ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

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CAP. LXXXII.

An Act to abolish certain Offices connected with Fines and Recoveries and the Cursitors in the Court of Chancery, and to make Provision for the Abolition of certain Offices in the Superior Courts of Common Law in *England*.

[10th *September* 1835.]

WHEREAS by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, it is enacted, that after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Fine shall be levied or Common Recovery suffered of Lands of any Tenure, and that every Fine or Common Recovery levied or suffered contrary to the Provision of that Act shall be absolutely void, save and except in Cases where a Writ of Dedimus or other Writ in the regular Proceedings of such Fine or Recovery shall have been sued out on or before the said Thirty-first Day of *December* One thousand eight hundred and thirty-three: And whereas by the Operation of the said Act the Business of certain Offices in the Court of Common Pleas and of the Alienation Office has almost wholly ceased; and it is expedient that the said Offices should be abolished, and the few Duties remaining to be performed transferred to some other Officer: Be it therefore enacted by

3 & 4 W. 4. c. 74.

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 Thirty-first Day of *December* One thousand eight hundred and thirty-five the several Offices in His Majesty's Court of Common Pleas hereafter mentioned, namely, of the Chirographer, and the Secondary Register and Clerks of Counties in the Office of the Chirographer, of the Clerk of the King's Silver, and of the Clerk of the Return Office and of the Inrolment of Writs for Fines and Recoveries, and also the several Offices in the Alienation Office, consisting of Two Commissioners, a Receiver General, Two Entering Clerks, a Master in Chancery appointed for taking Affidavits, and an Office Keeper, shall be and the same are hereby abolished.

Certain Offices abolished.

Records, &c. transferred to the Registrar in London under 3 & 4 W. 4. c. 74. subject to Orders of the Court of Common Pleas.

II. And be it further enacted, That the several Records, Books, and other Documents of and concerning the Duties and Business of the said Offices so abolished as aforesaid shall on or before the said Thirty-first Day of *December* be delivered by the several Officers or Persons now having Custody of the same into the Hands and Possession of the Officer of the Court of Common Pleas at *Westminster* for the Time being appointed or to be appointed by the Lord Chief Justice of the Court of Common Pleas, for the Purpose of examining, filing, and recording all Certificates of the taking of Acknowledgments by Married Women of Deeds under the Provisions of the said in part recited Act, to be by him kept and preserved; subject nevertheless to such Rules, Orders, and Regulations as the Court of Common Pleas shall or may from Time to Time make or ordain in respect of the same.

Business of abolished Offices transferred to the Registrar under 3 & 4 W. 4. c. 74.

III. And be it further enacted, That from and after the said Thirty-first Day of *December*, in all such Cases where Parties intending to levy a Fine or suffer a Common Recovery shall on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three have sued out a Writ of Dedimus or any other Writ in the regular Proceedings of such Fine or Recovery, the Proceedings, Matters, and Things usually done, performed, filed, or recorded by the Officers whose Offices are hereby abolished, or any of them, which are by Law required or needful to be done, performed, filed, or recorded in respect of every such Fine or Recovery, shall be done, performed, filed, or recorded by the said Officer of the Court of Common Pleas for the Time being appointed or to be appointed for examining, filing, and recording the beforementioned Certificates; and the Proceedings, Matters, and Things in all such Fines and Recoveries so done, performed, filed, or recorded by the said Officer of the Court of Common Pleas shall from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-five be as full and effectual to all Intents and Purposes in Law and Equity as if the said Proceedings, Matters, and Things had been done, performed, filed, and recorded by the Officers whose Offices are hereby abolished; any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that the said Officer of the Court of Common Pleas for the Time being in the Performance and Execution of the Duties and Business hereby transferred

transfered to him shall be subject to all the Enactments and Provisions now in force by virtue of any Statute or Statutes, and to all the Rules, Orders, and Regulations of the Court of Common Pleas now in force or which may hereafter be made relating to all such Fines and Recoveries, where the Writ of Dedimus or other Writ in the regular Proceedings of such Fines and Recoveries shall have been sued out on or before the said Thirty-first Day of *December* One thousand eight hundred and thirty-three.

Searches may be made and Copies taken, which shall be as available as heretofore.

IV. And be it further enacted, That from and after the said Thirty-first Day of *December* One thousand eight hundred and thirty-five Searches may be made, and Copies or Extracts of and from the said Records, Books, and Documents shall and may be had and taken, at such Times and in such Manner as hath been the accustomed Practice in the Offices hereby abolished; and all such Copies or Extracts, signed and authenticated by the said Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, shall be as available in Evidence, and as valid and effectual, to all Intents and Purposes, as the same would by Law have been if the same had been signed, authenticated, and given by the Officers whose Offices are hereby abolished, or any of them.

Fines heretofore paid in the Alienation Office to be paid to Registrar under 3 & 4 W. 4. c. 74. and accounted for by him.

V. And be it further enacted, That from and after the said Thirty-first Day of *December* any Fine or Fines usually called Pre Fines and Post Fines, now payable on Alienation of Lands or other Hereditaments to the Receiver General of Alienation Fines, in Cases where the Writ of Dedimus or any other Writ in the regular Proceedings of levying a Fine or suffering a Common Recovery shall have been issued on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three shall be assessed by and paid to the Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, in like Manner as the same is or are now paid and payable to the said Receiver General of Alienation Fines; and the said Officer of the Court of Common Pleas for the Time being is hereby required to keep a true and full Account of every Pre and Post Fine received by him, and to account for such Fines to the Lord High Treasurer or Commissioners of His Majesty's Treasury at such Times and in such Manner as he or they may direct.

Same Fees as heretofore to be received and accounted for, and Treasury to affix Remuneration of Registrar for performing the Duties imposed upon him.

VI. And be it further enacted, That it shall be lawful for such Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, from and after the Thirty-first Day of *December*, to demand and receive the same Fees and Emoluments for all Proceedings, Matters, and Things done, performed, filed, or recorded by him as the several Officers whose Offices are hereby abolished have been accustomed to demand and receive; and the said Officer of the Court of Common Pleas for the Time being is hereby required to account for all such Fees and Emoluments received by him to the said Lord High Treasurer or Commissioners of His Majesty's Treasury at such Times and in such Manner as he or they may direct; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury is and are hereby authorized and

and empowered to allow such Officer of the Court of Common Pleas for the Time being such Remuneration for the Performance of the Duties imposed upon him by this Act as he or they shall think reasonable and proper.

Compensation to Lords of Liberties and others for Loss of Fines.

VII. And whereas by the Operation of the said in part recited Act for the Abolition of Fines and Recoveries several Lords of Liberties and other Persons in *England* and *Wales*, who are lawfully entitled to receive certain Sums or Fines, or Parts of Fines, payable on the Alienation of Land and other Hereditaments by Fine or Recovery, have been and will be wholly deprived thereof, and it is reasonable and fit that Compensation should be made to the said Persons for such Losses; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Warrant under their Hands to order and direct that from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-three such annual or other Compensation as in his or their Discretion shall seem just and reasonable shall be made to all and every the Lords of Liberties, Lessees or Grantees under the Crown, Bodies Corporate and Politic and other Persons who at the Time of the passing of the said Act were lawfully entitled to Fines or Parts of Fines payable on Alienation of Land and other Hereditaments in *England* or *Wales* as aforesaid, for any Loss which they have and will respectively sustain by reason of the Abolition of such Fines; and all such Compensations, whether annual or in gross, shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of all such Compensations shall within Fourteen Days next after the same shall be so granted be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following.

The Sum of 2,000*l.* heretofore paid by Receiver of Alienation Fines to the Hanaper to be paid out of the Consolidated Fund.

VIII. And whereas the Receiver General of Alienation Fines, prior to the Commencement of the Year One thousand eight hundred and thirty-four, paid to the Keeper or Clerk of the Hanaper in the Court of Chancery, or to his Deputy, the Sum of Two thousand Pounds *per Annum* out of the Monies received for Fines at the Alienation Office upon Writs of Covenant and Writs of Entry, towards defraying the Salaries, Allowances, and other Payments charged upon the said Keeper or Clerk of the Hanaper by Acts of Parliament and other Authorities: And whereas in consequence of the Abolition of Fines and Recoveries the said Receiver General has not been enabled to pay the said Sum since the Commencement of the Year One thousand eight hundred and thirty-four, and it is necessary that Provision should be made for charging it upon the Consolidated Fund; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, if he or they shall think proper, to direct a Sum not exceeding Two thousand Pounds *per Annum* to be charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*,

and to be issued and paid and payable to the Keeper or Clerk of the Hanaper in the Court of Chancery, or to his Deputy, at such Times and in such Portions as the said Lord High Treasurer or the Commissioners of His Majesty's Treasury may direct, to enable the said Keeper or Clerk of the Hanaper, or his Deputy, to provide for and discharge the Salaries, Allowances, and other Payments charged upon and payable in the said Office of the Hanaper, the first Payment of Two thousand Pounds *per Annum*, or such Part thereof as may be required, to be reckoned and be payable from the First Day of *January* One thousand eight hundred and thirty-four.

Compensation for Loss of Emoluments to Acting Cursitors of the Court of Chancery to be paid out of the Consolidated Fund.

IX. And whereas by the Operation of this Act the Emoluments of the Acting Cursitors of the Court of Chancery will be entirely taken away, and it is reasonable and fit that Compensation should be made to the Persons now holding those Situations, for the Loss thereof; be it therefore enacted, That it shall and may be lawful for the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury for the Time being, by Warrant under his or their Hands, to order and direct that such annual or other Compensation as to him or them, in their Discretion, shall seem just and reasonable, shall be made to the Persons now performing the Duties of Acting Cursitors of the Court of Chancery, for any Loss of Emoluments arising from such Employment which they may respectively sustain by reason of the Abolition of the Offices of the Cursitors of the said Court by the Provisions of this Act, and such Compensations, whether annual or in gross, shall be issued and paid and payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of such Compensations shall within Fourteen Days next after the same shall be so granted be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following.

Cursitors of the Court of Chancery abolished from and after 31st December 1835, and Duties transferred to Petty Bag Office. 2 W. 4. c. 39. 3 & 4 W. 4. c. 74.

X. And whereas by the Operation of an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at* Westminster, and of another Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, the Business of the Cursitors of the High Court of Chancery has been greatly diminished, and it is expedient that their Offices should be abolished, and the few remaining Duties transferred to some other Officer belonging to the said Court; be it therefore enacted, That from and after the said Thirty-first Day of *December* the Offices of the Cursitors of the said High Court of Chancery shall utterly cease and determine, and all and every the Duties of the said Cursitors shall be performed by the Clerks of the Petty Bag Office in the said Court for the Time being, and all the Acts to be done by the said Clerks of the Petty Bag Office in the Performance of the Duties of the said Cursitors, from and after the said Thirty-first Day of *December*, shall, in all respects, and to all Intents and Purposes, have the same Force and Effect as if

the same had been done and performed by the said Cursitors or by their Deputies.

Records, &c. of the Cursitors transferred to the Clerk of the Petty Bag Office.

XI. And be it further enacted, That the several Records, Books, and other Documents of and concerning the Duties and Business of the Offices of the said Cursitors shall, on or before the said Thirty-first Day of *December*, be delivered by the said Cursitors or their Deputies into the Hands and Possession of the said Clerks of the Petty Bag Office, to be by them kept and preserved for the same Uses and Purposes as the said Records, Books, and other Documents have been heretofore kept and preserved in the Office of the said Cursitors.

Clerks of the Petty Bag Office to receive the same Fees as the Cursitors for all Acts done by them.

XII. And be it further enacted, That it shall be lawful for the said Clerks of the Petty Bag Office for the Time being, from and after the said Thirty-first Day of *December*, to demand and receive the same Fees for all Acts, Matters, and Things done, performed, and executed by them as the several Cursitors whose Offices are hereby abolished have been accustomed to demand and receive; and the said Clerks of the Petty Bag Office for the Time being are hereby required to account for all such Fees received by them to the said Lord High Treasurer or Commissioners of His Majesty's Treasury, at such Times and in such Manner as he or they may direct; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury is and are hereby authorized and empowered to allow the Clerks of the Petty Bag Office for the Time being such Remuneration for the Performance of the Duties hereby imposed upon them as he or they shall think reasonable and proper.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1835.