Anno ſecundo

Georgii III. Regis.

CAP. XXXVI.

An Act for better ſecuring the Payment of the Sums of Money directed by an Act made in the Thirty ſecond Year of the Reign of His late Majeſty King *George* the Second, to be applied in Augmentation of 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*, and the Juſtices of *Cheſter* and the Great Seſſions for the Counties in *Wales* for the time being.

WHEREAS by an Act made in the Thirty ſecond Year of the Reign of His late Majeſty King George the Second, intituled, An Act for augmenting the Salaries of the Puiſne Judges in the Court of *King's Bench*, the Judges of 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

Preamble, reciting Clauſe in Act 32 *Geo.* II.

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Great Seſſions for the Counties in *Wales*, it was ſet forth, That the Salaries of the ſaid Judges and Juſtices were inadequate to the Dignity and Importance of their Offices, and therefore, 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, certain Stamp Duties were thereby granted and appropriated to the Payment of the ſeveral and reſpective Sums of Money directed by the ſaid Act to be applied in Augmentation of the Salaries of the ſaid laſt mentioned Judges and Juſtices, and certain Sums were directed to be paid yearly, out of the Duties and Revenues therein mentioned, in Augmentation of the Salaries of the ſaid Judges in Scotland: And whereas the Fund provided for Payment of the Sums granted in Augmentation of the Salaries to the ſaid Judges and Juſtices in England and Wales, hath proved inſufficient to make good and anſwer the ſame: We, Your Majeſty's moſt dutiful and loyal Subjects, the Commons of Great Britain in Parliament aſſembled, in order to make the ſaid Fund effectual to anſwer the ſaid Purpoſes, do give and grant unto Your Majeſty the Duties herein after mentioned, and do therefore moſt humbly 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 ſixty two, 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 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

From and after 5 *July*, 1762, the following additional Duty to be laid on ſtamped Vellum, Parchment, or Paper, *viz.*

payable to His Majeſty for or in reſpect of the ſame, the further Rates, Duties, Charges, and Sums of Money; that is to ſay,

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Admiſſion into any of the Four Inns of Court ſhall be ingroſſed or written, the Sum of Two Pounds. on every Admiſſion into any of the Inns of Court, 40s.

For every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which any Regiſter, Entry, Teſtimonial, or Certificate, of the Degree of Utter Barriſter, taken in any of the Four Inns of Court ſhall be ingroſſed or written, the Sum of Two Pounds. and on every Teſtimonial of the Degree of an Utter Barriſter taken in any of the Inns of Court, 40s.

And be it further enacted by the Authority aforeſaid, That for the better and more effectual raiſing, levying, collecting, and paying, the ſaid additional 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 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 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. The ſaid Duties to be under the Management of the Commiſſioners for Stamps; who are to appoint proper Officers under them, and provide ſuitable Stamps.

Provided always, and be it further enacted by the Authority aforeſaid, That to prevent the Multiplication of Stamps for and in reſpect of the additional Rates and Duties hereby granted, it ſhall and may be lawful for

the ſaid Commiſſioners, inſtead of diſtinct Stamps, to aſcertain the Duties granted by former Acts and this Act, to cauſe One new Stamp to be provided for denoting all the ſaid Duties, from time to time, as ſhall by the ſaid Commiſſioners be thought proper or neceſſary.

One new Stamp to be provided for denoting the ſaid Duties.

Vellum, &c. ſtamped before 5 *July*, in purſuance of other Acts, and chargeable with the Duties of this Act,

And be it further enacted by the Authority aforeſaid, 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, over 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

is to be brought to the Stamp Office in order to have an additional Stamp impreſſed;

and ſuch as ſhall not have been ſtamped before the ſaid Day in purſuance of former Acts, is to be duly ſtamped as hereby directed, before any Matter or Thing be ingroſſed thereon,

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 or 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.

on Forfeiture of 5 *l.* over and above the Duties,

and ſuch Writing, *&c.* being unavailable in Law, till the Duties and Forfeitures be paid,

and the proper Stamp impreſſed.

Receiver General, *&c.* to give Receipts for the ſaid Monies;

and the Stamps to be thereupon impreſſed.

Penalty to be applied as the Duties.

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

Duties to be paid into the Hands of the Receiver General,

who is to keep a ſeparate Account thereof,

and pay over the ſame into the Exchequer;

and the Auditor is to provide a Book for entering the same separately from all other Monies.

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.

Commissioners and Officers employed in the Collection and Management of these Duties, are to observe the Direction of the Treasury;

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 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 no Fee is to be taken by them;

and neglecting their Duty, to the Damage of any Person, they are liable to make good the same, with Treble Costs of Suit;

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.

and they are made subject to the like Penalties for any Breach of Trust, &c. as are inflicted by any of the former Acts;

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,

and all the Provisions, &c. in those Acts, where not altered by this, are extended to this Act.

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 Stamp Duties on Vellum, Parchment, and Paper, and not hereby altered, shall be in full Force and Effect with relation to the Rates

Rates and Duties hereby impoſed, and ſhall be applied and put in Execution for the raiſing, levying, collecting, and ſecuring the ſaid 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 Rates and Duties hereby impoſed.

Penalty of counterfeiting or forging any of the Stamps to be uſed for the Purpoſes of this Act;

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.

or of ſelling any Vellum, &c. with ſuch counterfeit Stamps;

or of privately uſing any of the allowed Stamps, with an Intent to defraud;

is Felony, without Benefit of Clergy.

Duties of this, and of the former Act of 32 *Geo.* II. to be a joint Fund for paying the Judges Salaries;

And be it further enacted by the Authority aforeſaid, That the Duties hereby granted, and the Duties ariſing by virtue of the ſaid former Act, made in the Thirty ſecond Year of his late Majeſty's Reign, ſhall be, and are hereby made One joint Fund, for anſwering and paying, in ſuch Manner and Proportions as are therein directed and appointed, with reſpect to the Duties thereby granted, all ſuch Sums of Money as ſhall become due and payable from and after the ſaid Fifth Day of July in purſuance of the ſaid Act, to the Puiſne Judges in the Court of King's Bench, the Judges in the Court of Common Pleas at Weſtminſter, the Chief and other Barons of the Coif in the Court of Exchequer at Weſtminſter, the Chief

and the Surplus to be reserved for the Disposition of Parliament.

and Second Justices of Chester, and the Justices of the Great Sessions for the Counties in Wales, for the time being respectively; and if any Surplus shall remain of the Produce of the said Fund, the same shall be reserved for the Disposition of Parliament, in such Manner as any Surplus of the Duties granted by the said Act, are thereby directed to be reserved.

General Issue.

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.

Treble Costs.

FINIS.