, to be levied on the Suitors (other than those of the Court of Chancery) using the said Buildings, in the Nature of a Redemption Annuity calculated at Four Pounds *per Centum per Annum* on the Amount of such Residue, and payable for a Term not exceeding Fifty Years, such Term to commence from the Period when any Part of such Buildings shall be used for the Transaction of the Business of such Suitors, the Commencement of such Period to be announced in the *London Gazette* by the Direction of the Treasury.

Contribution of Suitors other than of Chancery to be ascertained and discharged by a Redemption Annuity.

10. The Amount of such Residue so chargeable on the said Suitors is to be ascertained by adding to the Principal Money payable by them Interest from the Time of the respective Advances up to the Commencement of the said Term, at the Rate of Three Pounds Five Shillings *per Centum per Annum*, such being the Rate at which the said Redemption Annuity of Four Pounds *per Centum* has been calculated.

Mode of ascertaining Amount chargeable on the Suitors.

11. The Suitors (other than those of the Court of Chancery) are to contribute in proportion, as far as may be, to the Extent of the

Apportionment amongst Suitors

other than those of the Court of Chancery of their Contribution.

Use made by them of the Buildings erected in pursuance of the said Building Act.

The Proportion in which the Suitors are to contribute shall, subject to the Provisions of this Act, be determined by the Treasury.

Mode of levying Contribution.

12. The Contribution of the Suitors under this Act shall be levied by means of a separate Fee, herein-after called the Rent of Courts Fee, to be collected by Stamps, to be impressed on or affixed to such Documents in use in each Court or Office to be accommodated in the said new Buildings, and to be of such Amounts as may be from Time to Time determined by the Treasury, with the Consent of the Lord Chancellor, together with the Chief Judge of each of the Superior Courts of Common Law, or any One of such Chief Judges, and of such other Persons or Person as Her Majesty by Order in Council may please to direct; and all the Provisions of any Act of Parliament relating to the Payment or Collection of the Fees levied in any Court in which the Rent of Courts Fee is collected, and relating to the Stamps for collecting such Fees, shall apply to the Rent of Courts Fee payable under this Act.

The net Produce of such Rent of Courts Fee is to be paid by the Commissioners of Inland Revenue to the Credit of the aforesaid Account of the Paymaster General.

Annual Adjustment of Suitors Redemption Annuity.

13. The said Paymaster General is to keep and annually make up an Account of the Monies due and paid in respect of the said Redemption Annuity and of the net Produce received by him in respect of such Rents of Courts Fee, and of all other Payments (if any) made on account of such Redemption Annuity; and the said Fees imposed in respect of such Rent of Courts Fee may be from Time to Time revised and varied so that the Produce thereof may satisfy the Amount payable from Time to Time in respect of the said Redemption Annuity; but if in any Year there shall have been an Excess in the said Receipts beyond the Amount due for such Annuity, such Excess is to be invested and accumulated, and applied at such Periods as the Lord Chancellor and the Treasury shall from Time to Time determine in satisfying, discharging, and redeeming so much of the said Annuity as it shall at the Rates aforesaid, and having regard to the Length of Term unexpired, be sufficient to discharge and redeem.

This Account shall be annually laid before Parliament.

Cessation of Rent of Courts Fee.

14. As soon as such Redemption Annuity shall have been satisfied as aforesaid the Rent of Courts Fee shall cease to be levied.

15. Subject

15. Subject to the Provisions of this Act, the Treasury may from Time to Time make Regulations with respect to the Mode of making and replacing the Advances required to be made for the Purposes of this Act, and with respect to all other Matters necessary to carry this Act into effect; and any Regulations made by the Treasury in pursuance of the Power given by this Act shall be as valid as if they were inserted in this Act. Power of Treasury to make Regulations.

Power to redeem Chancery Compensations out of Capital, and Indemnity of the Chancery Cash Balance.

16. The Lord Chancellor may negotiate with any of the Persons entitled to Compensation Allowances for the Purchase or Redemption of the same at a Price not exceeding the Price contained in the Tables referred to in the Act of Parliament of the Tenth Year of the Reign of King *George* the Fourth, Chapter Twenty-four, Section Fourteen, either for a gross Amount of Cash or Stock, or for a Government Annuity; and for the Purpose of effecting such Purchase or Redemption, or of providing for any Part of such Compensation Allowances remaining unredeemed which the Income of the Funds charged therewith may be insufficient to satisfy, the Lord Chancellor may order the Sale, Transfer, or Payment of any Part of the Residue of the said Surplus Interest Fund, or of any of the other Funds charged with such Compensation Allowances, or the Purchase therewith from the Commissioners for the Reduction of the National Debt of terminable Annuities either for Lives or for Terms of Years. Chancery Compensations may be redeemed or paid out of the Capital of Court Funds.

17. If the General Cash Balance of the Suitors remaining in the Court of Chancery shall be at any Time insufficient to satisfy the Demands of the Suitors thereon, such Deficiency shall, to the Extent to which the Monies arising by the Sale of the aforesaid One million of the said Surplus Interest Fund would have been available, be made good out of the Consolidated Fund; and if the Residue of the Surplus Interest Fund and the other Funds charged with Compensation Allowances are insufficient to meet such Charges, in that Case such last-mentioned Deficiency also shall be made good out of the Consolidated Fund. Indemnity against Loss by Appropriation of Surplus Interest Fund.

Saving of Jurisdiction on Removal of Courts.

18. Notwithstanding their Removal to the Site provided by "The Courts of Justice Concentration (Site) Act, 1865," the Superior Courts of Law and Equity may exercise the same Jurisdiction and enjoy the same Rights and Privileges as they have hitherto exercised and enjoyed, and all Statutes, Charters, and other Instruments wherein Saving of Jurisdiction of Courts.

Westminster

Westminster is described or referred to as being the Locality of the said Courts shall be construed as if the Site provided by "The Courts of Justice Concentration (Site) Act, 1865," had been described or referred to in the said Statutes, Charters, and other Instruments as the Locality of the said Courts, instead of *Westminster*.

Forms of Writs to be altered by Order in Council.

19. Her Majesty may by Order in Council make any Alteration that may be thought expedient for the Purpose of adapting the Forms of testing Writs and other Instruments, and the Forms themselves of Writs or other Instruments in use in the said Courts, to the Change of Locality made by "The Courts of Justice Concentration (Site) Act, 1865."

Power to try London Causes in the new Courts.

20. Her Majesty may by Order in Council from Time to Time, at the Request of the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, direct that all or any Issues or Inquiries in Cases at Nisi Prius which would otherwise be tried and executed within the County of the City of *London* shall for ever thereafter, or for a Time to be specified in such Order, be tried and executed at the Courts authorized to be erected by this Act; and in the event of such Order being made the said Courts shall, for the Purpose of giving Jurisdiction to the Sheriffs of *London* in relation to such Trials and Inquiries, and for the summoning of Jurors, and for all other Purposes of or incidental to any such Trials or Inquiries, be deemed to be situate in the County of the City of *London*.

Power to try Middlesex Causes in the new Courts.

21. Her Majesty may by Order in Council from Time to Time direct that all or any Issues or Inquiries in Cases at Nisi Prius which would otherwise be tried and executed within the County of *Middlesex* shall for ever thereafter, or for a Time to be specified in such Order, be tried and executed at the Courts authorized to be erected by this Act; and in the event of such Order being made the said Courts shall, for the Purpose of giving Jurisdiction to the Sheriff of *Middlesex* in relation to such Trials and Inquiries, and for the summoning of Jurors, and for all other Purposes of or incidental to any such Trials or Inquiries, be deemed to be situate in the County of *Middlesex*.

Transfer of Property now used for Offices.

Discontinuance of existing Courts and Offices.

22. Whereas the legal Business hitherto carried on in the Buildings situate in or near *Southampton Buildings*, known as the "Masters Offices," and erected in pursuance of the Act of the Session of the Thirty-second Year of King *George* the Third, Chapter Forty-two, is intended to be transacted in the Courts, Offices

Offices, and Premises authorized to be erected under this Act; and it is expedient that such Masters Offices should be appropriated in manner herein-after mentioned for public Purposes: Be it enacted, That all the Buildings erected as aforesaid, with the Sites thereof, and all the Lands and Hereditaments, if any, purchased or acquired in pursuance of the said Act of the Thirty-second Year of King *George* the Third, with all their actual and reputed Appurtenances, shall on the passing of this Act vest in the Commissioners of Her Majesty's Works and Public Buildings as incorporated by the Act of the Session of the Fifteenth and Sixteenth Year of the Reign of Her present Majesty, Chapter Twenty-eight, to be held by them for the Purposes of the last-mentioned Act, discharged from all subsisting Trusts declared with respect thereto: Provided that the said Commissioners shall not take possession of any Part or Parts of the said Buildings that may be occupied for legal Purposes until the Lord Chancellor certifies that in his Opinion such Part or Parts is or are no longer required by the Persons so occupying the same.

Society of Lincoln's Inn may repurchase Six Clerks and Registrars Offices.

23. And whereas by virtue of Two Statutes (Local and Personal) passed in the Fifteenth Year of the Reign of King *George* the Third, Chapters Twenty-two and Fifty-six, Land being Part of the Garden of the Honourable Society of *Lincoln's Inn* was sold by the said Society for the Purpose of building thereon the Six Clerks and Registrars Offices, and the same are now used as the Offices of the Accountant General and Registrars in Chancery, and of the Clerks of Records and Writs, and of the Clerk of Enrolments in Chancery, and the same are now under the said Two Acts, and under the Statute passed in the Sixth Year of the Reign of *Victoria*, Chapter One hundred and three, Section Twenty-nine, vested in the Accountant General of the Court of Chancery and his Successors, but subject to a Provision that the Buildings shall be used for the Purposes of the aforesaid Offices, and for no other Purpose:

And whereas under an Act (Local and Personal), passed in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Eighty-four, a Court for the Sittings of the Vice-Chancellor of *England* was erected in *Lincoln's Inn*, and vested in the said Society for the public Purposes by the said Act directed, and for no other Purposes:

And whereas the said Society have since the Year One thousand eight hundred and forty expended out of their own Funds divers Sums in the Erection and fitting up of Courts for the Use of the Judges of the said Court of Chancery, and otherwise for the Benefit of the said Court:

 And

And whereas, after the said new Buildings shall have been erected and commenced to be used, the said several Offices and Courts will no longer be applicable to the Purposes for which the same were erected or fitted up, and it is necessary that Provision should be made by Parliament respecting the same; and as the said Honourable Society of *Lincoln's Inn* will cease to have the Benefit of the Business of the said Courts being carried on within the Precincts of their said Inn, it is just and expedient that the said Society should be repaid the Amount of their aforesaid Outlays: Be it enacted, That it shall be lawful for the said Society to repurchase and become repossessed of the said Land sold by them for the said Six Clerks and Registrars Offices in Chancery, upon their repaying the Purchase Monies received by them for the said Land; and further, that the said Society shall be entitled, if they so elect, to become possessed of the Erections and Buildings thereon, upon paying for the same at a Valuation as old Building Materials; and further, that the Trusts declared by the said Statute, Fifty-six *George* the Third, Chapter Eighty-four, shall be discharged, and the said Court erected under the said Statute for the Vice-Chancellor of *England* shall become to all Intents and Purposes the exclusive Property of the said Society, without their making any Payment for the same or the Materials thereof; and further, that the said Society shall be repaid the said Principal Sums they have from Time to Time since the Year One thousand eight hundred and forty expended out of their Funds for the Use of the said Court of Chancery; and that it shall be lawful for the said Lord Chancellor to adjust and settle an Account with the said Society upon the Basis of this Enactment, and to order that the Balance of such Account shall be paid into or out of the Suitors Fee Fund of the Court of Chancery, as the Case may be; and upon Payment of the said Balance to or by the said Society, as the Case may be, the Lord Chancellor shall make an Order that the said Land and Buildings do vest in the Trustees for the Time being of the Real Estates of the said Society, and the same shall thereupon be vested accordingly, discharged from all Trusts, Restrictions, and Regulations declared, imposed, or enjoined by the said Two Statutes, Fifteenth *George* the Third, Chapters Twenty-two and Fifty-six, and Sixth *Victoria*, Chapter One hundred and three, or any or either of them; but this Enactment is not to come into force or to take any Effect until after the Lord Chancellor shall certify under his Hand to the Treasury that the Business hitherto conducted in the said Buildings and Courts, or any Part thereof, has been transferred to the Buildings authorized to be erected under "The Courts of Justice Concentration (Site) Act, 1865," and such Certificate shall

Trusts declared by 56 G. 3. c. 84. to be discharged.

Lord Chancellor to adjust Accounts.

On Payment of Balance Lord Chancellor to make Vesting Order.

shall have been filed in the Report Office of the Court of Chancery; and the Option of repurchasing the said Sites, and purchasing the said Erections and Buildings respectively, may be exercised by the said Society at any Time within Two Years after Notice to the Treasurer of the said Society of the filing of such Certificate.

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