



House of Lords Costs Taxation Act 1849(repealed)

1849 CHAPTER 78 12 and 13 Vict

- 9 Taxing Officer to report to the clerk of the Parliaments. If either party complain of report, they may deposit a memorial, and the clerk of the Parliaments may require a further report. If no memorial deposited, clerk of the Parliaments may issue certificate of the amount found due. Certificate to have the effect of a warrant to confess judgment.**

The said taxing officer shall report his taxation to the clerk of the Parliaments or clerk assistant as aforesaid, and in such report shall state the amount fairly chargeable in respect of such costs, charges, and expences, together with the amount of costs and fees payable in respect of such taxation as aforesaid, and shall also state in such report the amount due in respect of the said costs, charges, and expences; and within twenty-one clear days after any such report shall have been made either party may deposit in the office of the clerk of the Parliaments a memorial, addressed to the clerk of the Parliaments or clerk assistant as aforesaid, complaining of such report or any part thereof, and such clerk of the Parliaments or clerk assistant as aforesaid may, if he shall so think fit, refer the same, together with such report, to the said taxing officer, and may require a further report in relation thereto, and on receiving such further report may direct the said taxing officer, if necessary, to amend his report; and if no such memorial be deposited as aforesaid, or so soon as the matters complained of in any such memorial shall have been finally disposed of, such clerk of the Parliaments or clerk assistant as aforesaid shall, upon application made to him, deliver to the party concerned therein, and requiring the same, a certificate of the amount so ascertained, which certificate shall be binding and conclusive on the parties as to the matters comprised in such taxation, and as to the amount of such costs, charges, and expences, and the amount due in respect of the same, and of the costs and fees payable in respect of such taxation, in all proceedings at law or in equity or otherwise; and in any action or other proceeding brought for the recovery of the amount so certified to be due such certificate shall have the effect of a warrant of attorney to confess judgment; and the court in which such action shall be commenced, or any judge thereof, shall, on production of such certificate, order judgment to be entered up for the sum specified in such certificate, in like manner as if the defendant in any such action had signed a warrant to confess judgment in such action to that amount: Provided always, that if

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the House of Lords Costs Taxation Act 1849(repealed), Section 9. (See end of Document for details)

such defendant shall have pleaded that he is not liable to the payment of such costs, charges, and expences, such certificate shall be conclusive only as to the amount thereof which shall be payable by such defendant in case the plaintiff shall in such action recover the same.

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Changes to legislation:

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