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C A P. CXXII.

An Act for the Application of surplus Fees paid by Suitors in the Superior Courts of Law and other Courts towards the Expenses of providing the intended Courts of Justice; and for other Purposes. [20th *August* 1867.]

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:

Amendment of Sect. 7. of 29 & 30 Vict. c. 101. as to Common Law Fees.

1. With respect to the Superior Courts of Common Law,—there shall be omitted from the Account prescribed by Section Seven of The Common Law Courts (Fees and Salaries) Act, 1866, the following Items:—

1. Payments for Compensation in respect of the Offices described in the First Schedule to this Act:
2. Receipts and Payments in respect of the Crown Office of the Court of Queen's Bench:
3. Receipts and Payments in respect of Fees, Salaries, and Expenses of the Clerks of Assize.

Court of Probate Fees Account.

2. With respect to the Court of Probate,—there shall be annually prepared, under the Direction of the Commissioners of Her Majesty's Treasury, an Account for the Year ending the Thirty-first Day of *March*, showing—

1. The Amount received in respect of Fees under the Act described in the Second Schedule to this Act:
2. The Payments for the Salaries of the Registrars, District Registrars, Clerks, and others holding Offices in the Court of Probate, either in *London* or in the Country Districts, and for the incidental Expenses relating to those Offices, and for Superannuations, Pensions, and Retiring Allowances of Officers, and Compensations under the same Act.

Court of Admiralty Fees Account.

3. With respect to the High Court of Admiralty,—there shall be annually prepared, under the Direction of the Commissioners of Her Majesty's Treasury, an Account for the Year ending the Thirty-first Day of *March*, showing—

1. The Amount received in respect of Fees under the Acts described in the Third Schedule to this Act:
2. The Payments for the Salaries of the Officers of the Court and for Pensions, Compensations, and other Charges and Payments in respect of the Court payable out of Money provided by Parliament.

Office of Land Registry Fees Account.

4. With respect to the Office of Land Registry,—there shall be annually prepared, under the Direction of the Commissioners of Her Majesty's Treasury, an Account for the Year ending the Thirty-first Day of *March*, showing—

1. The Amount received in respect of Fees under the Act described in the Fourth Schedule to this Act:
2. The Payments for Salaries, Retiring Pensions, Superannuation Allowances, and other Charges payable under that Act out of Money provided by Parliament.

Accounts to show Surplus and Deficit, and Comparison for Two Years.

5. Each of the Four Accounts aforesaid shall show the Deficit or Surplus of Receipts as compared with Expenditure, and the Second of the several yearly Accounts and every subsequent Account shall show the Items for Two consecutive Years, and the Increase or Decrease of any Item in the Second of those Years as compared with the First.

Accounts to be laid before Houses of Parliament.

6. Every Account prepared under this Act shall be laid before both Houses of Parliament within One Month after the Thirty-first Day of *March* in each Year if Parliament is then sitting, or if not, then within One Month after the next meeting of Parliament.

7. This

7. This Act shall be deemed to have been in force with respect to the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-seven, and accordingly the Four several Accounts aforesaid shall be prepared for that Year. First Year of Account.

8. If in any Year there is a Deficit on any of the Four Accounts aforesaid, the Amount of such Deficit shall be debited to the same Account in the next following Year; provided that no such Deficit shall be debited to any Account unless and until there has been in some Year a Surplus on the same Account, and after there has been such a Surplus the Deficit (if any) of every subsequent Year shall be so debited, but not that of any Year previous to that in which there first was a Surplus. Provision for Deficit on Accounts.

9. If in any Year there is a Surplus on any of the Four Accounts aforesaid (any Deficit having been first duly debited as aforesaid to that Account), the Commissioners of Her Majesty's Treasury shall issue the Amount of such Surplus out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, to Her Majesty's Paymaster General, to be carried to the Credit of an Account to be opened in his Books, to be called The Courts of Justice Advances Redemption Account; and the Amount standing to the Credit of that Account, or any Part thereof, may be from Time to Time invested and accumulated under the Direction of the Lord Chancellor and the Commissioners of Her Majesty's Treasury, and the same and the Accumulations thereof shall be applied, at such Periods and in such Manner as the Lord Chancellor and the Commissioners of Her Majesty's Treasury from Time to Time determine, towards discharging the Redemption Annuity to become payable under Section Nine of The Courts of Justice Building Act, 1865, and Section Two of The Courts of Justice Act, 1866.

There shall be annually prepared, under the Direction of the Commissioners of Her Majesty's Treasury, and laid before both Houses of Parliament, a Statement of the Receipts, Investments, and Expenditure on the last-mentioned Account.

If Surplus on any of the Four Accounts, Treasury to issue Amount out of Consolidated Fund, to be applied in discharging Annuity payable under Sect. 9. of 28 & 29 Vict. c. 48. and Sect. 2. of 29 & 30 Vict. c. 63.

10. The Commissioners of Her Majesty's Treasury shall have Power from Time to Time to prepare amended Tables of Fees and Payments required by this Act to be credited to any of the Four Accounts aforesaid, and to lay them for Approval before the Persons now respectively empowered to add to, reduce, alter, or amend the same, and any Alteration in the Amount of such Fees or Payments shall be subject to the Approval of the said Commissioners. Power to Treasury to prepare amended Tables of Fees.

11. If at any Time Provision is made by Parliament for Payment into the Receipt of Her Majesty's Exchequer of Money received in Provision for Payment of Money received in

respect of Fees in Court of Bankruptcy, or in any Court prescribed by 28 & 29 Vict. c. 49.

in respect of Fees in the Court of Bankruptcy, or in any Court or Office prescribed under Section Three of The Courts of Justice Concentration (Site) Act, 1865, the Provisions of this Act shall extend and apply, *mutatis mutandis*, to the Court of Bankruptcy, or to such other Court or Office, as the Case requires.

As to Salaries of Judges' Marshals.

12. Section Seven of the Act described in the Fifth Schedule to this Act shall be read and have Effect as if the Words "to the Marshal of the Senior Judge" were omitted therefrom.

Short Title.

13. This Act may be cited as The Courts of Law Fees Act, 1867.

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SCHEDULES.

The FIRST SCHEDULE.

Office of Comptroller of Seals, Queen's Bench and Common Pleas.
Office of Custos Brevium, Common Pleas.
Office of Hereditary Chief Proclamator and Chief Usher, Exchequer.

The SECOND SCHEDULE.

20 & 21 Vict. c. 77.—An Act to amend the Law relating to Probates and Letters of Administration in England.

The THIRD SCHEDULE.

3 & 4 Vict. c. 66.—An Act to make Provision for the Judge, Registrar, and Marshal of the High Court of Admiralty of England.

17 & 18 Vict. c. 78.—An Act to appoint Persons to administer Oaths, and to substitute Stamps in lieu of Fees, and for other Purposes, in the High Court of Admiralty of England.

The FOURTH SCHEDULE.

25 & 26 Vict. c. 53.—An Act to facilitate the Proof of Title to, and the Conveyance of, Real Estates.

The FIFTH SCHEDULE.

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.

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