ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxxiii.

An Act for extending the Jurisdiction of the *Barkston-Ash* and *Skyrack* Court of Requests, and the Powers and Provisions of the Act passed constituting such Court, to certain Places in the West and East Ridings of the County of *York*, and amending the same Act. [19th *May* 1840.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for the more easy and speedy Recovery of Small Debts within the Town of* Aberford *and other Places in the West Riding of the County of* York: (2 & 3 Vict. c. 86.) And whereas by the said Act the Judge and his Successors, to be appointed as therein mentioned, were constituted a Court of Justice for the Recovery of Small Debts within the several Towns, Townships, or Places therein specified, by the Name of "The *Barkston-Ash* and *Skyrack* Court of Requests:" And whereas a Judge of the said Court has been appointed by the Lord Chancellor, according to the Provisions of the said Act, and such Judge has proceeded to carry the Purposes of the said Act into execution: And whereas the Town of *Otley*, and the several Townships or Places of *Addle-with-Eccup*, *Askwith*, *Arthington*, *Baildon*, *Bramhope*, *Brearey*, *Burley*, *Cookridge*, *Denton*, *Esholt-with-Hawksworth*, *Farnley*, *Ilkley*, *Kirby-Overblow*, *Kirby-with-*

Netherby, *Leathley*, *Menston*, *Middleton-with-Stockheld*, *Newhall-with-Clifton*, *Nesfield-with-Langbar*, *Otley*, *Poole*, *Sicklinghall*, and *Weston*, and also *Acaster Malbis*, *Acaster Selby*, *Drax*, *Long Drax*, *Carlton*, *Camblesforth*, and *Newland*, all in the West Riding of the County of *York*, and also the Town of *Howden*, and the several Townships or Places of *Asselby*, *Aughton*, *Balkham* otherwise *Balkholme*, *Belby*, *Barnby-on-the-Marsh*, *Bellasize*, *Barlby*, *Bowthorpe-cum-Menthorpe*, *Brackenholme-cum-Woodhall*, *Bubwith*, *Breighton*, *Cavill*, *Cotness*, *Cliffe-with-Lund*, *East Cottingwith*, *West Cottingwith*, *Deighton*, *South Duffield*, *North Duffield*, *Eastrington*, *Ellerton* otherwise *Ellerton Priory*, *Elvington*, *Escrick*, *Foggathorpe*, *Gilberdike*, *Gribthorpe-with-Willitoft*, *Howden*, *Hemingbrough*, *Harlethorpe*, *Holme-on-Spalding Moor*, *Kilpin*, *Knedlington*, *Kelfield*, *Langwith*, *Laxton*, *Latham*, *Melbourne*, *Metham*, *Naburn*, *Newport Wallingfen*, *Newsham* otherwise *Newsholme-with-Bring*, *Osgodby*, *Portington-with-Cavill*, *Riccall*, *Saltmarsh*, *Skelton*, *Skipwith*, *Stillingfleet*, *Storwood*, *Seaton Ross*, *Spaldington*, *Sutton-on-Derwent*, *Thorganby*, *Thorpe*, *Thornton*, *Wressle-with-Loftsome*, *Wheldrake*, *Willitoft*, and *Yorkfleet* otherwise *Yokefleet*, all in the East Riding of the said County of *York*, are populous, and very considerable Trade and Traffic is carried on therein, and in some of the said Townships and Places there are large Mills and Manufactories employing great Numbers of Persons, in other of the said Townships and Places the greater Number of Persons are engaged in various Branches of Trade, including considerable Numbers employed in navigating Vessels in the Rivers *Humber*, *Aire*, *Ouse*, and *Derwent*, to and from the Town of *Selby* in the said County of *York*, and in the said Towns of *Otley* and *Howden* and other of the said Townships and Places there are very many retail Shopkeepers and Dealers, and other Persons engaged in Mercantile Concerns, who, along with divers other Persons residing, trading, and dealing in the said Town, Townships, and Places, contract very many Small Debts, which in the whole amount yearly to a very large Sum of Money, and, although many of such Debtors are well able to pay their respective Debts, refuse or avoid Payment of the same, knowing that such Debts cannot be recovered by the Creditors thereof without incurring an Expence often disproportionate to and sometimes far exceeding the Amount of Debts due, whereby such Creditors are frequently obliged to forego their Debts and sustain very great Loss: And whereas, inasmuch as some of the Places herein-before named lie on the Western Side of the District comprised in the said Act, and others of such Places lie on the Eastern Side of the same District, such Debts might be more easily and speedily recovered if the Jurisdiction of the said *Barkston-Ash* and *Skyrack* Court of Requests, and the Powers and Provisions of the said recited Act, were extended to the Towns, Townships, and Places aforesaid, and such Act amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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,

Jurisdiction of the Barkston-Ash and Skyrack

That from and after the passing of this Act the Court constituted under the said recited Act a Court of Justice for the Recovery of Small Debts within the Towns, Townships, and Places therein men-

tioned, by the Name of "The *Barkston-Ash* and *Skyrack* Court of Requests," shall have Jurisdiction within the said Towns of *Otley* and *Howden*, and the several Townships and Places herein-before named; and all Actions for the Recovery of Debts (except such as under the said recited Act are excepted), where the Sum sought to be recovered does not exceed the Sum of Fifteen Pounds, from any Person residing, trading, or dealing within any of the said several Towns, Townships, or Places herein-before named, may be tried and decided by the Judge of the said Court wherever the Cause of Action may have arisen or the Plaintiff may reside; and the Judge of the said Court shall be sole Judge to determine all such Actions brought in the said Court, and all Matters and Questions of Fact and Law relating thereto, except as in the said recited Act is excepted.

Court of Requests extended to the Townships and Places named in this Act.

II. And be it further enacted, That for the Purpose of the Recovery of Small Debts within the said Towns of *Otley* and *Howden*, and the several Townships and Places herein-before named, and carrying all the Purposes of this Act into execution, all Powers and Provisions relating to the Issue and Service of Summonses or Process, and to the making Deposits at the Time of entering Plaints, and to the Prosecution of Suits, and to the requiring and summoning and impannelling a Jury, and to the Process before any Jury, and upon their Verdict, and to Execution against any Goods, Chattels, or Body upon Judgment, and to the regulating the Schedule of Fees, and to the charging and receiving of Fees and Poundage, and to the borrowing and Application of Monies, and all Powers given to the Judge and Officers of the Court, and all other Powers, Authorities, Directions, Provisions, Regulations, Privileges, Protections, Limitations, Restrictions, Clauses, and Construction of Words, Fines, Forfeitures, Penalties, and all other Matters and Things whatsoever contained in, or authorized, given, or directed by the said recited Act, or in the Schedule to the same, except in so far as the same are or may be altered, varied, or repealed, or repugnant to the Powers and Provisions in this Act contained, shall extend and be construed to extend to the said Towns of *Otley* and *Howden*, and the several Townships and Places herein-before named, and to all Courts to be held in or for the same, and shall operate and be in force for the Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever, except as aforesaid, be construed as One Act.

Powers &c. of recited Act extended to this Act.

III. And be it further enacted, That it shall be lawful to hold the said Court at some convenient Place within the Towns of *Otley*, *Harewood*, and *Howden*, as well as in the Towns of *Aberford*, *Selby*, and *Sherburn*, or *Tadcaster*; and it shall also be lawful for the Judge of the said Court to appoint such other Place or Places, in addition to the Places aforesaid, for holding such Court, as he shall from Time to Time appoint, and also to appoint such Time or Times for holding any such Court as he shall think proper, and such Courts may be held at such Places and Times accordingly, but so as that the Interval between the holding of any Two Courts shall in no

Where the Courts are to be held.

Case

Case be more than Two Months; and it shall also be lawful for the Judge of the said Court to adjourn any Court to be so holden from Time to Time to the same or such other Place or Places within the Jurisdiction of the Court as he shall deem proper.

Summonses in the new District to be made returnable only at Courts held at certain adjacent Places, &c.

IV. Provided always, and be it further enacted, That no Summons shall be issued under the Powers given by this Act against any Person residing, trading, or dealing within any Town, Township, or Place herein-before named, which is situate within the West Riding of the County of *York* (except the Townships or Places of *Acaster Malbis*, *Acaster Selby*, *Drax*, *Long Drax*, *Carlton*, *Camblesforth*, and *Newland*), unless the same be made returnable at *Otley* or *Harewood*; and that no Summons shall be issued under the Powers given by this Act against any Person residing, trading, or dealing within any Town, Township, or Place herein-before named which is situate within the East Riding of the County of *York*, or against any Person residing, trading, or dealing within the said Townships or Places of *Acaster Malbis*, *Acaster Selby*, *Drax*, *Long Drax*, *Carlton*, *Camblesforth*, or *Newland*, in the said West Riding, unless the same be made returnable at *Selby* or *Howden*.

Clerks to keep Books for entering Plaints, &c.

V. And be it further enacted, That for the Purpose of facilitating the Entry of Plaints and the issuing of Summonses it shall be lawful for the Clerk of the said Court to provide Books, to be kept by the said Clerk or his Assistants in the Towns herein-before mentioned, and at such other Place or Places as the said Clerk, with the Approbation of the said Judge, shall think fit.

No Person to be summoned as a Juror who shall reside more than Ten Miles from the Court.

VI. Provided always, and be it further enacted, That in all Actions or Causes in the said Court where a Jury shall be required to be summoned to try the Action or Cause, no Person, although otherwise duly qualified, shall be liable to be summoned as a Juror for the Trial of any such Action or Cause unless such Person shall reside within some of the said Towns, Townships, or Places within Ten Miles of the Place appointed for the Trial of the Action or Cause on which he shall be so summoned.

Provision in Cases of Committal to Prison.

VII. Provided also, and be it further enacted, That every Person residing, trading, or dealing within any Town, Township, or Place herein-before named, which is situate within the East Riding of the County of *York*, who shall be taken in Execution upon any Warrant under the Powers or Provisions of this Act, may be committed to the Custody of the Sheriff of the said County, or to any Common Gaol or House of Correction in the said East Riding; and every Person so committed shall remain in Custody for such Time from the Day of his Commitment to Prison as shall be mentioned in the Warrant, not exceeding Twenty Days, or until he, she, or they shall perform and obey the Order of the Court, or be discharged by due Course of Law, but not longer, under any Warrant or any Number of Warrants, than Forty Days at any one Time; and the Treasurer of the said Court shall allow and pay out of the General Fund of the said Court such reasonable Sums as the Judge of the said Court, or the Justices of the said East Riding in Quarter Sessions assembled, shall from

Time

Time to Time determine to be fit and proper for keeping and maintaining in Prison the Persons so committed; and if it shall appear to the Judge of the said Court, on Application made to him, that Relief and Maintenance are necessary for the Support of any such Prisoner or Prisoners, who, from Sickness or some other Cause, are then unable to maintain themselves, the Judge shall order the Treasurer of the Court to allow and pay, out of the Funds of the Court, to every such Prisoner, such Sum of Money as shall appear to the Judge to be necessary for the Relief of such Prisoner or Prisoners.

Judge's Fees to be payable according to the Schedule to this Act.

VIII. And be it further enacted, That from and after the passing of this Act there shall be payable to the Judge of the said Court such Fees as are set down in the Schedule to this Act annexed, and which Fees may be from Time to Time lessened and again from Time to Time increased in manner provided by the said recited Act, so that under the Powers or Provisions of the said recited Act or this Act the Scale of such Fees, payable to the Judge of the said Court, given in the Schedule to this Act, be not in any Case exceeded.

For enforcing Payment of Subscriptions.

IX. And be it further enacted, That the several and respective Persons who have subscribed any Money for and towards the Purpose of obtaining this Act, or who shall hereafter subscribe any Money for such Purpose, or for carrying this Act, or any of the Purposes thereof, into execution, shall and they are hereby required to pay the Sum or Sums of Money so subscribed to the Treasurer of the said Court, within such Time and Times and in such Parts and Proportions as the said Judge shall order and direct; and if any Person or Persons shall neglect or refuse to pay the same or any Part thereof as aforesaid, it shall be lawful for the said Treasurer to sue for and recover the same in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or more than One Imparlance, shall be allowed; and all such Monies shall be vested in the said Treasurer, and applied for the Purposes aforesaid.

For paying Expences of the Act.

X. And be it further enacted, That the Costs, Charges, and Expences of preparing and passing this Act shall be paid and discharged out of the Monies forming the Fund called the General Fund of the *Barkston-Ash* and *Skyrack* Court of Requests, and in preference to providing Court Houses or Offices, or other such general Purposes.

Saving of Rights.

XI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, make void, alter, or otherwise affect all or any of the Rights, Franchises, Privileges, and Jurisdictions of Her Majesty in right of Her Duchy of *Lancaster*, or of his Grace the Archbishop of *York* in right of his Liberty of *Otley*, or of the Right Reverend the Lord Bishop of *Durham* in right of his Liberty of *Howden*, otherwise *Howdenshire*, or any other Lord or Lords for the Time being of the several Liberties, Baronies, and Manors within the Jurisdiction of the said Court, as hereby extended, and the several Courts to

Liberties, Baronies, and Manors belonging or appertaining, but that all and every the said Rights, Franchises, Privileges, and Jurisdictions shall be and remain of the same Force and Authority, to all Intents and Purposes, as if this Act had not passed.

This Act to cease on the passing of any general Act.

XII. Provided always, and be it further enacted, That at the Expiration of Six Calendar Months next after any general Act shall be passed for the Recovery of Small Debts, and the Operation of which general Act shall be inconsistent with the Powers given by this Act as to the said several Towns, Townships, and Places in this Act mentioned, every Clause, Matter, and Thing in this Act contained, which shall extend or be construed to extend to give to the said Court or Judge any local or separate Jurisdiction, shall cease and determine; and no Judge or Officer of the said Court appointed under this Act shall be deemed to be entitled to any Compensation for the Loss of his Office by reason of the passing of such general Act.

Act may be altered during the present Session.

XIII. And be it further enacted, That this Act may be altered or repealed during the present Session of Parliament, either by an Act passed for the express Purpose of altering or repealing the same, or by an Act of which the Provisions shall be inconsistent with the Provisions herein contained.

Public Act.

XIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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SCHEDULE of Judge's Fees, referred to by the Act.

	On Debts not exceeding 5*l.*			On Debts exceeding 5*l.* and not exceeding 10*l.*			On Debts exceeding 10*l.*		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
For every Summons - - -	0	1	0	0	2	0	0	3	0
For every Hearing or Trial without a Jury, whether defended or undefended	0	2	6	0	7	6	0	10	0
For every Hearing or Trial with a Jury, whether defended or undefended -	-	-	-	0	10	0	0	15	0
For every Order, Decree, or Judgment -	0	1	0	0	2	0	0	3	0

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.