Anno triceſimo ſecundo

Georgii II. Regis.

An Act for augmenting the Salaries of the Puiſne Judges in the Court of *King's Bench*, the Judges in the Court of *Common Pleas*, the Barons of the Coif in the Court of *Exchequer* at *Weſtminſter*, the Judges in the Courts of *Seſſion* and *Exchequer* in *Scotland*, and Juſtices of *Cheſter*, and the Great Seſſions for the Counties in *Wales*.

WHEREAS the Salaries of the Puiſne Judges in the Court of King's Bench, the Judges in the Court of Common Pleas, the Barons of the Coif in the Court of Exchequer at Weſtminſter, the Judges in the Courts of Seſſion and Exchequer in Scotland, and the Juſtices of Cheſter, and of the Great Seſſions for the Counties in Wales, are inadequate to the Dignity and Importance of their Offices: And your Majeſty's moſt dutiful and loyal Subjects, the Commons of Great Britain in Parliament aſſembled, being deſirous to augment the ſaid Salaries, do give and grant unto your Majeſty, in order to eſtabliſh in the Firſt Place a proper Fund for the Augmentation of the Salaries of the ſaid Judges in the Courts at Weſtminſter, and Juſtices of Cheſter, and the Great Seſſions for the Counties in Wales, the Duties hereinafter mentioned, and do therefore moſt humbly Preamble.

bly beseech your Majesty that it may be enacted; and be it 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 from and after the Fifth Day of July, One thousand seven hundred and fifty nine, there shall be throughout England, the Dominion of Wales, and Town of Berwick upon Tweed, raised, collected, levied, and paid, unto and for the Use of His Majesty, his Heirs and Successors, for every Piece of Vellum, Parchment, or Paper, on which the several and respective Matters and Things herein after mentioned, shall be ingrossed or written at any Time or Times after the said Fifth Day of July (over and above the Rates, Duties, Charges, and Sums of Money, now due and payable to His Majesty for or in Respect of the same) the further several and respective Rates, Duties, Charges, and Sums of Money following; that is to say,

Additional Stamp Duties granted on every Piece of Vellum, Parchment, or Paper, used in Law Matters, to take Place 5 *July*, 1759.

viz. Upon Affidavits filed or read in Courts, 6 *d.*

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Affidavit to be made use of in any Court of Law or Equity at Westminster, or in any Court of the Great Sessions for the Counties in Wales, or in the Court of the County Palatine of Chester, shall be ingrossed or written (except Affidavits taken pursuant to several Acts made in the Thirtieth and Two and thirtieth Years of the Reign of King Charles the Second, for burying in Woollen; and except such Affidavits as shall be taken before the Officers of the Customs, or any Justice or Justices of the Peace, or before any Commissioners appointed, or to be appointed, by any Act of Parliament, for the assessing and levying any Aids or Duties granted or to be granted to His Majesty, His Heirs, and Successors, and which Affidavits shall be taken by the said Officers of the Customs, Justices, or Commissioners, by virtue of their Authority as Justices of the Peace, or Commissioners respectively, and not otherwise) the Sum of Six Pence.

(Affidavits for burying in Woollen, and those taken before Officers of the Customs, Justices, or Commissioners of the Publick Taxes, excepted.)

Upon Copies of the said Affidavits, 6 *d.*

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Copy of such Affidavit as is herein before charged, that shall be filed or read in any of the said Courts, shall be ingrossed or written, the Sum of Six Pence.

Upon filing a Common Bail or Appearance, 6 *d.*

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Common Bail to be filed in any Court of Law at Westminster, or in any of the aforesaid Courts, and upon which any Appearance that

that shall be made upon such Bail, shall be ingrossed or written, the Sum of Six Pence.

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Rule or Order made or given in any the Courts at Westminster, either Courts of Law or Equity, shall be ingrossed or written, the Sum of Six Pence. Upon a Rule or Order of Court, 6 *d.*

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Copy of such Rules or Orders entered, shall be ingrossed or written, the Sum of Six Pence. Upon a Copy of such Rule or Order, 6 *d.*

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Original Writ (except such Original on which a Writ of Capias issues) Sub Pœna, Bill of Middlesex, Latitat, Writ of Capias Quo Minus, Writ of Dedimus Potestatem, to take Answers, examine Witnesses, or appoint Guardians, or any other Writ whatsoever, or any other Process or Mandate, that shall issue out or pass the Seals of any the Courts at Westminster, Courts of the Great Sessions in Wales, Courts in the Counties Palatine, or any other Court whatsoever holding Plea, where the Debt or Damage doth amount to Forty Shillings, or above, or the Thing in Demand is of that Value, shall be ingrossed or written (Writs of Covenant for levying Fines, Writs of Entry for suffering Common Recoveries, and Writs of Habeas Corpus, alway excepted) the Sum of Six Pence. Upon Original Writs, &c. (except where a *Capias* issues) or other Process of Court, where the Debt or Damage amounts to 40 *s.* or more, 6 *d.* (particular Writs excepted)

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Deposition taken in the Court of Chancery, or other Court of Equity at Westminster (except the Paper Draughts of Depositions, taken by virtue of any Commission, before they are ingrossed) or upon which any Copy of any Bill, Answer, Plea, Demurrer, Replication, Rejoynder, Interrogatories, Depositions, or other Proceedings whatsoever, in such Courts of Equity, shall be ingrossed or written, the Sum of One Penny. Upon Depositions taken in *Chancery*, or other Court of Equity (Paper Draughts thereof excepted) Copies of Bills, Answers, Pleas, or other Proceedings in such Courts, 1 *d.*

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Declaration, Plea, Replication, Rejoynder, Demurrer, or other Pleading whatsoever, in any Court of Law at Westminster, or in any of the Courts of the Principality of Wales, or in any of the Courts in the Counties Palatine of Chester, Lancaster, or Durham, shall be ingrossed or written, the Sum of One Penny; and, Upon Declarations, and other Pleadings in Courts of Law, 1 *d.*

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Copy thereof shall be written or ingrossed, the Sum of One Penny. Upon any Copy thereof, 1 *d.*

These Duties to be under the Management of the Commissioners for the other Stamp Duties.

And be it further enacted by the Authority aforesaid, That for the better and more effectual raising, levying, collecting, and paying, all the said additional and new Rates and Duties herein before granted, the same shall be under the Government, Care, and Management, of the Commissioners for the time being appointed to manage the Duties payable to his Majesty, his Heirs, and Successors, and charged on stamped Vellum, Parchment, and Paper, by former Acts of Parliament in that Behalf made; who, or the major Part of them, are hereby

who are to employ proper Officers under them, and provide fit Stamps for the Purpose,

required and impowered to employ such Officers under them for that Purpose as they shall think proper; and to use such Dies and Stamps to denote the Stamp Duties hereby charged as they shall think fit; and to repair, renew, or alter the same, from time to time, as there shall be Occasion; and to do all other Acts, Matters, and Things, necessary to be done for putting this Act in Execution, with relation to the said several Rates and Duties hereby granted, in the like and in as full and ample Manner as they, or the major Part of them, are authorized to put in Execution any former Law concerning stamped Vellum, Parchment, or Paper.

and do all other Matters necessary for carrying this Act into Execution.

One new Stamp to be provided to denote the several Duties

Provided always, and be it further enacted by the Authority aforesaid, That to prevent the Multiplication of Stamps upon such Pieces of Vellum or Parchment, or Sheets or Pieces of Paper, on which several Duties are by several Acts of Parliament imposed, it shall and may be lawful for the said Commissioners, instead of the distinct Stamps directed to be provided to denote the several Duties on the Vellum, Parchment, or Paper, charged therewith, to cause One new Stamp to be provided, to denote the said several Duties on every Piece of Vellum or Parchment, or Sheet or Piece of Paper, charged with the said several Duties, from time to time, as shall be by them thought needful.

Former Stamps not made use of before 5th July, to be brought to the Office, and have an additional Stamp put on them.

And it is hereby further enacted, That all Vellum, Parchment, and Paper, charged by this Act with any of the Stamp Duties hereby granted, which hath been, or shall, before the said Fifth Day of July, be stamped or marked in pursuance of the former Acts of Parliament relating to his Majesty's Stamp Duties, or any of them, shall, before any of the Matters or Things in respect whereof any Rate or Duty is hereby made payable shall be ingrossed or written thereupon, such Ingrossing or Writing being at any Time after the said Fifth Day of July, be brought to the Head Office for stamping or marking of Vellum, Parchment, and Paper, to be stamped or marked with another Mark or Stamp, other

and

and besides the Marks or Stamps put, or to be put thereupon in pursuance of the said former Acts, or any of them; and that all Vellum, Parchment, and Paper, which hath not been, or shall not, before the said Fifth Day of July, be stamped or marked in pursuance of the said former Acts, or any of them, shall, before any of the Matters or Things in respect whereof any Stamp Duty is payable hereby, and by the said former Acts, or any of them, shall be thereupon ingrossed or written, such Ingrossing or Writing being after the said Fifth Day of July, be brought to the said Head Office, and there marked and stamped with the proper Marks or Stamps, or Mark or Stamp, provided, used, or appointed, or to be provided or appointed in pursuance of the said former Acts, or of this Act, to denote the respective Duties thereby and hereby respectively charged thereupon: And if any of the said Matters and Things so to be ingrossed or written as aforesaid, shall be ingrossed or written, contrary to the true Intent and Meaning hereof, upon Vellum, Parchment, or Paper, not appearing to have been duly marked or stamped, according to this Act; that then, and in every such Case, there shall be due, answered, and paid (over and above the Stamp Duties payable hereby, and by the said former Acts, or any of them) for, or in respect of every such Matter and Thing the Sum of Five Pounds; and that no such Matter or Thing shall be available in Law or Equity, or be given in Evidence, or admitted in any Court unless as well the said Duty hereby charged in Respect thereof, as the said Sum of Five Pounds, shall be first paid to the Receiver General for the time being of the Stamp Duties, or his Deputy or Clerk; and until the Vellum, Parchment, or Paper, upon which such Matter or Thing is so ingrossed or written, shall be marked or stamped according to the Tenor and true Meaning hereof: And the said Receiver General, and his Deputy or Clerk, are hereby enjoined and required, upon Payment or Tender of the said Duties, and of the said Sum of Five Pounds, and such other Sums as by the said former Acts are payable in that Behalf, to give a Receipt for such Monies; and the other proper Officers are thereupon required to mark or stamp such Matters or Things with the proper Marks or Stamps, or Mark or Stamp, required in that Behalf; which said Sum of Five Pounds, is to be applied to the same Uses and Purposes as the Duties hereby granted are to be applied.

Duties to be paid before the Matter or Thing be written;

All Papers, &c. made use of after the said Day, to be duly stampt according to this Act;

on Penalty of forfeiting 5 l. besides the Duties.

One new Stamp to be provided to mark the re-

The Penalty and Duties to be paid;

and the Papers, &c. duly stampt, before the same shall be available in Law or Equity.

Upon Payment of the Penalty and Duties, Papers admitted to be stampt.

10 And be it further enacted by the Authority aforesaid, That the several Rates and Duties herein before granted, shall be paid, from time to time, into the Hands of

Duties to be paid to the Receiver General;

and a sepu Account kept thereof,

and to be paid over by him into the Exchequer.

the Receiver General for the time being of the Duties on stamped Vellum, Parchment, and Paper; who shall keep a separate and distinct Account of the several Rates and Duties arising by virtue of this Act, and pay the same (the necessary Charges of raising, paying, and accounting for, such Rates and Duties being deducted) into the Receipt of the Exchequer, for the Purposes herein after expressed, at such Time and in such Manner as any former Duties on stamped Vellum, Parchment, or Paper, are directed to be paid: And that in the Office of the Auditor of the said Receipt, shall be provided and kept a Book or Books, in which all the Monies arising from the several Rates and Duties hereby granted and paid into the said Receipt, as aforesaid, shall be entered separate and apart from all other Monies paid and payable to His Majesty, His Heirs, and Successors, upon any Account whatsoever, and shall be applied in such Manner as is herein after mentioned.

Books to be kept in the Auditor's Office for entering these Duties apart from all others.

Commissioners, and Officers under them, to observe the Orders of the Treasury in the Execution of their Offices.

No Fees to be taken.

And be it further enacted by the Authority aforesaid, That the said Commissioners, and all other Officers who shall be employed in the Collection or Management of the said several Rates and Duties herein before granted, shall, in the Execution of their Offices, observe and perform such Rules and Orders as they respectively shall, from time to time, receive from the High Treasurer, or the Commissioners of the Treasury, or any Three or more of them, for the time being; and that no Fee or Reward shall be taken or demanded by any such Commissioners or Officers from any of His Majesty's Subjects, for any Matter or Thing to be done in pursuance of this Act: And in case any Officer employed in the Execution of this Act in relation to the said Rates and Duties, shall refuse or neglect to do or perform any Matter or Thing by this Act required or directed to be done or performed by him, whereby any of His Majesty's Subjects shall or may sustain any Damage whatsoever; such Officer, so offending, shall be liable by any Action to be founded on this Statute, to answer to the Party grieved all such Damages, with Treble Costs of Suit.

Officer making Default in his Duty, to pay Damages, and Treble Costs, to the Party grieved.

Penalties and Forfeitures for Breach of Trust,

Powers and Provisions, &c. of former Acts relating to the Stamp Duties,

And be it further enacted by the Authority aforesaid, That the said Commissioners and their Officers shall be subject to such Penalties and Forfeitures for any Breach of the Trusts in them reposed, or for diverting or misapplying the Money received in pursuance of this Act, as by any former Law relating to stamped Vellum, Parchment, or Paper, are inflicted; and that all Powers, Provisions, Articles, Clauses, Penalties, Forfeitures, Distribution of Penalties and Forfeitures, and all other

Matters and Things prescribed, inflicted, or appointed, by any former Act or Acts of Parliament relating to the Duties on Vellum, Parchment, and Paper, on which any Affidavit, or any other Matter or Thing herein before mentioned, in respect whereof any Rate or Duty is by this Act granted, shall be ingrossed or written, and not hereby altered, shall be in full Force and Effect with Relation to the additional Rates and Duties hereby imposed, and shall be applied and put in Execution for the raising, levying, collecting, and securing, the said additional Rates and Duties, according to the true Intent and Meaning of this Act, as fully, to all Intents and Purposes, as if the same had severally and respectively been herein enacted with relation to the additional Rates and Duties hereby imposed.

extended to these Duties.

And be it further enacted by the Authority aforesaid, That if any Person, from and after the said Fifth Day of July, shall counterfeit or forge, or procure to be counterfeited or forged, any Seal, Stamp, or Mark, to resemble any Seal, Stamp, or Mark, directed or allowed to be used by this Act for the Purpose of denoting the Duties hereby granted, or shall counterfeit or resemble the Impression of the same, with an Intent to defraud His Majesty, His Heirs, and Successors, of any of the said Duties, or shall utter, vend, or sell, any Vellum, Parchment, or Paper, liable to any such Stamp Duty, with such counterfeit Stamp or Mark, knowing the same to be counterfeit; or shall privately or fraudulently use any Seal, Stamp, or Mark, directed or allowed to be used by this Act, with Intent to defraud His Majesty, His Heirs, and Successors, of any of the said Duties; every Person so offending, and being thereof lawfully convicted, shall be adjudged a Felon, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Penalty of forging or counterfeiting the Stamps,

or privately or fraudulently making use of the true ones,

Death.

And be it further enacted by the Authority aforesaid, That, from and after the Fifth Day of July, there shall be issued, paid, and applied, in every Year, out of the Monies which shall arise by the Duties herein before granted, and be paid into the Receipt of the Exchequer as aforesaid, the Sums of Money following to the several Judges herein after mentioned, as an Addition to, and in Augmentation of, their respective Salaries; that is to say, The Sum of Five hundred Pounds to each of the Puisne Judges for the time being in the Court of King's Bench; the Sum of Five hundred Pounds to each of the Judges for the time being in the Court of Common Pleas at Westminster; the Sum of One thousand Pounds to the Chief Baron for the time being in the Court of Exchequer at Westminster; and the Sum of Five hundred Pounds to each of the

The following Sums to be paid out of the Duties, in Augmentation of the Judges Salaries;

viz. 500*l.* to each of the Puisne Judges of the Court of *King's Bench*;

500*l.* to each of the Judges in the Court of *Common Pleas*;

1000*l.* to the Chief Baron of the *Exchequer*;

500 *l.* to each of the other Barons of the Coif;

the other Barons of the Coif for the time being in the said Court of Exchequer; the Sum of Two hundred Pounds to the Chief Justice of Chester for the time being; the Sum of One hundred and fifty Pounds to the Second Justice of Chester for the time being; and the Sum of One hundred and fifty Pounds to each of the Justices for the time being of the Great Sessions for the Counties in Wales: Which said several and respective Sums of Money shall be and are hereby charged upon the Rates and Duties herein before granted, and shall be paid thereout, in every Year, at such Time or Times, and in such Manner, as the Salaries to the said Judges now are or have accustomarily been paid.

200 *l.* to the Chief Justice of *Chester*;

150 *l.* to the Second Justice of *Chester*;

150 *l.* to each of the *Welsh* Judges;

to be paid yearly, as the Salaries have accustomarily been paid.

If the Duties shall be deficient, the Treasury may apply any unappropriated Monies in the Exchequer in Aid thereof.

And be it further enacted by the Authority aforesaid, That if the said Rates and Duties shall prove deficient in any Year to make good and answer the Sums herein before appointed to be paid, and applied yearly in Augmentation of the Salaries of the said Judges, it shall, from time to time, as often as such Deficiency shall happen, be lawful for the High Treasurer, or Commissioners of the Treasury, or any Three or more of them for the time being, out of any Money that is then, or shall thereafter be, in the Exchequer, and that hath arisen, or shall arise, by the said Rates and Duties, and not otherwise applied by Parliament, to direct any Sum or Sums of Money to be issued and paid for or towards making good such Parts of the said annual Sums as shall be, from time to time, deficient or in Arrear.

When any Deficiency shall happen, the Payments to the Judges to be in Proportion to the Salaries respectively allowed them.

Provided always, That when and as often as any such Deficiency shall happen, the Payments to be made to the said several and respective Judges shall be in Proportion to the respective Sums which are herein before directed and appointed to be paid to such Judges respectively.

Surplus Monies of the Duties to be reserved for the future Disposition of Parliament.

And be it further enacted by the Authority aforesaid, That all the Residue and Surplus of the Monies arising by the said Rates and Duties which shall, from time to time, remain in the Exchequer, and shall not have been issued and applied for the Augmentation of the Salaries to the said Judges, and for the making good any such Deficiencies as aforesaid, shall be, from time to time, reserved for the Disposition of Parliament, and shall not be issued but by Authority of Parliament, and as shall be directed by future Act or Acts of Parliament; any thing in any former Act or Acts contained to the contrary notwithstanding.

And for the augmenting of the Salaries of the Judges in the Courts of Session and Exchequer in that Part of Great Britain called Scotland, be it further enacted by the Authority

Authority aforesaid, That from and after the said Fifth Day of July, there shall be issued, paid, and applied, in every Year, out of the Monies which shall arise, from time to time, of or for any the Duties and Revenues in that Part of Great Britain called Scotland, which by an Act made in the Tenth Year of the Reign of Queen Anne, were charged or made chargeable with the Payment of the Fees, Salaries, and other Charges allowed or to be allowed by Her Majesty, Her Heirs, or Successors, for keeping up the Courts of Session and Justiciary and Exchequer Court in Scotland, the several Sums of Money following, to the Judges herein after mentioned, as an Addition to, and in Augmentation of, their respective Salaries; that is to say, The Sum of Three hundred Pounds to the President for the time being of the said Court of Session; the Sum of Three hundred Pounds to the Chief Baron for the time being of the said Court of Exchequer; and the Sum of Two hundred Pounds to each of the other Judges for the time being in the said Courts of Session and Exchequer respectively: Which said several and respective Sums of Money shall be, and are hereby, charged upon the said Duties and Revenues, and shall be paid thereout in every Year, at such Time or Times, and in such Manner, as the Fees, Salaries, and other Charges of keeping up the said Courts, now are or have accustomarily been paid since the Union of the Two Kingdoms, in pursuance of any Act or Acts of Parliament.

Salaries of the Judges in *Scotland* to be augmented out of the Duties appropriated for that Purpose by Act 10 *Anne*;

viz. 300 *l.* to the President of the Court of Session; 300 *l.* to the Chief Baron of the Court of Exchequer; 200 *l.* to each of the other Judges in the said Courts; to be paid yearly, as the Salaries have accustomarily been paid.

And it is hereby enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times, be sued or prosecuted for any Thing by him or them done or to be done or executed in pursuance of this Act, or of any Matter or Thing in this Act contained, such Person or Persons shall and may plead the General Issue, and give the Special Matter in Evidence, for his or their Defence; and if upon the Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become Nonsuited, then such Defendant or Defendants shall have Treble Costs to him or them awarded against such Plaintiff or Plaintiffs.

General Issue.

Treble Costs.

FINIS.