

Repeal of Judges' Taxing Powers.

No. XVII.

~~REPEAL OF JUDGES' TAXING POWERS.~~

An Act to repeal so much of the Imperial Act ninth George the Fourth cap. eighty-three and the Colonial Act fourth Victoria number twenty-two as vests a power of taxation in the Judges of the Supreme Court. [22nd December, 1851.]

Preamble.

9 Geo. IV. cap. 83.

4 Vic. No. 22.

So much of 9 Geo. IV. cap. 83 and of 4 Vic. No. 22 as empowers the Judges of the Supreme Court to make and prescribe Rules and Orders touching fees poundage or perquisites repealed.

Fees of Officers of Court to be paid to Her Majesty.

WHEREAS by the sixteenth section of an Act of the Imperial Parliament passed in the ninth year of the reign of His late Majesty King George the Fourth intituled "*An Act to provide for the administration of Justice in New South Wales and Van Diemen's Land and for the more effectual government thereof and for other purposes relating thereto*" the Judges of the Supreme Court of New South Wales are amongst other things empowered to make and prescribe Rules and Orders touching the fees poundage or perquisites to be lawfully demanded by any Officer Attorney or Solicitor in the said Court and such Rules and Orders from time to time to alter amend or revoke subject nevertheless to approval or disapproval by His said late Majesty His Heirs and Successors as is therein provided And whereas by the twenty-third section of an Act of the Governor and Legislative Council of New South Wales made and passed in the fourth year of the reign of Her present Majesty Queen Victoria and intituled "*An Act to provide for the more effectual administration of Justice in New South Wales and its Dependencies*" the said Judges are amongst other things empowered from time to time to make and establish all such general Rules and Orders as to them shall seem meet for fixing the amount of fees and costs to be allowed in respect of all matters at any time pending in the said Court as well to the Officers and Ministers thereof and to the Officers and Ministers of the several Circuit Courts as to the several Practitioners therein respectively and all or any of such Rules and Orders from time to time by any other Rules or Orders for that purpose to revoke or alter as circumstances shall appear to the said Judges to require And whereas it is expedient to repeal so much of the said sections as empowers the said Judges to make and prescribe Rules and Orders touching such fees poundage or perquisites or for fixing the amount of such fees and costs Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That so much of the said recited Acts as empowers the said Judges to make and prescribe Rules and Orders touching any such fees poundage or perquisites to be so demanded by any such Officer of the said Supreme Court or to make and establish Rules and Orders for fixing the amount of such fees and costs to be allowed to any Officer or Minister of the said Supreme or of any Circuit Court as aforesaid shall be and the same is hereby repealed Provided that nothing herein contained shall be deemed to abrogate any fees poundage or perquisites now authorized to be taken by any such Officer Attorney or Solicitor in the said Supreme Court or any fees or costs now authorized to be taken by any Officer or Minister of the said Supreme Court or of any Circuit Court by virtue of any such Rule or Order.

2. And be it further declared and enacted That all fees poundage perquisites or costs of whatever nature received or receivable by any such Officer of the said Courts the fees properly due to and

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and receivable by such Attorneys Solicitors and Practitioners excepted under and by virtue of any such Rule and Order of the said Judges shall be paid to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof and shall be applied in such manner as may be from time to time directed by any Act of the said Governor and Legislative Council and in no other manner.

3. And be it enacted That after the first day of January next Fees on Probates &c. the fees payable in the said Court on Probates and Letters of Administration shall be those mentioned in the Schedule hereunder written and no other fees in respect of any Probate or Administration shall be payable either for filing Petition and Affidavits taking the Bond administering the Oath or Oaths making the Order granting the Probate or Administration or otherwise.

SCHEDULE.

Where the effects are under £30 no fee.		Probate.		Adminis-	
		s.	d.	s.	d.
£30 but under £50		7	6	10	0
50	100	10	0	15	0
100	200	15	0	20	0
200	500	20	0	30	0
Above £500	...	30	0	40	0