



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. LXXXVI.

An Act for abolishing certain Offices on the Revenue Side of the Court of Exchequer in *England*, and for regulating the Office of Her Majesty's Remembrancer in that Court.

[5th August 1842.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to make further Provisions for the Administration of Justice*, the Jurisdiction of Her Majesty's Court of Exchequer as a Court of Equity was transferred to the Court of Chancery, and Provision is by the said Act made for compensating the Secondaries, Sworn Clerks, Side Clerks, and other Persons, in the Office of Her Majesty's Remembrancer, in respect of their Fees and Emoluments of the Equity Business of the said Court of Exchequer; and by the same Act Three of the said Sworn Clerks and Two of the said Side Clerks were appointed to Offices in the Court of Chancery, and they are now severally in the Exercise of the Functions of the same Offices respectively: And whereas Provision has been made by Statutes now in force for compensating most of the said Officers in respect of the other Fees and Emoluments of their said Offices in the Exchequer, the Duties of which may be more conveniently performed by Her Majesty's Remembrancer; and it is therefore expedient to abolish the Offices herein-after mentioned, and to provide for the Performance of the Duties of such Offices: Be it therefore enacted by the Queen's most

5 Vict. c. 5.

Abolishing
certain
Offices.

Saving
Rights to
Sworn and
Side Clerks
to practise as
Attornies.

The Queen's
Remem-
brancer to
perform the
Duties here-
tofore per-
formed by
the First and
Second Se-
condaries
and Sworn
and Side
Clerks of
his Office;

subject to
Regulation
by the Or-
ders of the
Court.

The Lords of
the Treasury
to regulate
Establish-
ment of the
Queen's Re-
membrancer,
and to fix
the Salaries.

Table of
Fees to be
established.

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 First Day of *January* One thousand eight hundred and forty-three the several Offices or Employments of First and Second Secondaries, of Sworn and Side Clerks, of Register, and of Bag-bearer, in the Office of Her Majesty's Remembrancer in the said Court, shall be and the same are hereby abolished, and shall wholly cease and determine: Provided always, that this Act shall not abridge, lessen, or in anywise affect the Right or Privilege heretofore enjoyed or held by the said Sworn and Side Clerks to practise as Attornies on the Revenue Side of the Court of Exchequer, in the same Manner as other Attornies practise therein.

II. And be it enacted, That from and after the said Offices are abolished, all Process and other Proceedings, Acts, Matters, and Things, usually issued, done, had, received, filed, recorded, or taken by the First and Second Secondaries, and Sworn and Side Clerks, and Register of the Queen's Remembrancer's Office, which shall be by Law required or needful to be issued, done, had, received, filed, recorded, or taken, shall and may be issued, done, had, received, filed, recorded, and taken by Her Majesty's Remembrancer in the said Court of Exchequer, as fully and effectually, to all Intents, Constructions, and Purposes, as the same might or could have been issued, done, had, received, filed, recorded, or taken by the said First and Second Secondaries, and Sworn and Side Clerks, and Register, before the passing of this Act; subject nevertheless to all such Orders and Directions as shall or may be made from Time to Time by the Lord Chief Baron and other Barons of the Court, for regulating the Proceedings and Practice of the Remembrancer's Office; and all Records, Books, Papers, and Documents, of and concerning the Duties and Business of the several Offices hereby abolished, shall, on or before the said First Day of *January* One thousand eight hundred and forty-three, be delivered by the said Officers respectively into the Custody of Her Majesty's Remembrancer, to be by him kept and preserved.

III. And be it enacted, That the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, shall be and they are hereby authorized and empowered by their Warrant to regulate the Establishment of the Office of Her Majesty's Remembrancer; and the said Commissioners shall and they are hereby empowered to fix the Salaries of the Remembrancer, and of his Clerks, and other Persons whom it may be necessary to employ in the said Office.

IV. And be it enacted, That the Chief Baron and other Barons of the Court of Exchequer shall and they are hereby required, before the First Day of *January* One thousand eight hundred and forty-three, to settle and establish a Table of the Fees which in their Judgment are proper to be demanded and taken in the said Office of Her Majesty's Remembrancer, and such Table of Fees shall be recorded in the Remembrancer's Office, and shall be deemed to be the lawful Fees to be thenceforth demanded and taken in
the

the Office of Her Majesty's Remembrancer; and it shall be lawful for the Chief Baron and other Barons of the Court of Exchequer to add to, reduce, alter, or amend the said Table of Fees whenever they may deem it necessary and proper so to do; and the Fees so revised and altered shall in like Manner be deemed and taken to be the lawful Fees of the Office of Her Majesty's Remembrancer: Provided always, that no such Fees shall be charged or be payable for any of the Business transacted in the Queen's Remembrancer's Office for and on behalf of the Crown relating to any of the public Departments of Revenue or otherwise, except in Cases where Parties are required by Law to pay the Costs incurred by the Crown upon any Proceedings taken against them.

V. And be it enacted, That Her Majesty's said Remembrancer shall cause all Fees received in his Office, and all Disbursements made thereout for Salaries and other necessary Expences, to be duly entered in a Book to be kept for that Purpose, distinguishing the Fees received under their several Heads, and the Particulars and Amount of every Disbursement, and shall render a true and faithful Account thereof to the Commissioners of Her Majesty's Treasury, in such Form and with such Particulars, and at such Times, as the said Commissioners shall think fit to require and direct.

Account of
Fees to be
kept.

VI. And be it enacted, That it shall be lawful for any Officer or other Person who may suffer Loss through the Operation or Effect of this Act, within Six Calendar Months from the passing of the same, to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury for the Time being, and the said Commissioners shall investigate such Claim by such Means and in such Manner as they may think necessary; and if such Claim shall be established to the Satisfaction of the said Commissioners, they or any Three of them are hereby authorized and empowered to award to the Claimant, by Warrant under their Hands, such Compensation as they shall, under all the Circumstances of the Case, think him entitled to, either by a gross Sum or by way of Annuity; and such Compensation 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 a Copy of every such Award for Compensation shall be laid before the Commons House of Parliament within Fourteen Days next after the Date thereof, if Parliament shall be then assembled, and if Parliament shall not be assembled, then within Fourteen Days after the Meeting of Parliament then next following.

Power to the
Treasury to
award Com-
pensation.

VII. And be it enacted, That all Persons admitted or admissible to practise as Attornies in the Courts of Queen's Bench, Common Pleas, or Exchequer of Pleas shall be admissible in like Manner as Attornies of the Court of Exchequer on the Revenue Side, and be allowed to practise there as such accordingly; and that it shall be lawful for the Lord Chief Baron and other Barons of the said Court, and they are hereby required, by Rule of Court, to settle the Amount of Fees to be taken and received by Attornies practising on the Revenue Side of the said Court, for the Duties and Services to be performed by them, and which Fees, so settled, shall be allowed on the Taxation of Costs.

Attornies of
Queen's
Bench, &c.
to practise
on Revenue
Side of the
Court of
Exchequer.

VIII. And

Writs and other Process to be made returnable without Delay, when necessary or proper.

VIII. And whereas there is often inconvenient Delay and great Expence incurred in recovering Debts to the Crown, more particularly with respect to Extents, by reason of the Interval between the Terms; be it enacted, That all or any Commissions, Extents, Writs, or other Process of whatever Denomination to be hereafter issued from the Office of Her Majesty's Remembrancer, in pursuance of this or any former or other Act or Acts, or according to the ancient Usage or Practice of the Court of Exchequer, may bear Teste and be made returnable and be returned on any Day certain in Term or Vacation to be named in such Commission, Extent, Writ, or other Process, and thereupon, and at the Return of any such Commission, Extent, Writ, or other Process, the like Rules may be given, and such other Proceedings had, and such subsequent Writs and Process issued, at any Time in Vacation, as may be given, had, or issued in Term, or at or before the Seal Day after Term; and all such Commissions, Extents, Writs, or other Process, Rules, and Proceedings, shall be as valid and effectual as if the same had been tested and made returnable, or given, or had, or issued in Term, according to the Common Law and Course of the Exchequer: Provided always, that nothing herein contained shall extend to alter the Time for filing any Pleadings, or to authorize the entering up any Judgment in Vacation; and that where any Person shall enter a Claim to any Goods seized under any Extent, or returned as forfeited (which it shall be lawful to do in Vacation), the further Proceedings shall be only according to the ordinary Practice and Course of the Court.

Certain Revenue Orders may be made by a single Judge.

IX. And be it enacted, That all such Orders relating to Revenue Causes and Matters of Revenue as have heretofore been made at the Sittings of the Court of Exchequer appointed and held after Term may be made at any Time by any single Judge out of Court.

This Act not to affect Jurisdiction of the Court of Exchequer.

X. Provided always, and be it enacted, That nothing herein contained shall extend to prejudice or in anywise affect the Power, Jurisdiction, or Authority of the Lord Chief Baron and the other Barons of Her Majesty's Court of Exchequer, or the ancient Rights or Privileges of Her Majesty's Remembrancer in the said Court, or the Rights or Privileges of any Person appointed to be Solicitor or Attorney on behalf of Her Majesty under the Orders and Directions of the Commissioners of the Treasury, Customs, Excise, or Stamps, or under the Orders and Directions of any Commissioners or other Persons or Person having the Management of any other Branch of Her Majesty's Revenue, save so far as the same may have been varied or altered by any Act or Acts now in force.

Act may be amended this Session.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.