

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. XXXV.

An Act to explain and amend an Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law.

[15th *October* 1831.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth and First Year of the Reign of His present Majesty, intituled *An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law,* Persons holding certain Offices and Employments are required to render to the Commissioners to be appointed by virtue of the said Act an Account of the lawful Fees and Emoluments which have become due in respect of such Offices and Employments during the Periods therein specified; and such Commissioners are thereby authorized to inquire into and examine as well the Legality as the Amount of the Fees and Emoluments contained in such Accounts, and are directed to ascertain the gross and net annual Value, according to an Average of Ten Years, of the lawful Fees and Emoluments of such Offices and Employments as aforesaid: And whereas it is difficult in many Cases to find any certain Rule by which the Legality of such Fees and Emoluments can be strictly ascertained; and it is expedient that the Compensation directed by the said Act should be made upon equitable Principles: Be it therefore enacted and declared by the King's most Excellent 1 W. 4. c. 58.

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 all Fees and Emoluments received and enjoyed in respect of the said Offices or Employments which the said Commissioners shall deem to be reasonable, and which shall have been received for Fifty Years before the Twenty-fourth Day of *May* One thousand eight hundred and thirty-one, or which shall have been uniformly received in respect of any Matter or Business which shall have first arisen within the said Period of Fifty Years, by Authority of Parliament or other legal Authority, shall be deemed and taken to be legal Fees and Emoluments within the true Intent and Meaning of the said Act.

Certain Fees to be deemed legal Fees.

II. And be it further enacted, That if such Commissioners shall entertain any Doubt as to the Propriety or Reasonableness of any such Fees, or any Matter connected therewith, it shall be lawful for them to consult thereon the Court or Judge by whose Officer the same may have been received, or any One or more of the Judges of such Court; and such Court and Judges shall and are hereby required to give their or his Advice and Opinion as early as the same can be reasonably done; and that the Advice so given, and the Question to which it is in answer, shall be in Writing.

If Commissioners are in doubt as to the Legality of any Fees, they may consult the Court or Judge.

III. And be it further enacted, That the Persons holding the Offices or Situations named in the Schedule to this Act annexed shall be deemed and taken to be within the true Intent and Meaning of the said Act, and within the Authority and Jurisdiction of the said Commissioners, who shall inquire into and report upon the Value of the said Offices or Situations.

Persons named in the Schedule to be deemed within the Meaning of this Act.

IV. And whereas by another Act, passed in the same Year, intituled *An Act for the better Administration of Justice in* England *and* Wales, Persons holding Freehold Offices were alone empowered to receive Compensation from Commissioners to be appointed by virtue of that Act, albeit the Holders of such Offices for Years or during Pleasure are in Justice entitled thereto; be it further enacted, That all Persons who before the First Day of *January* in the Year of our Lord One thousand eight hundred and twenty-eight held Offices or Situations in any of the Courts of Great Session in the County of *Chester* or Principality of *Wales*, by virtue of any Appointment theretofore lawfully made, for Term of Years or during Pleasure, shall be deemed and taken to be within the true Intent and Meaning of the said Act as above mentioned, and within the Jurisdiction and Authority of the Commissioners appointed by virtue of the same Act.

Certain Persons who have held Offices for Years, or during Pleasure, to receive Compensation. 1 W. 4. c. 70. s. 25.

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SCHEDULE.

Master or Secondary of the Courts of King's Bench at Westminster; Signer of the Writs in the same Court; Chaplain of the King's Bench Prison; Chief Usher of the said Court; Under Ushers and Criers of the same Court; Keeper of Westminster Hall; Warden of the Fleet Prison; Officers of the Revenue Side of the Courts of Exchequer at Westminster; Officers acting under Commissioners of Assize at Nisi Prius, Oyer and Terminer, and General Gaol Delivery in England; who held such Office on the Twenty-fourth Day of May in the Year of our Lord One thousand eight hundred and thirty.

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