

ANNO DECIMO

GEORGII IV. REGIS.

****

CAP. LIII.

An Act to regulate the Duties, Salaries, and Emoluments of the Officers, Clerks, and Ministers of certain Ecclesiastical Courts in *England*. [19th *June* 1829.]

WHEREAS the Commissioners authorized and appointed by several Commissions and Warrants, as well from His late Majesty King *George* the Third, as from His present Majesty, to make a diligent Examination of the Duties, Salaries, and Emoluments of the several Officers, Clerks, and Ministers of Justice of and within all Ecclesiastical Courts (amongst other Courts) in *England*, and to inquire what Regulations might be fit to be established respecting such Duties, Salaries, and Emoluments, have, in pursuance of the said several Commissions and Warrants, made Two several Reports to His present Majesty, one dated the Sixteenth Day of *May* One thousand eight hundred and twenty-three, as to the Duties, Salaries, and Emoluments of the Officers, Clerks, and Ministers of Justice of the Court of Arches, Prerogative Court, and Court of Peculiars of the Lord Archbishop of *Canterbury* respectively, and the other dated the Fourth Day of *July* One thousand eight hundred and twenty-three, as to the Duties, Salaries, and Emoluments of the Officers, Clerks, and Ministers of Justice of the Consistory

sistory Court and Commissary Court of the Lord Bishop of *London* respectively: And whereas the said Commissioners have in their said several Reports recommended the Regulation of the Duties, Salaries, and Emoluments of the Officers, Clerks, and Ministers of Justice of the said several Courts respectively, and it is expedient that such Recommendation of the said Commissioners should be carried into effect, and that some Provision should be made for the permanent Regulation of the said Duties, Salaries, and Emoluments; be it therefore enacted by the King'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, That it shall and may be lawful for the Official Principal of the said Court of Arches, together with the Chancellor of the Diocese of *London* and the Commissary of the Diocese of *Canterbury*, or together with either of them, and they are hereby required, to take into Consideration the said Reports and Recommendations of the said Commissioners, and to establish and ordain Tables of Fees to be thereafter taken by the several Officers, Clerks, and Ministers of the said several Courts respectively, such Tables respectively to contain the Fees recommended by the said Commissioners in their said Reports to be taken by the several Officers, Clerks, and Ministers of the said several Courts respectively, and no other Fees or Emoluments whatsoever; which Tables of Fees, when so established and ordained, shall be entered or enrolled in the Public Books or Records of the Courts to which they respectively relate, in such Manner as the Persons establishing the same shall think fit.

Tables of Fees to be established, and enrolled in the Books of the Courts.

II. And be it further enacted, That the Fees so established and ordained shall, from and after the Establishment and ordaining thereof, and the Entry or Enrolment of such Tables as aforesaid, and after Notice thereof given to the Officers, Clerks, and Ministers respectively whom they may concern, in such Manner as the Persons establishing the said Tables shall direct, be the lawful Fees of such Officers, Clerks, and Ministers respectively, and that none other (except such as may be altered or ordained as herein-after provided) shall be demanded, received, or taken by such Officers, Clerks, and Ministers respectively, under any Colour or Pretence whatsoever.

The Fees in such Tables to be the only lawful Fees.

III. And whereas some Alteration in such Tables of Fees, after the same shall have been so entered and enrolled as aforesaid, may from Time to Time become expedient and necessary; be it therefore enacted, That it shall and may be lawful for the said Persons for the Time being by whom such Tables of Fees shall be established as aforesaid from Time to Time to alter such Tables of Fees, and also to establish and ordain other reasonable, new, or additional Fees to be demanded, received, and taken by such Officers, Clerks, and Ministers respectively, and to cause such altered, new, or additional Fees to be entered or enrolled in the Public Books or Records of the Courts to which they respectively relate; and which altered, new, or additional Fees, when so entered or enrolled, shall be the lawful

Power to make Alterations or Additions in such Tables.

Fees of such Officers, Clerks, and Ministers: Provided always, that before such altered, new, or additional Fees shall be entered or enrolled in the Public Books or Records of the Courts to which they respectively relate, and before the same shall be demanded, taken, or received by the said Officers, Clerks, and Ministers respectively, the same shall be approved by the Lord Archbishop of *Canterbury* and the Lord Bishop of *London* respectively, as the same may relate to their respective Courts, and, if approved by them, shall be submitted to the Consideration of His Majesty's Privy Council, who may disallow the same or any Part thereof; and Notice shall be given in the *London Gazette* of such Submission to the Privy Council; and if, within the Space of Three Calendar Months from the Time of giving such Notice, the same shall not be disallowed by the Privy Council, such altered, new, or additional Fees, or such Part thereof as shall not be disallowed, shall, from and after the Expiration of the said Three Calendar Months, be deemed and taken to be lawful Fees, and shall be entered or enrolled as such in the Public Books or Records of the Courts to which they respectively relate, and added to the respective Tables of Fees accordingly.

Alterations, or Additions to be approved previous to their Enrolment.

IV. And be it further enacted, That the several Tables of Fees so ordained and established as aforesaid, together with any subsequent Alterations that may from Time to Time be made therein as aforesaid, shall be respectively kept hung up in some conspicuous Part of the Office or Place of Business to which they relate; and that Extracts from such Tables shall be hung up in some conspicuous Part of the Office or Place of Business of each Officer, Clerk, or Minister of the said several Courts respectively, containing such Parts thereof as shall concern such Officer, Clerk, or Minister.

Tables of Fees to be hung up in the Offices to which they relate.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend to any Charges or Fees made or received by any Proctor of the same Courts, or of any of them, in respect of Business done by such Proctor in his Character and Profession of Proctor only, and not as such Officer, Clerk, or Minister as aforesaid.

Not to extend to Fees of Proctors.

VI. And whereas various important Duties are required to be performed by the Deputy Registrars and Clerks of Seats in the Office of the Prerogative Court, and by the other Officers, Clerks, and Ministers employed in the Registry and in other Offices of the several before-mentioned Courts, the due Performance of which it is expedient to regulate and enforce, and to provide for the due Qualification of the Persons appointed to such Offices; be it therefore enacted, That it shall and may be lawful for the said Persons for the Time being respectively herein-before authorized to establish Fees, and they are hereby required, forthwith to inquire into the Performance of such Duties, and from Time to Time to make such Regulations respecting the same, and the Performance thereof by the several Officers, Clerks, and Ministers aforesaid, as to them shall seem expedient; which Regulations, having been approved and confirmed

Power to make Regulations for due Performance of Duties.

confirmed by the Lord Archbishop of *Canterbury*, when they relate to the said Court of Arches, Prerogative Court, and Court of Peculiars, or either of them, and having been approved and confirmed by the Lord Bishop of *London*, when they relate to the said Consistory Court and Commissary Court, or either of them, shall be entered or enrolled in the Public Books or Records of the Courts to which they shall relate respectively, and shall from the Time of such Entry or Enrolment be in full Force with respect to such Officers, Clerks, and Ministers respectively, and binding upon them and each of them,

Appointment of Deputy Registrars, &c.

VII. And be it further enacted, That from and after the passing of this Act no Person shall be appointed to the Office of Deputy Registrar, Entering Clerk, Record Keeper, Clerk of the Seats, or Examiner in any of the said several Courts respectively, unless the Appointment of such Person to such Office shall be previously approved by the Judges for the Time being of the said several Courts respectively, and confirmed by the Archbishop of *Canterbury* or Bishop of *London*, as such Appointment may relate to the respective Courts of such Archbishop or Bishop, such Approbation and Confirmation to be signified in Writing, and to be registered.

As to the Appointment of Clerks of Seats.

VIII. And be it enacted, That no Person shall be hereafter appointed Clerk of a Seat in the Office of the said Prerogative Court, unless he be a Notary Public, and have duly served a Clerkship of Seven Years to a Proctor practising as such in One of the said Courts; and such Clerk of a Seat shall execute his Duties in Person, except when prevented by reasonable Cause; and when so prevented, he shall procure the Assistance of some other Notary Public, to be approved by the Judge: Provided always, that nothing herein contained shall extend or apply to any Clerk of a Seat in the Office of the Prerogative Court, duly appointed thereto before or at the Time of passing this Act.

Additional Court Days may be appointed, and Orders made for expediting Causes.

IX. And whereas Delay in the Progress of Causes in the said several Courts, and in the High Court of Delegates, is occasioned by some of the present Rules of Practice, and particularly by Rules respecting Causes proceeding *in pœnam contumaciæ*, where the Parties cited do not appear; be it therefore enacted, That it shall and may be lawful for the Judges for the Time being of the said Court of Arches, Prerogative Court, Court of Peculiars, Consistory Court, and Commissary Court respectively, from Time to Time to appoint new and additional Court Days for the Transaction of Business in their several Courts respectively, which new and additional Court Days shall, from and after the Appointment thereof as aforesaid, be regular Court Days for the Transaction of Business, to all Intents and Purposes; and to make Orders of Court for expediting and regulating the Proceedings in their several Courts, and to cause the said Orders to be entered or enrolled in the Public Books or Records of the several Courts to which they respectively relate, and which, when so entered, shall, until altered or revoked by the same Authority, be observed by such Courts respectively; and all such

Orders for the expediting or regulating the Proceedings in any Causes, as far as the same are applicable to Cases of Appeal, shall be submitted to the Consideration of the Lord High Chancellor or Keeper of the Great Seal for the Time being, who may direct the same and any further Order or Orders to be observed as Rules of Practice by the said High Court of Delegates in all Causes to which such Rules and Orders respectively may relate or be applicable; and which Orders, when approved by the Lord Chancellor or Lord Keeper for the Time being, shall be entered as Rules of Practice in the Register Books of the said Court of Delegates, and be observed as such by the same Court accordingly, until altered or revoked by competent Authority.

Holidays.

X. And whereas great and unnecessary Inconvenience and Delay are occasioned by the numerous Holidays now kept in the Office of the said Prerogative Court; be it therefore enacted, That from and after the passing of this Act no Holidays shall be kept in the Office of the said Prerogative Court, except such as are observed as Holidays at His Majesty's Head Office of Stamps in *London*.

Court of Peculiars may be held in Doctors Commons.

XI. And whereas great Inconvenience arises from the said Court of Peculiars being held in the Vestry Room of *Bow* Church; be it therefore enacted, That from and after the passing of this Act the said Court of Peculiars shall and may be held in the Common Hall or Place of Judicature in *Doctors Commons*; and that all Process from and out of the said Court of Peculiars shall be returnable at such Place in *Doctors Commons*; and all the Business of the said Court of Peculiars shall be done and transacted in the said Place as fully and effectually to all Intents and Purposes whatsoever as if the same had been done and transacted in the said Vestry Room of *Bow* Church; any Usage to the contrary notwithstanding.

Officers shall continue and Business be transacted in the said Courts during the Vacancy of the Sees of Canterbury or London.

XII. And whereas great Inconvenience arises from the ceasing of the Functions of the Judges and other Officers, and the Suspension of Business in the several Courts of the Lord Archbishop of *Canterbury* and of the Bishop of *London* respectively, upon any Vacancy of their respective Sees; be it therefore enacted, That upon any Vacancy of the respective Sees of *Canterbury* and *London*, after the passing of this Act, the Judges and Officers for the Time being of the several Courts of the said Lord Archbishop of *Canterbury* and Bishop of *London* respectively shall during such Vacancy, and until the issuing of new Commissions in that Behalf, respectively continue to hold their respective Offices; and all Business in the several Offices of such Courts respectively shall be transacted and carried on during such Vacancy, and shall be as valid and effectual to all Intents and Purposes as if no such Vacancy had occurred.

Upon Death of Judges, the Surrogates, &c. to con-

XIII. And be it further enacted, That upon the Death of any of the Judges of the said several Courts, the Surrogates and other Officers

tinue until new Appointments.

Officers of the said several Courts appointed by such Judges respectively shall continue to exercise their respective Offices until a new Appointment shall be made by the Persons having competent Authority so to do.

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