

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LVII.

An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland*, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors. [1st *August* 1851.]

WHEREAS the Recovery of Small Debts by Civil Bill has been found beneficial to the Queen's Subjects in *Ireland*: And whereas it would conduce to the Improvement of the Administration of Justice there if the several Statutes and Parts of Statutes relating to the Recovery of Small Debts by Civil Bill, and of Tenements by Civil Bill Ejectments, and relating in other respects to the Jurisdiction of the Civil Bill Courts, were consolidated, with such Additions and Alterations as herein-after contained, and that the existing Acts relating to the said Matters should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this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, as follows:

Certain Acts and Parts of Acts repealed.

I. From and after the Commencement of this Act the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts

and such Parts of every other Act or Acts as shall be inconsistent with this Act, shall be and they are hereby repealed, except as to anything heretofore done, and except so far as any of the said Acts or Parts of Acts, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting and continuing any Proceeding heretofore taken or to be taken after the Commencement of this Act upon any Proceeding by Civil Bill before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Chairman of the County of Dublin.

The present Chairman to continue in Office.

Assistant Barristers.

Appointment of Assistant Barristers, including an Assistant Barrister (in future) for the County of Dublin.

II. The Person now holding the Office of Chairman of the Sessions of the Peace for the County of *Dublin* shall continue to hold the said Office as he heretofore has held the same; and that every Assistant Barrister already appointed for any County or Riding shall continue to hold his Office under and by force of this Act, and shall hold the same during good Behaviour, and no longer; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, on the Death, Resignation, or Removal of the Chairman of the Sessions of the Peace for the County of *Dublin*, or of any Assistant Barrister already appointed or hereafter to be appointed, to nominate and appoint to the Office of Assistant Barrister for the said County of *Dublin* (in the Place and Stead of a Chairman of the Sessions of the Peace for the said County), and for each and every other County and Riding, a practising Barrister at Law of Ten Years standing at the least, who shall have actually practised Ten Years in Her Majesty's Superior Courts in *Dublin*, and shall not at the Time of his Appointment to such Office have retired from such Practice; and that every Assistant Barrister hereafter to be appointed, including every Assistant Barrister to be appointed for the said County of *Dublin*, shall also hold his Office during good Behaviour, and no longer; Provided always, that it shall be lawful for Her Majesty, Her Heirs and Successors, to remove any such Assistant Barrister from his Office upon the Address of both Houses of Parliament; and the said Chairman and every Assistant Barrister shall be sole Judge of the Civil Bill Court to be holden under this Act, and shall be *ipso facto* in the Commission of the Peace, and a Justice of the Peace for the County for which or for any Riding of which he shall be so appointed, even though no Commission should be issued for the Purpose, and shall duly attend at every Session of the Peace and Adjournment thereof holden in such County or Riding, and shall continue such Attendance during the whole of every Session and every Adjournment thereof, save and except such Sessions or Adjournments as shall be held for any other Purpose than the Administration

tration of Justice in Criminal Cases, and the hearing of Causes in manner herein mentioned by Civil Bill, and shall by virtue of his Office be and preside as Chairman of the Justices at General or Quarter Sessions, and it shall and may be lawful for such Chairman and Assistant Barrister to proceed in the criminal or other Business at such Sessions, although no other Justice of the Peace for the County, Riding, or Place shall be in attendance: Provided also, that no Person holding the said Office of Assistant Barrister shall be capable of being a Member of the House of Commons in the present or any future Parliament.

Assistant Barristers.

III. No Assistant Barrister already appointed, if removed to any other County or Riding, nor any Assistant Barrister hereafter to be appointed, shall proceed to act as Assistant Barrister until he shall have first taken the following Oath before the Lord High Chancellor or Keeper or any Commissioner of the Great Seal of *Ireland* for the Time being; which Oath the said Chancellor, Keeper, or Commissioner is hereby empowered to administer; that is to say,

Oath of Chairman, &c.

Assistant Barristers to take the following Oath before Lord Chancellor before they act.

Oath.

'I *A.B.* do swear, That I will execute the Office of Assistant 'Barrister for the County of [*or* Riding of the 'County of], and for any other County or Riding 'to which I may be hereafter appointed, diligently, justly, and 'impartially, and without Favour, Affection, or Malice, do equal 'Right to all the Queen's Subjects that shall come within my 'Jurisdiction, and that I will in all things, to the best of my Skill 'and Power, faithfully execute all the Duties imposed or that shall 'hereafter be imposed on me in virtue of such Office.

'So help me GOD.'

Provided always, that any Assistant Barrister who shall have once taken the said Oath shall not be obliged to repeat the same on any subsequent Removal to any County or Riding.

Salaries and Pensions.

IV. From and after the Commencement of this Act the Chairman of the Sessions of the Peace for the County of *Dublin*, and the several Assistant Barristers already appointed, and hereafter to be appointed, as aforesaid, shall (over and above the annual Sums payable to him and them in respect of the Registration or Revision of the Lists of Parliamentary Voters) severally and respectively receive the annual Salaries mentioned and specified, relating to them respectively, in the Schedule (B.) to this Act annexed, in lieu of his and their former Salaries and Fees, the said several Salaries to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* by Four quarterly Payments on the Twenty-fifth Day of *March*, Twenty-fourth Day of *June*, Twenty-ninth Day of *September*, and Twenty-fifth Day of *December* in each and every Year, the First Payment

Salaries to Chairman of Sessions of the Peace for County of Dublin and Assistant Barristers.

Salaries and Pensions.

Payment thereof to be made on the quarterly Day of Payment which shall next ensue after the Commencement of this Act.

Provision for granting an Annuity to Chairman of County of Dublin of 500*l.* a Year.

To Assistant Barrister 400*l.* a Year.

V. It shall and may be lawful for Her Majesty, Her Heirs and Successors, by any Letters Patent under the Great Seal of *Ireland*, to give and grant to the Person who now executes the Office of Chairman of the Sessions of the Peace of the County of *Dublin*, if he shall resign the same, an Annuity or yearly Sum not exceeding the Sum of Five hundred Pounds Sterling, and to any Person who shall have executed the Office of Assistant Barrister, and who shall have resigned the same, an Annuity or yearly Sum not exceeding the Sum of Four hundred Pounds Sterling, the said several Annuities or yearly Sums to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that no such Annuity or yearly Sum of Money granted to the Person who now executes the Office of Chairman of the Sessions of the Peace of the County of *Dublin*, or to any Assistant Barrister, shall be valid, unless he shall have continued in Office Twenty Years, or be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, the same to be distinctly recited in such Grant: Provided also, that the said Annuity to the Person now holding the Office of Chairman of the Sessions of the Peace of the County of *Dublin* may be granted to such Chairman when the Period of his Service as such Chairman, together with the Period of his Service as Assistant Barrister, previous to his Appointment as such Chairman, shall together amount to a Period of Twenty Years or upwards.

Conditions on which such Grant shall be valid.

Power to Lord Lieutenant to remove Assistant Barristers to other Counties with their Assent.

VI. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Consent of the Privy Council in *Ireland*, to remove any Assistant Barrister from any County or Riding to any other County or Riding, to act therein as Assistant Barrister: Provided always, that no such Removal shall take place without the Assent of such Assistant Barrister.

Deputy Chairman or Assistant Barristers during Absence.

When it appears to Lord Chancellor, upon Oath, that the Chairman or any Assistant Barrister is unable to

VII. And whereas it may sometimes happen that the Chairman of the Sessions of the Peace for the County of *Dublin*, or an Assistant Barrister, may, by reason of Sickness or other necessary Cause of Absence, be unable to attend at the Session of the Peace or Adjournment thereof, and to hold the said Court for hearing and determining Causes by Civil Bill as aforesaid, or to continue such Attendance thereat: Be it therefore enacted, That when it shall appear to the Lord High Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, upon Oath before any Justice of the Peace, that the said Chairman or any Assistant Barrister is unable to attend at the Time appointed for any Session of the Peace in any County

County or Riding, or at any Adjournment thereof, or to continue his Attendance thereat as aforesaid, it shall and may be lawful for the Lord Chancellor, Keeper or any Commissioner of the Great Seal, for the Time being, to nominate or appoint some other Barrister of Ten Years standing at the least, and who shall not have retired from Practice, to do and execute the Duty of such Chairman or Assistant Barrister for such Time as such Illness or Absence shall continue; and every Person appointed under this Act to do and execute the Duty of Chairman or Assistant Barrister during the Absence or Non-attendance of such Chairman or Assistant Barrister shall, before he shall enter on the Duties of the said Office, take the Oath herein-before required to be taken by such Chairman or Assistant Barrister respectively, *mutatis mutandis*, either before such Chancellor, Keeper or Commissioner, or publicly in open Court at the Sessions of the Peace or Adjournment thereof on the First Day on which he shall attend at any Session or Adjournment thereof, (and which Oath the Clerk of the Peace or his Deputy is hereby authorized and required in such Case to administer,) to execute such Duty, and shall have all and every the Powers and Authorities given to such Chairman or Assistant Barrister by this and any other Act or Acts of Parliament, and be authorized in every respect to do and execute, during the Continuance of such Absence, and no longer, every Matter and Thing which such Chairman or Assistant Barrister might himself lawfully do if personally present.

attend, he may appoint another of Ten Years standing to do his Duty, who shall take the Oath before required, and shall be invested with all Powers of Chairman or Assistant Barrister during his Absence.

VIII. And whereas it may happen that such Illness or Cause of Absence may occur so suddenly as that there may not be sufficient Time to give Notice thereof to the Chancellor, Keeper or Commissioner of the Great Seal, and to have a Person appointed to do the Duty of the said Chairman or Assistant Barrister at such Sessions, or after having opened the Sessions the Chairman or Assistant Barrister may be prevented by Illness or other Cause from continuing his Attendance thereat: Be it enacted, That in case it shall so happen that the Chairman or any Assistant Barrister shall not be in attendance to open such Sessions on the Day appointed for opening the same, or after having opened the same shall not continue his Attendance until the Business of such Sessions shall be completed, it shall and may be lawful for any One Justice of the Peace for the County, or for the Clerk of the Peace or his Deputy, or in the County of *Dublin* for the Registrar of the Chairman, so long as the said Chairman shall continue to hold Office, in the Absence of any Justice at the Hour of Five o'Clock in the Afternoon, and not before that Hour, to open and adjourn, or to adjourn only, as the Case may be, such Sessions, and so from Time to Time and for such reasonable Time as shall be sufficient for such Chancellor, Keeper or Commissioner, to be informed

In case of Absence of Chairman or Assistant Barrister, Sessions may be adjourned by One Justice, or by Registrar or Clerk of Peace, until Deputy arrives.

Deputy Chairman or Assistant Barristers during Absence.

of such Illness or Absence, and to appoint some Person to do the said Duty, and for such Person to repair to the Place where such Sessions should be held, and take upon himself the Execution of such Duty.

Persons appointed during Absence of Chairman or Assistant Barrister to be paid so much as Lord Chancellor shall think fit, out of Salary.

IX. Every Person appointed under this Act during the Illness or Absence of the said Chairman or of any Assistant Barrister to do and execute the Duty of such Chairman or Assistant Barrister for him shall receive and be paid such Compensation for his Labour and Trouble therein as the Lord Chancellor, Keeper or Commissioners of the Great Seal of *Ireland*, for the Time being, shall think fit to direct and appoint, the same to be paid out of the Salary hereby provided for such Chairman or Assistant Barrister who shall so be absent.

Clerks of the Peace.

Clerks of the Peace to act as Clerks to Assistant Barristers and as Registrars;

X. The Clerks of the Peace for the several Counties respectively, or their sufficient Deputies, shall be and are hereby required to act as Clerks to the said Assistant Barristers respectively in the Execution of the Duty imposed on them by this Act, and as Registrars respectively of the said Court, and shall be obedient to the said Assistant Barristers respectively in all lawful Commands which they shall respectively receive from the said respective Assistant Barristers relative to the Business of the said Court, and the Duty imposed by this Act on the said Assistant Barristers and Clerks of the Peace respectively; and the said several Clerks of the Peace and their respective Deputies shall and they are hereby required to keep Books for the entering and registering of all Civil Bill Causes, and shall enter and register the same, and such Books shall be Records of the respective Counties to which they shall belong; and no Clerk of the Peace, or any Deputy or Clerk of his, or any Person for his Use or Benefit, shall act as an Attorney in any Cause which such Assistant Barristers are by this Act empowered to hear and determine; and if he, they, or any of them shall so act as an Attorney in any such Cause, by himself or any other for his Use or Benefit, he shall forfeit the Sum of Fifty Pounds to any Person who shall, within One Year after such Offence committed, sue for the same by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record in *Dublin*, and shall, moreover, in case of Judgment being had against him, be incapable of ever holding such Office of Clerk of the Peace, or Deputy Clerk of the Peace, as the Case may be.

To keep Registry Books as Records.

Penalty on Clerk of the Peace acting as an Attorney in Causes before Assistant Barristers, 50*l.*

Clerk of the Peace to make Affidavit.

XI. Every Clerk of the Peace, and every Deputy Clerk of the Peace, already appointed, at the First Sessions after the Commencement of this Act at which they shall respectively attend, and every Clerk of the Peace, and Deputy Clerk of the Peace, hereafter

Clerks of the Peace.

hereafter to be appointed, at the First Sessions at which they shall respectively attend after their respective Appointments, and at the Commencement of such Sessions, shall and they are hereby respectively required to make and sign an Affidavit in Writing, to be attested by the Assistant Barrister of such respective County, and to be deposited in the Office of the Clerk of the Peace amongst the Records of the Court of such County, in the Form following; (that is to say,)

Form of Affidavit.

'I *A.B.*, Clerk of the Peace [*or* Deputy], do swear, That I have not already, directly or indirectly, taken, and will not, directly or indirectly, take, so long as I shall continue to hold the Office of Clerk of the Peace [*or* Deputy], any greater or other Fee, or Sum or Sums of Money, or other Thing, for or on account of any Matter or Thing done or to be done in any Cause to be heard and determined before the Assistant Barrister of this County [*or* Riding of the County of] by Civil Bill, than is or shall be allowed by Law.'

In Case of Death of Clerk of the Peace during Sessions.

XII. In case of the Death, Disability, or Absence of any Clerk of the Peace, or his Deputy, during Sessions, the Assistant Barrister shall appoint a fit and proper Person to act as Clerk of the Peace until a Clerk of the Peace, or sufficient Deputy, be duly appointed, and shall allocate a due Proportion of the Fees or Salary in remuneration of the Person so acting; and such Person so appointed shall make and sign such Affidavit as is herein-before directed to be made by the Clerk of the Peace and his Deputy.

Attorneys.

No one to act as Attorney before Assistant Barristers unless admitted in the Superior Courts.

XIII. No Person shall be admitted to practise as an Attorney before the Chairman of the County of *Dublin*, or before any Assistant Barrister, or the Recorder of *Dublin*, in any Civil Bill Court, or at the Court of General Quarter Sessions, but such Person only who is or shall be admitted an Attorney in One of Her Majesty's Superior Courts in *Dublin*; and that no Attorney shall be suffered to practise as aforesaid in any County wherein he is or shall be a Justice of the Peace.

Power to Assistant Barristers to suspend Attorneys acting corruptly, &c. from practising on Civil Bills.

XIV. It shall and may be lawful for the Chairman of the County of *Dublin*, the Recorder of *Dublin*, or any Assistant Barrister, if any Attorney practising in Causes by Civil Bill shall appear to him, either upon such Chairman, Recorder, or Assistant Barrister's own View in open Court, or by Examination of others upon Oath, to have acted in any such Cause corruptly, or knowingly and wilfully against his Duty as an Attorney, to make an Order, to remain of Record with the Clerk of the Peace, suspending

Attorneys.

pending such Attorney from practising on Civil Bills, for a given Time, in such County or Riding, which Order shall be binding: Provided nevertheless, that it shall be lawful for any Attorney against whom such Order shall be made to appeal, if such Order shall have been made in the County or County of the City of *Dublin*, to any of the Chief Judges or other Judge or Baron at Nisi Prius in *Dublin*, and if in any other County to the Judge of Assize at the Sittings or Assizes to be holden within Twelve Months after such Order made, which Judge may, by Examination on Oath, examine into the Ground of such Order, and reverse, vary, or affirm the same as he shall see Reason.

Attorneys may appeal to Judges of Assize.

Process Officers.

XV. The several Persons now holding the Office of Process Officer or Process Server in the several Counties and Ridings shall continue to hold the same as heretofore, until removed by the Chairman or Assistant Barrister of their respective Counties or Ridings; and that at the several Sessions of the Peace in and for the several Counties or Ridings which shall be holden after the passing of this Act, or at such other Times as Occasion may require, the Chairman and each and every of the Assistant Barristers shall and may, by Warrant under his Hand and Seal, from Time to Time, appoint such Number of fit and proper Persons, being Householders, residing in the principal Market Towns or in other convenient Places within the said Counties or Ridings, as to the said Chairman or Assistant Barrister shall from Time to Time appear to be necessary, to be Officers for the Service of Civil Bill Processes within such County or Riding, or within such Division of such County or Riding as shall be specified in any such Warrant, and it shall be lawful for each and every such Officer heretofore or hereafter so appointed, and he and they is and are hereby authorized and required, to serve such Process accordingly, within such County or Riding, or within such Division of such County or Riding as aforesaid; and it shall not be lawful for any Person whomsoever, other than One of such Officers so heretofore appointed or hereafter to be appointed, to serve any such Process; and that any Service or pretended Service of any Process by any other Person whomsoever (save as herein-after provided) shall be wholly null and void to all Intents and Purposes whatsoever; and that any such Officer already appointed or who shall be hereafter appointed for the Service of Process shall be removable and shall and may be removed at the Will and Pleasure of the Chairman or Assistant Barrister of the County or Riding for the Time being: Provided always, that nothing herein contained shall prevent the Service of any Process in any Proceeding by Ejectment or Replevin by any Person other than such Process Officer.

Power to Assistant Barristers to appoint Officers to serve Civil Bill Processes in the several Counties and Ridings.

After such Appointments, no other Persons shall serve any such Process.

Service by unauthorized Persons declared void.

XVI. The

Process Officers.

Names and Places of Abode of Officers to be published in County Newspapers.

XVI. The Name and Place of Abode of each and every Officer already appointed or who shall hereafter be appointed by the said Chairman or by any Assistant Barrister to serve such Process as aforesaid, and also the Name and Place of Abode of every Person removed as aforesaid from the said Office of Process Officer, shall be published in some One or more public Newspaper or Newspapers circulated in the County or Riding, and shall be otherwise promulgated and made known in such Manner and at such Times as to such Chairman or Assistant Barrister shall seem expedient.

Annual Salary to Officers serving Processes to be paid by Collector of Excise, on Certificate of Assistant Barrister.

XVII. Every Officer already appointed or who shall hereafter be appointed by said Chairman or by any Assistant Barrister for the serving of Process shall be entitled to and shall receive a Salary of Ten Pounds a Year, to be paid quarterly, upon a Certificate, signed by the Chairman or Assistant Barrister of the County or Riding, specifying the Amount so to be paid, and stating that such Officer has duly performed the Duty of his Office to the Satisfaction of the Chairman or Assistant Barrister during the preceding Quarter, or during such Period thereof as such Person shall have so served; and upon the Production of such Certificate to the Collector of Excise for any District within which the Sessions shall be holden or within which such Officer shall reside it shall be lawful for such Collector of Excise and he is hereby required to pay to such Officer the Amount of the Sum mentioned in such Certificate; and all Monies so paid shall be allowed to the Collector of Excise in his Account, upon Production of such Certificate, endorsed by the Officer to whom such Money shall be payable.

Officers may receive certain Fees, in addition to their Salaries, for Service of Process.

XVIII. It shall be lawful for any Officer already appointed or who shall be hereafter appointed by the Chairman or any Assistant Barrister for the serving of Process, in addition to the Salary made payable under this Act, to receive a Fee of Sixpence for the Service of every Process which he shall be required to serve in Cases where there is only One Defendant or there are several Defendants residing in the same Dwelling House, and One Shilling in case of Two or more Defendants not residing in one and the same Dwelling House; and which said Sums of Sixpence or One Shilling, as the Case may be, shall be paid to such Officer on the Delivery of such Process to him for the Purpose of being served by him; and if any Person whosoever, other than One of such Officers so appointed as aforesaid, shall serve or pretend to serve any such Process (save in Ejectment or Replevin Cases), and shall receive or take any Fee or Reward for such Service, he shall be guilty of a Misdemeanor, and shall be liable to be prosecuted accordingly: Provided always, that if

Process Officers.

a Process Server of any County or Riding shall be required (as herein-after provided) to serve Process upon any Defendant residing out of the County or Riding for which he shall be acting as such Process Officer, he shall be entitled to receive a Fee of Two Shillings and Sixpence for such Service, together with his reasonable Travelling Expenses incurred in effecting such Service.

Book to be kept by Officers for entering Particulars of Service of Process.

XIX. A Book or Books shall be kept by every Officer appointed for the Service of Process, in such Form as shall be directed or approved by the Chairman or Assistant Barrister, in which shall be entered the Names of the Plaintiff and Defendant by or against whom any Process shall be issued, the Cause of Action, the Day on which such Process shall be received to be served, the Day on which such Process shall be served or executed, the Place where and the Name or Description of the Person on or with whom such Process shall be served or left, and in case any such Process shall not have been duly served or left, then the Cause of such Service not having been effected shall be stated; and each and every Process Officer shall attend, and produce such Book or Books to the Chairman or Assistant Barrister, at each and every Sessions of the Peace, or shall cause such Book or Books to be produced to such Chairman or Barrister in case of the unavoidable Absence of such Process Officer; and in case of the Death, Illness, or such Absence as aforesaid of any such Process Officer, the Book or Books of such Process Officer, kept by him as aforesaid, verified on Oath as to his Handwriting by some credible Person, shall be produced at the Sessions, and shall there be *primâ facie* Evidence of the Truth of the several Matters entered therein as aforesaid.

Process Server's Books to be Evidence.

Interpreters.

Salary of Interpreter to be paid by Grand Jury.

XX. Whenever it shall be certified by the Assistant Barrister of any County to the Grand Jury of such County that an Interpreter is necessary at the Quarter Sessions for such County, it shall be lawful for the Grand Jury and they are hereby required to present, without any previous Application at Sessions, to be levied off such County, any Sum not exceeding Fifteen Pounds, at each Assizes, as a Salary or Payment for such Interpreter; and that it shall be lawful for any such Assistant Barrister to appoint either One Interpreter for the whole of such County or Riding of a County, or separate Interpreters for each District in which Sessions shall be holden, at his Discretion, and to direct the Salary to be presented as aforesaid to be paid among such Interpreters, if more than One shall be appointed, in such Manner as he shall think fit; and that upon a Certificate, signed by such Assistant Barrister, specifying the Amount of such Payment, being produced to the Treasurer of such County, it shall be lawful for such Treasurer and he is hereby required to

Assistant Barrister to appoint Interpreter or Interpreters.

pay

Interpreters.

pay to such Interpreter or Interpreters, after every Assizes, the Amount of the Payment mentioned in such Certificate, not exceeding in the whole the Sum presented by the Grand Jury for such Purpose; and each and every such Interpreter may be removed at the Will and Pleasure of the Assistant Barrister for the Time being, and any other Person or Persons appointed in his Place by such Assistant Barrister.

Assistant Barrister may remove Interpreter.

Times of holding Quarter Sessions.

XXI. In each Year the General or Quarter Sessions of the Peace in and for every County (save and except the County of the City of *Dublin* and the County of *Cork*) shall be held at the following Times; that is to say, the *Easter* Sessions on any of the Fourteen Days next after the Twenty-fifth Day of *March*; the Summer Sessions on any Day between the Fourth Day and the Twelfth Day next after the last Day of *Trinity* Term, both Days inclusive; the *October* Sessions on any of the Fourteen Days next after the Eighth Day of *October*; and the *Hilary* Sessions on any of the Fourteen Days next after the Twenty-sixth Day of *December*; and it shall and may be lawful for the Chairman of the County of *Dublin*, and the Assistant Barrister in each County (except the County of *Cork*), at the General or Quarter Sessions to be held in such respective County next before each *Michaelmas* Term, to fix and appoint the Times for holding the next Four General or Quarter Sessions, of which Time due Notice shall be posted by the Clerk of the Peace on or before the Fifteenth Day of *November* in each Year, and also Six Weeks before the Day of holding each such Sessions.

Future Sessions to be appointed at the Sessions held before each Michaelmas Term in each Year.

Recorder of Dublin and of Cork to hold Civil Court as heretofore.

XXII. The Recorder of the City of *Dublin* and the Recorder of the Borough of *Cork* shall continue to hold Courts for the hearing of Civil Bills in the Manner and at the Times that they have respectively heretofore held the same, and that nothing herein contained shall extend to affect the Power of such Recorders respectively to appoint the Time or Times for the holding of such Courts respectively; and the Recorder of the City of *Dublin* shall, in lieu of all Fees heretofore payable to him on Civil Bill Proceedings, receive the annual Sum of Two hundred and fifty Pounds, to be paid to him out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by Four quarterly Payments, on the Days heretofore appointed for Payment of the Salaries of Assistant Barristers; and the Recorder of the Borough of *Cork* shall, in lieu of all Fees heretofore payable to him on Civil Bill Proceedings, receive the annual Sum of One hundred Pounds, to be paid to him out of said Consolidated Fund by like quarterly Payments.

Annual Payment to him in lieu of Fees.

Cork County.

The County of Cork to

XXIII. And whereas an Act was passed in the Fourth Year of His late Majesty King *George* the Fourth, intituled *An Act to divide the*

continue to be divided for the Purpose and in the Manner herein recited.

the County of Cork *for the Purpose of holding additional General Sessions therein*, whereby, after reciting that the County of *Cork* is very extensive and populous, and that it is requisite, for the due Administration of Justice within the said County, and the Preservation of the Peace therein, that General Sessions of the Peace should be holden frequently therein, it was enacted, that from and after the First Day of *September* One thousand eight hundred and twenty-three, for the Purpose of holding the General Sessions of the Peace in the said County of *Cork*, and for and in respect of all Matters relating to such General Sessions, but not for any other Purpose or in any other respect, the said County of *Cork* should be and the same was thereby declared to be divided into Two Ridings, to be called the East Riding and the West Riding of the County of *Cork;* and that the East Riding of the said County of *Cork* should comprise and contain the Baronies and the Liberties following, that is to say, the Barony of *Duhallow*, the Barony or united Baronies of *Orrery* and *Kilmore*, the Barony or united Baronies of *Condons* and *Clongibbons*, the Barony of *Fermoy*, the Barony of *Kinnatalloon*, the Barony of *Imokilly*, the Barony of *Kerry-Currihy*, the Barony of *Kinnalea*, the Barony of *Barrymore*, the Barony of *Barretts*, the Barony of *East Muskerry* (except only the Parishes of *Aheena* and *Ahabullog* within the said Barony), the Liberties of the City of *Cork*, the Liberties of *Youghal*, and the Liberties of *Kinsale;* and the West Riding of the said County of *Cork* should comprise and contain the Baronies and Parts and Divisions of the Baronies following, that is to say, the Barony of *Beer* or *Bear*, the Barony of *Bantry*, the Barony of *West Muskerry*, the Parishes of *Aheena* and *Ahabullog* in the Barony of *East Muskerry*, the Barony of *Kinalmeaky*, the Barony of *Courcies*, the Barony or united Baronies of *Ibanne* and *Barryroe* otherwise called *Barryroe* and *Ibanne* and the Baronies of *East Carberry* and *West Carberry*, consisting of the Eastern and Western Divisions of *East Carberry* and the Eastern and Western Divisions of *West Carberry;* and from and after the said First Day of *September* the said County was thereby declared to be divided accordingly for the Purposes aforesaid, and no other; provided that such Division of the said County of *Cork* for the Purposes aforesaid should not be extended nor construed to extend to change or alter, or to limit or abridge, or abolish, any Power, Authority, Jurisdiction, Right, Duty, or Privilege of any High Sheriff, Sub-Sheriff, or Under Sheriff, Justice of the Peace, or other Magistrate, Clerk of the Crown, Clerk of the Peace, or other Officer whatsoever, of or in the said County, who should at the passing of the said Act, or at any Time after the passing of the said Act, hold, exercise, or enjoy any such Office, or any other Civil Office whatever within the said County of *Cork*, but that all the

the Powers, Authorities, Jurisdictions, Rights, Duties, and Privileges of such Officers should continue in force and be exercised and carried into effect throughout the said County of *Cork* in like Manner, to all Intents and Purposes whatsoever, as if the said Act had not been had or made, except only so far as it was expressly provided and directed by the said Act: Now be it enacted, That the said County of *Cork* shall be deemed to have been from the said First Day of *September* One thousand eight hundred and twenty-three, and shall from and after the passing of this Act continue to be, until altered as herein-after provided, for the Purposes aforesaid, and none other, divided in such Manner and Form, and under such Regulations, Conditions, and Provisions, as hereby above recited and herein set forth as aforesaid: Provided always, that it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, at any Time, and so from Time to Time, by and with the Advice and Consent of the Privy Council, to alter the Boundaries or Divisions of the said Two Ridings now existing or hereafter to exist, and to direct that such Ridings shall comprise and contain such Baronies, or Parts or Divisions of Baronies, as to him, with such Advice, shall seem fit, and to direct that such new Boundaries or Divisions shall become and be the Boundaries of the said Two Ridings; and from thenceforth the Boundaries herein-before provided of the said Two Ridings shall cease, and the said Two Ridings shall thenceforth contain and comprise the several Baronies and Parts and Divisions of Baronies so ordered and directed as aforesaid, subject to the several Regulations, Conditions, and Provisions herein-before set forth.

Cork County.

Lord Lieutenant may alter Boundaries.

XXIV. Five General Sessions of the Peace shall be holden in the course of every Year in each of the said Ridings of the County of *Cork* so constituted and hereby continued, so that One General Session shall be holden in every Month, excepting in the Two Months in which the General Assizes shall be holden for the County of *Cork* at large; and that such General Sessions shall be holden alternately in the East Riding and in the West Riding of the said County, and at such Times that there shall, if possible, be One Week between the End of the Session in One of the said Ridings and the Beginning of the ensuing Session in the other of the said Ridings; and that a General Sessions for the said East Riding shall be held as soon as may be in the Month of *September* in each Year, and that a General Sessions for the said West Riding shall be held in the Month of *October* in each Year, and that the subsequent General Sessions of the Peace shall be holden alternately in the said East and West Ridings, and so from Year to Year in the like Order: Provided always, that it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the

Five General Sessions shall be holden in every Year, alternately, in the East and West Riding.

Lord Lieutenant may order that

the

Four General Sessions, and no more, in each Year, shall be held in each of the Divisions of the County of Cork.

the Time being, at any Time, by and with the Advice and Consent of the Privy Council, to order and direct that Four General Sessions of the Peace, and no more, shall thenceforth be holden in each of the said Ridings of the said County of *Cork* in each Year, for the Discharge of all such Criminal and other Business as may be determinable at General or Quarter Sessions of the Peace, or in a Civil Bill Court, in place and stead of the said Five General Sessions of the Peace so herein-before appointed, and to order and direct that the same shall be holden at such Times and Places and in such Manner, in each of the said Ridings, as to the said Lord Lieutenant or other Chief Governor or Governors, with such Advice as aforesaid, shall seem fit, and also to direct and appoint the Manner of making known the Periods at which the same shall be holden; and from thenceforth the several Provisions herein-before contained for holding Five General Sessions of the Peace in and for the said County, and for regulating the Times of holding the same, shall cease and determine, and all the Criminal and other Business of the General Sessions of the Peace and of the Civil Bill Courts in and for the said several Ridings of the said County shall thenceforth be heard and determined at the said Four General Sessions of the Peace so to be appointed as aforesaid.

Power to Lord Lieutenant and Council to divide Counties into Ridings.

XXV. And whereas, from the Extent and Population of certain Counties, it may be expedient that they should be hereafter divided into Two Ridings or Districts for the Purpose of holding Sessions therein: Be it therefore enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of the Privy Council, on an Application made by the Magistrates of the County, at a Meeting of such Magistrates duly convened by the Lieutenant of such County, to order and direct that any County in *Ireland* shall be divided into Two Ridings or Districts, for the Purpose of holding Sessions therein, and to direct and appoint what Baronies or Half Baronies or other Portions of Land shall be contained in each of such Ridings, and to order and direct that General Quarter Sessions shall be holden in and for such Ridings respectively, and at such Time and Times and in such Towns or Places as shall be deemed most expedient for that Purpose.

Power to appoint Assistant Barrister for such Ridings, and providing for Payment of Salaries.

XXVI. It shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time to nominate and appoint a practising Barrister at Law, of Ten Years standing at the least, and who shall have actually practised Ten Years, and shall not at the Time of his Appointment have retired from Practice in Her Majesty's Courts of Law in *Dublin*, to act as an Assistant to the Justices at the several Sessions of the Peace and Adjournments thereof to be holden under this Act for each of the Ridings of the Counties so divided

divided as aforesaid, and that the said respective Assistant Barristers shall have all such Powers, Jurisdiction, and Authority in and for such respective Ridings for which they shall be respectively appointed as any Assistant Barrister can or may have in and for any County in *Ireland;* and it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order and declare that each of such Assistant Barristers so appointed for such Ridings as aforesaid shall receive and be paid such One of the several yearly Salaries as are herein provided for Assistant Barristers mentioned in the Class 2. or Class 3. in the Schedule (B.) to this Act annexed, as to the said Lord Lieutenant shall seem meet.

Cork County.

XXVII. For the Purpose of holding the said General Sessions of the Peace, and of all Matters connected with or relating to such General Sessions, the said Two Ridings of the County of *Cork*, and the Two Ridings of any other County which shall be hereafter divided under this Act, shall be distinct and separate Counties, and shall be deemed and considered and shall be distinguished as such (as regards the County of *Cork*) by the Names and Descriptions of *Cork* County, East Riding, and *Cork* County, West Riding, and so in every other County which shall be hereafter divided, by the Names of the respective Ridings, in all Warrants, Processes, and Proceedings relative to any Matters determinable at any such General Sessions respectively; and that all such Matters and Causes shall be heard, tried, and determined, and all such Proceedings shall be had and done, at such General Sessions, for each of such Ridings respectively, for and in respect of Matters arising within the said Ridings respectively, as might have been heard, tried, determined, had, or done at any General or Quarter Session of the Peace for the County of *Cork*, or such other Counties as shall be hereafter divided, under any Act or Acts, or Law or Laws in force immediately before the passing of this Act, for and in respect of Matters arising within the said respective County at large; and that no Process, Plea, or Proceeding, nor any Cause, Matter, or Thing whatever, shall be removed or removable, or transferred or transferrable, from any General Session to be holden in any One of such Ridings to any General Session holden in any other of such Ridings; and no Decree or other Order or Proceeding at any General Session to be holden in any of such Ridings shall be of any Validity, Force, or Effect, nor shall or may be executed or be enforced or put in execution, in any other of such Ridings, otherwise than if the said respective Ridings were Two distinct and separate Counties; and any and every Person who shall be charged in any of such respective Ridings with any Offence cognizable at the General Sessions shall be held to Bail, and shall be arraigned and tried, in that Riding only in which the Offence shall be charged or alleged

In all Processes County shall be distinguished by Cork County, East Riding, and Cork County, West Riding.

No Process removable from One Riding to the other.

Cork County.

alleged or supposed to have been committed; and all Justices of the Peace and Magistrates shall and they are hereby authorized and required to return any Informations for Offences taken before them, and returnable to the General Sessions, to such Sessions to be holden within the Riding in which such Offence shall be charged or alleged or supposed to have been committed.

The Two Assistant Barristers to settle the Time of holding the several alternate Sessions, &c.

XXVIII. The several Days to be from Time to Time appointed for commencing and holding the several alternate General Sessions of the Peace in the East and West Ridings of the said County of *Cork*, pursuant to the Directions of this Act, shall be from Time to Time ascertained and settled by the Two Assistant Barristers for the said Ridings, in concert with each other, but so as to provide as far as possible that the said Sessions shall not be holden at the same Times as the Assizes for the County; and so in every other County that shall be hereafter divided under this Act; and due Notice of the Times for holding such Sessions shall be posted by the Clerk of the Peace on or before the last Day of the preceding Sessions for each of the said respective Ridings.

Grand Jury of County of Cork to provide for Salaries of Criers at Sessions.

XXIX. It shall and may be lawful for the Grand Jury of the County of *Cork*, and for the respective Grand Juries of the several Counties which shall be hereafter divided under this Act, and such Grand Juries are hereby respectively required to present, to be raised (as regards the County of *Cork*) off the respective Portions of the said County of *Cork* constituting the East Riding and West Riding of the said County, and so in any other County which shall be so divided, Two several Sums not exceeding Twenty-five Pounds yearly, as regards the County of *Cork*, and not exceeding Twenty Pounds yearly, as regards any other County, to be paid by half-yearly Payments, as and for the Salary of each of the Criers at Sessions in such Two Ridings.

Divisions and Sessional Towns.

Existing Divisions and Sessional Towns to be continued until altered.

XXX. From and after the Commencement of this Act the several Districts or Divisions of the several Counties and Ridings, and the several Towns and Places within such Districts or Divisions respectively, appointed under and by virtue of the Provisions of the several Acts heretofore in force and relating to the Jurisdiction of the Civil Bill Courts, for the Purpose of holding Sessions therein, and wherein such Sessions respectively have been heretofore held, shall be and shall continue to be the Districts or Divisions, and the Towns and Places respectively within such Districts or Divisions, for holding of Sessions for hearing and determining Causes by Civil Bill, and for transacting all such criminal and all such other Business as may be determinable at any General or Quarter Sessions of the Peace,

Peace, until the same or any of them are or shall be altered in the Manner herein-after provided.

Powers to alter Divisions.

Power to alter existing Divisions, and appoint additional Places for holding Sessions.

XXXI. It shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, by and with the Consent and Advice of the Privy Council, to alter the Divisions and Districts for the holding of Sessions in any County or Riding now existing or hereafter to exist, and to divide the several Counties or any of them, or any Riding or Division of a County, including all Counties of Cities and Counties of Towns, Boroughs, Towns, and Places, into as many Divisions or Districts as shall be thought proper or expedient for the Purpose of more conveniently hearing and determining Causes by Civil Bill, and of transacting all such criminal or all such other Business as may be cognizable or determinable at any General or Quarter Sessions of the Peace, and to appoint One or more convenient Town or Place, Towns or Places, in any such Division or District, in which a Civil Bill Court, and a Court for transacting such criminal and other Business as aforesaid, or a Civil Bill Court only for hearing and determining Causes by Civil Bill, shall be held, and from Time to Time to alter any such Division or District, or any Town and Place, Towns or Places, within such Division or District, or to discontinue any such Town or Place, as to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Advice aforesaid, shall seem fit; and every such Division or District shall be distinguished by the Name of such Town or Place; and every such Sessions, and Adjournment thereof, shall be good and effectual for the Administration of criminal Business and Civil Bill Cases, and doing all other Business that may by Law be done at the General Quarter Sessions of the Peace, or for hearing and determining Causes by Civil Bill only, as the Case may be; and in case of any Town or Place being so discontinued as aforesaid the same shall thereupon cease to be a Town or Place for the holding of Sessions therein for any Purpose whatsoever.

Lord Lieutenant may direct Sessions to be held Four Times in every Year in any Town.

XXXII. From and after the passing of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of the Privy Council, to direct that a General Session of the Peace and Civil Bill Court, or a Civil Bill Court only, shall be held any Number of Times not exceeding Four Times in every Year in all or any of the Towns or Places now appointed or which may hereafter be appointed for holding Sessions, and the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall

 nominate

nominate and appoint the Baronies or Half Baronies or Parishes for which respectively such Sessions shall be held.

Jurisdiction in Counties of Cities and Towns.

Assistant Barrister for the East Riding of the County of Cork shall try Causes in the City of Cork.

XXXIII. The Assistant Barrister now appointed or hereafter to be appointed for the East Riding of the County of *Cork* shall hear and determine Causes by Civil Bill in and for the County of the City of *Cork*, in Cases where the Defendant or One of the Defendants in the Cause shall reside within the County of the said City, at the several Sessions of the Peace, or Adjournments thereof, for the County of *Cork*, to be held at *Cork;* and that such Assistant Barrister shall at the same Time hold such Court as aforesaid for the hearing of such Causes by Civil Bill for One Division of the County of *Cork;* and that the City of *Cork* shall be deemed and taken, for the Purposes of this Act only, as a Town within One Division of the said East Riding of the County of *Cork*.

Assistant Barristers of certain Counties to have Jurisdiction in certain Cities and Towns.

XXXIV. The respective Assistant Barristers for the Time being of the Counties herein-after mentioned shall have Jurisdiction by Civil Bill in and for the respective Counties of Cities, Counties of Towns, Cities, and Towns herein-after named, as fully as they respectively have in and for their respective Counties; that is to say, the Assistant Barrister of the County of *Waterford*, in and for the County of the City of *Waterford;* the Assistant Barrister for the County of *Limerick*, in and for the County of the City of *Limerick;* the Assistant Barrister for the County of *Kilkenny*, in and for the County of the City of *Kilkenny;* the Assistant Barrister for the County of *Antrim*, in and for the County of the Town of *Carrickfergus;* the Assistant Barrister for the County of *Galway*, in and for the County of the Town of *Galway;* the Assistant Barrister for the County of *Louth*, in and for the County of the Town of *Drogheda;* and each and every of the said several Counties of Cities and Counties of Towns shall be deemed and taken, for the Purposes of this Act only, as a Town within One Division of the said several and respective Counties at large.

Jurisdiction in ordinary Cases.

What Actions Assistant Barristers may hear and determine to the Amount of 40*l.*

XXXV. From and after the Commencement of this Act it shall and may be lawful for each and every Assistant Barrister to hear and determine by Civil Bill all Disputes and Differences between Party and Party for any Sum, Damages, or Penalty, not exceeding Forty Pounds Sterling, in all Cases whatsoever (Slander, Libel, Breach of Promise of Marriage, and Criminal Conversation with a Man's Wife, only excepted), and for any ascertained and unpaid Balance, not exceeding Forty Pounds, of a Partnership Account, and also in all Actions by Civil Bill under any Act or Acts

Acts of Parliament now in force in *Ireland*, and not hereby repealed, giving a Remedy by Civil Bill in any particular Cases, to the Extent and pursuant to the Provisions of the said Act or Acts respectively: Provided always, that the several Assistant Barristers may award Interest in all Cases where in Equity Interest ought to be decreed, so that the Debt or Damages and Interest shall not together exceed the Amount of the Jurisdiction, according to the Nature of the Case. *Jurisdiction in ordinary Cases.*

XXXVI. No Cause of Action in the whole amounting to a Sum beyond such Sum as is made recoverable by force of this Act shall be split or divided so as to be made the Ground of Two or more different Actions, in order to bring such Cases within the Jurisdiction of this Act, but if any of the said Assistant Barristers shall find that the Plaintiff in such Cause shall have split his Cause of Action as aforesaid, he shall dismiss every such Action, with the ordinary Costs of a Dismiss, without Prejudice however to the Plaintiff's proceeding to sue upon such Cause of Action in any other Court, and in such other Manner as he lawfully may: Provided also, that if such Plaintiff shall be satisfied to recover such Sum as the Jurisdiction hereby conferred is made to extend to, in full of the whole of such his Demand, then such Assistant Barrister shall and may, if such Plaintiff shall satisfactorily prove his Case, make and pronounce One Decree for such Plaintiff for such Sum as shall in such Case be demanded by the Process, so as such Sum does not exceed the Jurisdiction under this Act, and the same shall be expressed in such Decree to be and shall be in full Discharge of the whole of such Demand. Cause of Action not to be divided. Costs of Dismissal when Causes are split. Proviso if Sum does not exceed Jurisdiction of this Act.

XXXVII. And whereas Doubts are entertained whether the Provisions as to Proceedings by Civil Bill contained in a certain Act passed in the Parliament of *Ireland* in the Fifteenth Year of the Reign of King *George* the Second, and intituled *An Act for the more effectual securing the Payment of Rents and preventing Frauds by Tenants*, (and which Act is continued and made perpetual by an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the Third,) have by the several subsequent Acts of Parliament, or any of them, relating to Civil Bills before Assistant Barristers, been extended and applied to Proceedings by Civil Bill before such Assistant Barristers: Be it declared and enacted, That the Provisions relating to Proceedings by Civil Bill contained in the said Act of the Fifteenth Year of King *George* the Second, and continued as aforesaid, shall extend and apply to Proceedings by Civil Bill before such Assistant Barristers, subject to the Provisions and Regulations of this Act; and that from and after the Commencement of this Act all original Proceedings by Civil Provisions as to Civil Bill in 15 G. 2. c. 8. s. 4. (Irish.) 2 G. 3. c. 17. s. 18. (Irish.) extended to Civil Bill before Barristers, and original Jurisdiction of Judges abolished.

Jurisdiction in ordinary Cases.

Civil Bill provided by the said Act passed in the Fifteenth Year of King *George* the Second, and continued by the Act aforesaid, shall be brought in the respective Courts of the several Assistant Barristers, and shall not be brought before any Judge or Judges of Assize on their respective Circuits, or in their respective Courts at *Dublin*, save by way of Appeal, as herein-after provided in relation to Appeals.

How Tenant shall proceed in Cases of Distress by the head Landlord, where Rent shall have been paid to his immediate Landlord, and how and what Damages shall be recovered.

XXXVIII. And whereas it is fit and just that Provision should be made for securing the occupying Tenant as far as may be against being called upon for Payment more than once of the Rent reserved and made payable to his immediate Landlord or Lessor out of the Land which he occupies, in consequence of superior Landlords distraining for the Rents due to them respectively: For Remedy thereof be it enacted, That in all Cases where the entire Rent due and payable from the occupying Tenant to his immediate Landlord or Landlords shall have been paid or in any Manner satisfied, if, in consequence of the Fraud, Malfeasance, or Neglect of such Landlord or Landlords to pay and satisfy the Rent due and owing by him or them to any superior Landlord or Landlords, the Lands in the Hands of such occupying Tenant shall be distrained for any such Rent, or such occupying Tenant shall have been compelled to pay any Sum of Money to any such superior Landlord, to avoid a Distress for Rent due to such superior Landlord, then and in every such Case it shall be lawful for such occupying Tenant to proceed against such his immediate Landlord through whose Default or Neglect to make such Payment the Lands in the Possession of such occupying Tenant shall have been distrained or threatened to be distrained, to recover the Amount of Costs and Damages by him sustained thereby, by Civil Bill before the Assistant Barrister of any County or Riding where such Lands shall be; and that the Amount of such Costs and Damages, when ascertained by the Decree of such Assistant Barrister, and the Amount of any Costs and Damages which may be ascertained by the Judgment of any Superior Court, upon any Action which may be brought for that Purpose, may be tendered by the occupying Tenant, or his or their Representatives, in Payment of so much of the subsequently growing and accruing Rent as shall thereafter become due and payable to such his immediate Landlord, and shall be accepted by such Landlord in Payment of the same, or shall be recovered by Process of Execution as the said occupying Tenant so aggrieved shall deem most advisable.

If Complainant prove Facts of Payment of Rent

XXXIX. If on such Trial by Civil Bill before the Assistant Barrister the Complainant shall prove the Facts of Payment of Rent by Distress or otherwise to his immediate Landlord, and of the subsequent

subsequent Seizure of his Goods or Stock under Distress by a superior Landlord, or his being compelled to pay any Sum of Money in or towards Satisfaction of Rent due to such superior Landlord, to avoid any such Distress, he shall be entitled to recover in Damages, and shall so recover, upon such Proof made of the Facts herein-before mentioned, without any other or further Proof of Damages sustained, Ten Pounds in the Hundred of the Rent reserved and distrained for, in addition to the whole Sum he shall have paid under such Distress to the superior Landlord, but shall not be precluded from entering upon Proof of other more aggravated or special Damage sustained, if he shall prefer such Mode of proceeding for Recovery of due and adequate Compensation on such Account.

by Distress, he may recover Damages.

XL. If in any Action brought after the Commencement of this Act in any of Her Majesty's Superior Courts of Record in *Dublin*, in Debt, Covenant, Detinue, or Assumpsit, (save for Breach of Promise of Marriage,) where the Parties to the Proceedings reside within the Jurisdiction of the Civil Bill Court of the County in which the Cause of Action has arisen, the Plaintiff shall recover, for Debt or Damages, exclusive of Costs, a Sum not exceeding Twenty Pounds, or in any Action of Trespass, Trover, or Trespass on the Case (not being in Replevin, or for Slander, Libel, Malicious Prosecution, Breach of Promise of Marriage, Seduction, or Criminal Conversation with a Man's Wife,) a Sum not exceeding Five Pounds, the Plaintiff in any such Action shall not be entitled to any Costs, unless at the Trial of such Cause the Judge shall certify on the Back of the Record, either that the Case was one which could not have been tried in the Civil Bill Court, or that, although within the Jurisdiction of the Civil Bill Court, it nevertheless was a fit Case to be tried in One of such Superior Courts, or (in case there shall be no Trial) unless the Court or a Judge shall on Motion make an Order to the like Effect; and in case there shall be no such Certificate or Order, it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs, nor shall any such Plaintiff be entitled to Costs by reason of any Privilege in consequence of either the Plaintiff or Defendant being an Attorney or Officer of such Court or otherwise.

As to Costs in case of Actions in Superior Courts, where the Proceedings might have been by Civil Bill.

Replevin.

XLI. The respective Assistant Barristers shall and they are hereby authorized and empowered to hear and determine within their respective Jurisdictions all Actions of Replevin relating to Distresses for Rent made by any Landlord, or Person claiming as such, where the annual Rent reserved for or in respect of which any Distress shall have been made shall not exceed Fifty Pounds, whether a greater annual Rent may have been claimed by the Landlord or not.

Jurisdiction in Replevin Cases.

Replevin.

Appointment of Replevingers.

XLII. The Sheriff for the Time being for every County, County of a City, or County of a Town in *Ireland* shall, within Ten Days after he shall be sworn in as Sheriff, depute a sufficient Number of Persons in such County, County of a City, or County of a Town to act as Replevinger or Replevingers in Cases of Distresses for Rent, so that there shall be at least One such Replevinger in every Town wherein General or Quarter Sessions of the Peace are held; and for every Refusal or Neglect to appoint within Ten Days a Replevinger, or a sufficient Number of Persons to act as Replevingers, as aforesaid, and also for every Month during which there shall not be One such Replevinger in each such Sessions Town, every such Sheriff shall forfeit and pay the Sum of Twenty Pounds, to be recoverable by Civil Bill by any Person who will sue for the same; and such Replevinger or Replevingers so to be appointed as aforesaid shall have Authority in the Sheriff's Name to grant Replevins and make Deliverance of all Distresses in such Manner or Form as the Sheriff may and ought to do, and shall be entitled to receive the Fees in that Behalf mentioned in the Schedule (D.) hereunto annexed, and no more.

Mode of proceeding in Replevin Cases.

XLIII. Where any Party whose Goods or Chattels shall have been distrained for Rent shall dispute the Validity of the Distress, and the annual Amount of the Rent in respect of which such Distress shall or ought to have been made shall not exceed Fifty Pounds, it shall be lawful for such Party to lodge with the Clerk of the Peace for the County wherein such Distress shall have been made a Civil Bill in the Form (1.) in the Schedule (C.) to this Act annexed, stating the Particulars of the Property distrained, and the Place where, and the Person or Persons by whom or on whose Behalf such Distress was made, and requiring such Person or Persons to appear and answer such Bill at the next General or Quarter Sessions of the Peace for the Division or District in which such Distress was made, in case there shall be Ten clear Days between the Day of lodging such Civil Bill and the First Day of holding such Sessions, and if not, then at the Sessions for such Division or District next after the Expiration of Ten Days from the Day of lodging such Civil Bill, and thereupon the said Clerk of the Peace shall issue an Order in the Form (2.) of the said Schedule (C.), requiring the Sheriff of the County to replevy the Goods and Chattels so distrained; and the Sheriff to whom any such Order shall be directed, or his Replevinger, shall and he is hereby required, upon good Security being given to him by the Bond of the Person obtaining such Order, and Two or more responsible Persons, not exceeding Four in Number, as Sureties in double the Amount of the Value of the Property distrained, to execute such Order, and make a correct and proper Return in Writing of the Manner in which the same shall have been

Replevin.

been executed, or to signify the Cause why the same has not been executed, to the Court of the Assistant Barrister for the County or Riding, within Seven Days next after such Order shall have been delivered to him; provided that the Value of the Property distrained shall be ascertained by the said Sheriff or Replevinger in like Manner as the Value of Goods distrained is now ascertained by Law by the said Sheriff on taking Security in Replevins returnable to any of the Superior Courts at *Dublin;* and the Bond so to be given to the said Sheriff shall be in the Form (3.) of the said Schedule (C.), or as near thereto as the Circumstances of the Case will admit.

Form of Bond.

XLIV. In every Case where any of the Persons who shall be proposed as Sureties on behalf of any Party whose Goods or Chattels shall have been distrained shall be rejected, the Reason or Ground of such Rejection shall be stated in Writing by the Sheriff or Replevinger so rejecting: Provided always, that nothing herein contained shall be deemed or taken to exonerate any Sheriff from any Liability by reason that he, or his Replevingers, or any of them, shall have taken insufficient Sureties in any such Replevin.

If proposed Sureties be objected to, the Reason of Refusal to be stated in Writing.

XLV. In every Case where any Goods distrained shall be replevied as aforesaid a Copy of the Civil Bill which shall have been lodged with the Clerk of the Peace as aforesaid shall be served, on the Part of the Plaintiff in such Civil Bill, upon every Person named as Defendant therein, in the same Manner as Civil Bills for Recovery of Debts are hereby required to be served: Provided always, that in case the Party on whose Behalf such Distress was made shall not reside within the Jurisdiction of such Assistant Barrister, Service of such Civil Bill on the Person who made the Distress for him, or on any Bailiff who shall be in charge of the Goods so distrained, shall be deemed good Service on such Party; and such Party, although not residing within the County or Riding, shall, for the Purposes of this Act, be deemed and taken to be within the Jurisdiction of the Assistant Barrister of the County or Riding in which the Distress was made.

Copy of Civil Bill to be served on Defendant.

XLVI. The Assistant Barrister shall in every such Case of Replevin hear and determine the Civil Bill, and if it shall appear to him that such Distress was legally made, and that the annual Rent in respect of which such Distress was made did not exceed Fifty Pounds, shall ascertain whether any and what Rent was due to the Defendant at the Time of making such Distress; and if it shall appear that any Sum was due for Rent, and that no Tender of the Sum so due was made before the said Civil Bill was lodged, it shall be lawful for such Assistant Barrister and he is hereby required to ascertain

Assistant Barrister to hear and determine such Civil Bill.

Replevin.

ascertain the Sum due for Rent, and to make a Decree for Payment of the same, and the Costs for defending such Civil Bill, and of such Distress; and such Sum and Costs shall and may be levied by virtue of such Decree, and such Decree shall be in the Form (4.) in the Schedule (C.) to this Act annexed; and in case it shall appear that no Rent was due at the Time of such Distress, or that a Tender was made of the Amount due, together with reasonable Costs of Distress, previous to the lodging of such Civil Bill, or that such Distress was illegally made, it shall be lawful for the Assistant Barrister to direct the Bond which shall have been so given as aforesaid to be delivered up to the Party complaining of the Distress, and also to make a Decree in the Form (5.) of the said Schedule, for Payment by the Defendant to such Party of such Damages as the Court may think fit, and, if necessary, to direct that such Damages and Costs shall be set off against or deducted from any Rent then due or thereafter to accrue due by the Party complaining, and to make a Decree accordingly.

Bailiff a competent Witness in Replevin.

XLVII. In all Cases of any Proceedings in Replevin under this Act it shall and may be lawful, on the hearing of the Civil Bill, for the Bailiff or other Person who may have made the Distress on the Part of the Landlord claiming the Rent to be examined as a Witness on behalf of such Landlord, and he is hereby declared to be a competent Witness, notwithstanding that he may be a Party Defendant in such Action or Proceeding.

Bond to be assigned if Plaintiff do not prosecute Suit.

XLVIII. In case the Plaintiff in Replevin shall not cause said Civil Bill to be served as herein-before mentioned, or shall not duly appear at the Sessions, and there prosecute his Civil Bill, or, having appeared, his Civil Bill shall be dismissed because the annual Rent in respect of which the Distress was made exceeded Fifty Pounds, or by reason of his disputing that the Person by or on whose Behalf the Distress was made was Landlord as aforesaid, and in every Case where he shall not obtain a Decree therein, the Assistant Barrister shall, at the Request of any Party named as a Defendant in such Civil Bill, make an Order that the Bond so directed to be given to the Sheriff as aforesaid shall be assigned to the Defendant, or, if more than One, to such of the Defendants as he shall think fit; and such Bond shall be assigned by the Sheriff or his Representative to such Person or Persons as the Assistant Barrister shall direct; and such Assignment shall be by an Indorsement, signed by the Sheriff or his Representative, on the Bond, to the Effect following; that is to say,

Mode of Assignment of Bond.

'I *A.B.*, Sheriff of do hereby assign the within
'Bond to his Executors or Administrators,
'this Day of .'

Which

Replevin.

Which Indorsement shall not require any Stamp; and such Bond shall be and stand as a Security for the full Amount of the Value of the Goods distrained, and the Costs of the Proceedings in relation to the Distress, and of the Proceedings on such Civil Bill and on such Bond; and the Assignee of such Bond shall be at liberty to sue in his own Name, upon such Bond, all or any One or more of the Obligors thereof in the Court of the Assistant Barrister within whose Jurisdiction any One of such Obligors shall reside, without regard to the Amount of the Penalty of such Bond; and it shall be lawful for the Assistant Barrister to order that the Goods distrained shall be returned to the Party who distrained the same; and in every such Case where the Goods distrained shall be actually returned to the Party who distrained the same, and the Costs of the Proceedings paid, no further Proceeding shall be had on the Bond which shall have been given as aforesaid; and all such Goods, if returned or recovered under any such Decree as aforesaid, may be sold, for the Recovery of the Rent due, and Expenses, not sooner than after the Expiration of the Second Day after the Day of the Return thereof.

If Goods returned no Proceedings to be had on Bond, and Goods may be sold.

Legacies.

XLIX. Where the Amount of the Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds it shall and may be lawful for any Legatee of any specific Chattel, or for any Legatee of any pecuniary Legacy payable out of the Assets of any such deceased Person, or for any Residuary Legatee, or for any Person or Persons entitled as next of Kin of any such deceased Person, or the Executors, Administrators, or Assigns of such Legatee or next of Kin, and they and each of them are and is hereby authorized and empowered, to proceed by Civil Bill against the Executor or Administrator of such deceased Person in the County or Riding in which such Executor or Administrator, or One of such Executors or Administrators, in case there shall be more than One, shall be resident, for the Recovery of such Legacies or distributive Shares, at any Time after the Expiration of One Year from the Decease of the Testator or Intestate, but not sooner; and such Civil Bill shall be in the Form (6.) in the Schedule (C.) to this Act annexed; and it shall and may be lawful for such Assistant Barrister, upon due Proof that the Defendant had received, or without wilful Default might have received, Assets of the Testator or Intestate sufficient, and liable, after Payment of all just Debts, for the Satisfaction in a due Course of Administration, either in the whole or in part, of the Plaintiff's Demand, to make a Decree for Payment of such Legacy in the Form (7.) in the said Schedule, or to make a Decree for Payment of the distributive Portion rateably and proportionably with other Legatees standing in the same Situation, or other

Legacies and distributive Shares payable out of Assets of any deceased Person (when Assets shall not exceed 200*l.*) recoverable by Civil Bill.

Legacies.

next of Kin respectively, as the Case may be, in the Form (8.) in the said Schedule; and in case the Plaintiff shall establish his Right to any specific Chattel, it shall and may be lawful for such Assistant Barrister to make an Order for Delivery of the same to the Party entitled thereto, or to make a Decree for Payment of the Value thereof, and Costs of Suit; and in case the Plaintiff shall establish his Right as Residuary Legatee, it shall and may be lawful for such Assistant Barrister to make an Order for the Delivery, Transfer, or Payment of such Residuary Estate and Effects to the Party decreed entitled thereto.

Executors and Administrators to lodge Accounts, if required.

L. Where the Property or Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds, every Executor or Administrator shall, if thereunto required by Notice in Writing by any Legatee, next of Kin, Creditor, or other Person interested therein, at any Time after Twelve Months from the Decease of the Testator or Intestate, lodge with the Clerk of the Peace of the County wherein such Testator or Intestate resided at the Time of his Death, and if he shall reside in a County different from that in which such Testator or Intestate resided, also in the County wherein such Executor or Administrator resides, a Schedule or Account, setting forth the Particulars of the Property or Assets which the Testator or Intestate died possessed of or entitled to, and the Amount, Produce, and Value of the same respectively, and the Amounts and Particulars of the Debts due by the said Testator or Intestate, and the Amounts and Particulars of the Debts, Legacies, and Funeral and Testamentary Expenses of the Testator or Intestate paid by or on account of any such Executor or Administrator, and showing the Balance applicable to the Purposes of the Will of the said Testator, or distributable amongst the next of Kin of the said Intestate, or the Property or Chattels then undisposed of; and every such Schedule or Account shall be signed by such Executor or Administrator, and verified by the Oath or Affirmation (as the Case may be) of the Executor or Administrator, to be sworn or made before the Clerk of the Peace for the County wherein such Executor or Administrator resides, and which Oath or Affirmation the said Clerk of the Peace is hereby authorized and required to administer; and such Schedules or Accounts shall be preserved and kept by the Clerks of the Peace amongst the Records of their respective Counties or Ridings, and shall be deemed and taken as Evidence against the said Executor or Administrator of the several Matters therein contained; and in case any such Executor or Administrator shall neglect to lodge such Schedule or Schedules as aforesaid within the Time herein-before specified, he shall forfeit any Sum not exceeding Twenty Pounds, to

Penalty on Executors or Administrators neglecting to lodge

be

be recoverable by Civil Bill before the Assistant Barrister of the County wherein such Executor shall reside, by any Person so requiring such Account. such Account.

Examination of Executor or Administrator.

LI. In all Proceedings by Civil Bill by any Legatee or next of Kin for Recovery of any Legacy or distributive Share as aforesaid, it shall and may be lawful for the Plaintiff, as such Legatee or next of Kin in such Civil Bill as aforesaid, to examine such Executor or Administrator on Oath in open Court, if the Court shall deem it necessary, in order to obtain a Discovery of the Estate and Effects of the Testator or Intestate at the Time of his or her Decease, and the Value thereof, and of his or her Debts, Funeral and Testamentary Expenses, and to obtain an Admission that the Defendant is the Executor or Administrator (as the Case may be), and to ascertain all such Facts of which a Party suing as Legatee or as next of Kin in a Court of Equity is entitled to a Discovery.

Executors or Administrators to produce Copy of Will and Letters of Administration, and to submit to be examined on Oath on Trial of Civil Bill.

LII. Every Executor or Administrator may be compelled by Summons, to be issued and signed in the Manner herein-after prescribed for Witnesses summoned to give Evidence in Civil Bill Courts, to attend and produce the Probate (if any) of the Will of the Testator or the Letters of Administration of the Testator or Intestate (as the Case may be), and submit to be examined on Oath in open Court touching the Matters aforesaid on the Trial of any such Civil Bill in any Division where such Cause shall be heard; and every Executor or Administrator who shall disobey any such Summons shall forfeit and pay, to the Party at whose Request such Summons was issued, the Sum of Ten Pounds, as a Penalty, but such Fine or Penalty may be reduced or wholly remitted, if the Assistant Barrister before whom he shall have been required to attend shall, upon good and sufficient Cause being shown, think fit to reduce or remit the same.

Assistant Barrister may advertise for Claims or Assets.

LIII. It shall be lawful for any Assistant Barrister, in any Civil Bill Proceeding for a Legacy or a distributive Share of the Property or Assets of a Testator or an Intestate, to order the Party suing to give Notice, either by Advertisement or otherwise, requiring Persons having Claims on the Property or Assets of the Deceased to produce and verify such Claims; and no such Advertisement shall be charged with or liable to any Duty; and all Costs relating to such Notice shall be borne and paid in such Manner and by such Parties as such Assistant Barrister shall order or direct; and the Assistant Barrister may, if he shall think fit to direct such Notice to be given, adjourn the Hearing of the Civil Bill to some future Sessions, and from Time to Time as Occasion may require, so as to allow sufficient Time for publishing or giving such Notice.

LIV. In

Legacies.

Money may be ordered by Assistant Barrister to be paid into the Bank.

LIV. In any such Action or Proceeding the Assistant Barrister may, if he shall think fit, order Money to be paid into the Bank of *Ireland*, or such Branch Bank of the Bank of *Ireland* as he shall direct, in the Name of such Clerk of the Peace, to the Credit of the Cause in question, and such Money shall be applied and disposed of according to the Order and Directions of the Assistant Barrister, and all Payments of such Monies shall vest in the Clerk of the Peace for the Time being, and shall be made upon an Order in Writing under the Hand of the Clerk of the Peace, countersigned by the Assistant Barrister, which Order shall be a good and sufficient Warrant to all Intents and Purposes.

Legacies not exceeding 20*l.* charged on Real Estate to be recoverable by Civil Bill.

LV. It shall and may be lawful for any Legatee of any pecuniary Legacy not exceeding Twenty Pounds charged upon or payable out of any Real Estate or any Chattel Real, or for any Person to whom Arrears not exceeding Twenty Pounds are due in respect of any Rent-charge or Annuity charged upon or payable out of any Real Estate or Chattel Real, to proceed by Civil Bill against the Person who shall be entitled to the Real Estate or Chattel Real charged with such Legacy or Arrears; and it shall and may be lawful for the Assistant Barrister, upon due Proof by the Plaintiff that such Real Estate or Chattel Real is liable to such Legacy or Arrears, unless the Owner thereof shall satisfy the said Assistant Barrister that he has not received therefrom, for his own Use and Benefit, a Sum equal to the Amount of the Legacy or Sum sought to be recovered, and which was properly applicable to the Payment thereof, or that there is Personal Property liable to the Payment thereof available for that Purpose, to decree the Payment of such Legacy or Arrears by the Owner of such Real Estate or Chattel Real.

Legacies and Annuities not exceeding 20*l.* charged on Personal Estate to be recoverable by Civil Bill.

LVI. It shall and may be lawful for any Legatee of any pecuniary Legacy not exceeding Twenty Pounds, payable out of any Personal Estate, or for any Person to whom Arrears not exceeding Twenty Pounds are due in respect of any Annuity payable out of any Personal Estate, (whatever may be the Amount of such Personal Estate,) to proceed by Civil Bill against the Executor or Administrator of such Personal Estate; and it shall and may be lawful for the Assistant Barrister, upon due Proof by the Plaintiff that such Personal Estate is liable to such Legacy or Arrears, and that the Executor or Administrator thereof has received therefrom sufficient Assets applicable to the Payment thereof, and available for that Purpose, to decree the Payment by such Executor or Administrator of such Legacy or Arrears, or of such Part thereof as such available Assets will extend to pay.

LVII. Any

Legacies.

Executors de son tort to be liable.

LVII. Any Person rendering himself an Executor de son tort shall be liable to be sued by Civil Bill, as if he were a rightful Executor, in the Manner and to the Extent herein mentioned respecting rightful Executors, provided that such Executor de son tort shall not be liable beyond the Amount of the Assets actually received by him.

Parties.

One or more of several Persons liable may be sued by Civil Bill.

LVIII. Where any Person shall have any Demand recoverable under this Act against Two or more Persons jointly liable, it shall and may be lawful for him to sue by Civil Bill all such Persons so jointly liable who shall reside within the County or Riding in which such Civil Bill shall be brought, and a Decree may be made and Execution issued against the Person or Persons so sued, notwithstanding that any other or others jointly liable may reside out of the Jurisdiction of such Assistant Barrister.

Where Assistant Barrister is Plaintiff or Defendant in any Suit or resides within his County, Civil Bill may be brought to next adjoining County.

LIX. If any Assistant Barrister shall have any Cause of Action, in Replevin or otherwise, against any Person residing within the County or Riding in which he shall act as such Assistant Barrister, or if any Person shall have any Cause of Action, in Replevin or otherwise, against an Assistant Barrister who shall reside within the County or Riding in which he shall act as such Assistant Barrister, then and in every such Case such Assistant Barrister shall sue or may be sued in the Civil Bill Court of any of the next adjoining Counties, and nearest to the Residence of the Defendant, or any of the Defendants if more than One; and Service of the Process in the County or Riding in which the Defendant shall reside, made by any Process Officer of such County, or by any Process Officer of the County in which the Process is intended to be heard, shall be deemed good Service on such Defendant to appear before the Assistant Barrister at the Sessions of such adjoining County, who shall have Jurisdiction to hear and determine such Civil Bill; and the Decree or Dismiss of such last-mentioned Assistant Barrister shall have full Force and Effect in and shall be executed by the Sheriff or Sheriff's Bailiff of the County in which the Party against whom the said Decree or Dismiss has been made shall reside: Provided always, that in every such Case the Reason for bringing such Civil Bill in such next adjoining County shall be stated upon the Civil Bill Process: Provided also, that if the Service of such Process shall be made by any Process Officer of the County in which the Defendant resides, such Service may be verified by an Affidavit of Service by him made before any Justice of the Peace of the County in which such Service was effected, who is hereby authorized and required

to take the same; and for every such Service and Affidavit such Process Officer shall be entitled to a Fee of Two Shillings and Sixpence, and no more.

Process.

Civil Bill need not be signed by Attorney, but by the Plaintiff, or some one on his Behalf, save in Ejectment.

LX. The Civil Bill Process to be served upon the Defendant in all Cases not otherwise provided for, requiring him to appear before the Assistant Barrister, shall be in the Form (9.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will permit, always preserving the Substance of the same; and it shall not be necessary that any such Civil Bill Process shall be signed by any Attorney, or by the Clerk of the Peace, or by the Assistant Barrister, or any other Officer, but it shall be sufficient if the same be signed by the Plaintiff or any One or more of the Plaintiffs therein mentioned, or by any other Person on behalf of the said Plaintiff or Plaintiffs: Provided always, that in all Ejectment Cases the Civil Bill Process shall be signed by an Attorney, who shall set forth his Place of Residence thereon.

All Civil Bills, Decrees, and Dismisses to contain Addition and Residence of Parties.

LXI. Every Civil Bill Process, and Decree or Dismiss had thereon, under this Act, shall contain the Addition and last known Place of Residence of the Parties, Plaintiffs and Defendants; and that in case of the Omission thereof any such Civil Bill, unless amended under the Provisions of this Act, or Decree or Dismiss, shall be null and void to all Intents and Purposes whatsoever: Provided always, that it shall be sufficient to describe Corporate Bodies or Joint Stock Companies, whether Plaintiffs or Defendants, by the proper and respective Titles in which they are entitled to sue or to be sued, without inserting any Addition or Place of Residence, and where the Attorney General shall be a Party on behalf of the Crown, it shall not be necessary to set forth his Addition or Residence.

Stamps on Civil Bill Forms of Process and Copies.

LXII. And whereas under the Provisions of this Act divers Sums of Money will become annually charged upon and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* for additional Salaries to the Assistant Barristers, in lieu of the Fees heretofore payable to them by the Suitors upon certain Civil Bill Proceedings, which Fees henceforth will cease to be payable, and it is reasonable, in order to meet the said Charges, that certain Duties of Stamps herein-after specified should be granted and be made payable upon certain of the Civil Bill Forms and Proceedings herein specified: Be it therefore enacted, That the Forms next herein-after mentioned hereby provided to be used shall be severally subject

subject to the following Stamp Duties payable to Her Majesty; that is to say, *Process.*

	s.	d.
Every original Civil Bill Ejectment Process	2	6
Every Civil Bill for Redemption	2	6
Every original Civil Bill Process in Replevin	2	6
Every original Process for the Recovery of any Legacy or distributive Share of Assets	2	6
Every other original Civil Bill	0	6
Every Copy thereof served	0	6
Every Notice of Renewal	0	6
Every Copy thereof served	0	6
Every Recognizance of Appeal	1	0

Commissioners of Inland Revenue to issue stamped Forms.

And in the event of the Plaintiff's obtaining a Decree the Amount of such Stamps shall be charged against the Defendant or Defendants as Part of the Costs of his Proceeding; and printed Forms, with such Stamp on each as aforesaid, shall be issued from the Office of the Commissioners of Inland Revenue to the several Distributors of Stamps in *Ireland*, under such Regulations as the said Commissioners shall make for the Sale of the same by the several Sub-Distributors of Stamps, or by any other Persons; and any such Sub-Distributor of Stamps, or other Person, who shall, without express Authority from the said Commissioners for such Purpose, demand or receive for any One of such Forms, from any Person whatever, any greater Sum of Money than the Amount of the Stamp Duty on such Form, or who shall in any other Way offend against such Regulations as aforesaid, or against any other Regulations made or to be made by the said Commissioners, and which shall be from Time to Time in force as to any other Stamps, shall be liable to the same Forfeitures and Punishments as are by any Act or Acts provided for any like Offence in respect to any other Stamps issued by the said Commissioners: Provided always, that if it shall appear to the Court upon the hearing of any Civil Bill that any original Civil Bill Process or Notice of Renewal, or any Copy thereof served upon any Defendant, shall not have been duly stamped, or had been previously used as a Process, Notice, or Copy thereof in any other Suit, the several and respective Assistant Barristers are hereby required forthwith to dismiss the said Civil Bill, and to order and direct that the original Process, Notice, or Copy thereof so wanting the said Stamp required by this Act shall be held and impounded by the Clerk of the Peace.

Penalty on taking more than Amount of Stamp Duty.

Distributors or others taking more than Stamp Duty chargeable on printed Forms to

LXIII. If any Sub-Distributor of Stamps or other Person whatsoever shall (without express Authority for such Purpose from the said Commissioners), by himself, or any other for his Use or Profit, ask, demand, receive, or take any greater Sum of Money or other Thing

forfeit Five Pounds to Person injured.

Thing for any One such printed Form than the Sum which is hereby made chargeable thereon to Her Majesty as and for the Stamp Duty on such printed Form, and so in proportion for any greater Number of such printed Forms, such Person so asking, demanding, receiving, or taking, or the Person for whose Use and Benefit such greater Sum of Money or other Thing shall be asked, demanded, received or taken, by the Authority of, or Consent, Direction, or Approbation of, such Person for whose Use and Benefit the same shall be asked, demanded, received, or taken, shall forfeit and pay to the Person injured the Sum of Five Pounds, to be recovered by Civil Bill to be brought by such Person within Twelve Months from the Time of such Offence committed; provided that the Plaintiff in such Civil Bill may, at his Election, sue either the Person who shall have so asked, demanded, received, or taken such greater Sum or other Thing, or the Person for whose Use or Benefit such greater Sum or other Thing was so as aforesaid asked, demanded, received, or taken, but not both of them.

Plaintiff may sue either the Person who takes such greater Sum or the Person for whose Use taken.

Powers and Provisions of former Acts to be applied to the Stamp Duties imposed by this Act.

LXIV. The said Stamp Duties by this Act imposed and granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the several Acts of Parliament relating to any Duties of the same Kind or Description in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Stamp Duties by this Act granted or imposed, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Stamp Duties by this Act granted or imposed.

Service of Process.

How Process is to be served.

LXV. Service of any Civil Bill Process on the Defendant shall be effected, either by personal Service of the Civil Bill Process, or by leaving a Copy thereof at the Defendant's House or Place of Residence, or at his Office, Warehouse, Counting-house, Shop, Factory, or Place of Business, with the Wife, Child, Father, Mother, Brother, Sister, or any other Relation of the Defendant, or of his Wife, or with any Servant or Clerk of the Defendant, (the Person with whom such Copy shall be left being of the Age of Sixteen Years or upwards,) and showing to such Person the Original of such Civil Bill Process; and that no Decree, other than a Decree in Ejectment or Replevin, shall be made by any Assistant Barrister unless the Process in such Cause shall, by the Oath of the Process Officer in open Court before the said Assistant Barrister, or by the Production

No Decree to be made unless satisfactory Proof of Service.

Production of the Books of the Process Officer in the Cases herein-before provided, be satisfactorily proved to have been duly served, and unless it shall be proved that the House or Place of Residence in which the Defendant, or, in the Case of more than One Defendant, in which One of the Defendants, shall at the Time of such Service have usually resided, or that the Office, Warehouse, Counting-house, Shop, Factory, or Place of Business of the Defendant or One of the Defendants is situate within such Division of the County where the said Court is held at which the said Defendant or the said Defendants shall be required to appear. *Service of Process.*

LXVI. Where any Defendant in any Civil Bill shall be a Lodger in any House in which his Landlord shall also reside, Service of any Civil Bill Process within such Dwelling House upon such Landlord so residing, or upon the Wife, Child, or Servant, being of the Age of Sixteen Years or upwards, of such Landlord, and posting a Copy of such Process on the usual Place for posting Notices on the nearest Police Barrack to the House in which the said Defendant shall so lodge, shall be deemed good Service of such Civil Bill Process upon the said Defendant; provided that it shall appear to the Satisfaction of such Assistant Barrister that due Diligence had been used to effect personal Service upon the Defendant, or Service upon his Wife. As to Service of Process on Lodgers.

LXVII. If the Wife, Child, Father, Mother, Brother, Sister, or other Relative of the Defendant in any Civil Bill Process, or of his Wife, or any Servant of the Defendant who respectively usually resides with the said Defendant, shall be outside the Dwelling House or Place of Residence of the Defendant, but within reasonable Distance, it shall and may be lawful for the Process Officer to deliver to the said Wife, Child, Father, Mother, Brother, Sister, or other Relative of the said Defendant, or of his Wife, being of the Age of Sixteen Years or upwards, so usually residing with the said Defendant, or to such Servant of the said Defendant, a Copy of the said Process for the said Defendant, outside the Dwelling House or Place of Residence of the said Defendant, and within such Distance as aforesaid from the same, and such Service of Process shall be deemed as good and effectual to all Intents and Purposes as if Service on any of said Parties of said Copy of said Process had been effected within the said Dwelling House or Place of Residence: Provided always, that at the Time of such Service personal Service on the Defendant, or Service on any Person within such Dwelling House, Lodging, or Place of Residence, could not have been effected. As to Service of Process outside Dwelling House.

LXVIII. The Civil Bill Process shall, in all Cases of Ejectment, and in all Cases for the Recovery of Legacies, and distributive Shares of Assets, and in all Cases where the Demand shall exceed Twenty Pounds, be served Fifteen clear Days before the First Day of the As to Time when Processes are to be served.

Service of Process.

Sessions, and that in all other Cases every Civil Bill Process shall be served Six clear Days before the First Day of the Sessions, unless otherwise provided by any Act or Acts giving the Jurisdiction in the particular Case, and not hereby repealed, and then so as required by such Act or Acts; and that in no Case whatsoever shall any Civil Bill Process be served on *Sunday*, *Good Friday*, or *Christmas Day*, and Service upon any of said Days shall be absolutely null and void.

Defendant not to be sued out of Division in which he lives, unless as herein specified.

LXIX. No Defendant shall be liable to be sued or proceeded against by Civil Bill under this Act or obliged to appear in any Cause to be heard and determined at any Session or Adjournment thereof to be held out of the Division in which he usually resides, unless there shall be more than One Defendant in such Cause, in which Case the Plaintiff shall be at liberty to bring his Civil Bill in such Division of the County where any One of the Defendants shall so reside: Provided always, that if any Person shall have and occupy any House, Warehouse, Counting-house, Shop, Factory, or Office for the Sale of Goods, or for carrying on any Business, in any County, he shall be deemed to have a Residence within such County for the Purposes of this Act.

What shall be deemed a Residence within County.

In case of forcible Resistance to serving the Process, a Copy thereof may be posted on the Court House and on the posting Place in the nearest Market Town.

LXX. In any Case where it shall appear to the Assistant Barrister, by Examination on Oath in open Court, that any Officer appointed to serve the Process of the said Civil Bill Court has been prevented by forcible Resistance, or by reasonable Apprehension of personal Injury, from effecting Service of any Process of the said Court, it shall and may be lawful for such Assistant Barrister in every such Case to direct, by an Order to be signed by him, and entered in the Book of the Clerk of the Peace, that posting a Copy of a Civil Bill Process on the Court House in which the Court may be then sitting, and on the usual Place for posting Notices in the nearest Market Town to the Residence of the Defendant named in such Process, or of One of the Defendants if there be more than One, at least Twenty-one Days before the First Day of the next Sessions to be holden for the same Division of the County or Riding, shall be deemed good Service of such Process, and at Foot of every such Copy shall be affixed a Notice that the same is so posted by Order of the said Assistant Barrister, and that such Process will be held good Service thereof; and upon its being proved on Oath to the Satisfaction of the Assistant Barrister at the next Sessions holden for the same Division that such Copy and Notice have been so duly posted, it shall be lawful for such Assistant Barrister and he is hereby authorized and required to proceed to hear and determine such Civil Bill, in all respects as if the Process thereon had been personally served on the Defendant or Defendants named therein.

LXXI. The

Ejectments.

Assistant Barrister empowered to put Landlords in possession of deserted Tenements in arrear for Half a Year's Rent.

LXXI. The respective Assistant Barristers shall and they are hereby authorized and empowered to hear and determine, within their respective Jurisdictions, all Disputes and Differences between Party and Party respecting or relating to Lands, Tenements, or Hereditaments, or any Part thereof, situate within their respective Jurisdictions, to the Extent and in manner following; that is to say, that if any Tenant holding any Tenement who shall be in arrear for One Half Year's Rent shall desert the Tenement demised to him, whether by Deed, Contract, or Minute in Writing, or by Parol, or from Year to Year, or leave the same uncultivated, or carry off the Stock and Crop, or otherwise abandon the same, so that no sufficient Distress may be had to countervail the Arrears of Rent due for the same at the Time of such Desertion, it shall be lawful for the Landlord or Lessor of the Tenement so deserted, or left unoccupied or uncultivated, to proceed by way of Civil Bill before the Assistant Barrister of any County or Riding in which the Tenement or any Part thereof shall be situate, to obtain Possession of the Tenement so deserted or left unoccupied or uncultivated, and thereupon it shall and may be lawful for Two or more Justices of the Peace of the County or Riding in which such Tenement or any Part thereof shall be, having no Interest in the demised Premises, at the Request of such Landlord or Lessor, his Bailiff or Receiver, to go upon and view the same, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and, having fully ascertained to their Satisfaction, by Examination of Witnesses or by their own View, that the Premises are so deserted by the Tenant, or left so unoccupied or uncultivated as aforesaid, and without sufficient Distress to countervail the Arrears of Rent due at the Time of such Desertion, to certify to the Assistant Barrister before whom such Proceedings by Civil Bill shall be, under the Hands and Seals of such Justices, that they have together viewed the Tenement in question (fully describing the same), and that the same appeared to them deserted and unoccupied or uncultivated, and without any Distress thereon sufficient to countervail the Arrear of Rent ascertained by Affidavit of the Landlord or Lessor, his Agent, Bailiff, or Receiver, to be due thereon, after all just and fair Allowances; which Certificate, when proved to have been duly executed, shall be Evidence of the Facts therein contained, unless the same shall be disproved by contrary Evidence to the Satisfaction of the Assistant Barrister before whom the Case shall come, upon such Civil Bill as aforesaid, or to the Satisfaction of a Judge upon Appeal from such Civil Bill; and it shall and may be lawful for the said Landlord, after obtaining from the said Justices the said Certificate, to serve a Civil Bill Process, together with a Copy of such Certificate, on the Tenant against whom such Proceeding shall be had, if such Tenant can be found, and

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and if not, to affix such Process and a Copy of such Certificate upon some conspicuous Part of the said Tenement, and also upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if any within the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if any within the Parish), summoning the Tenant or Tenants who may have so deserted the Premises personally to appear before the Assistant Barrister on the First Day of the Quarter Sessions to be held for the Division of the County in which the Premises or any Part of them shall be, or, in Cases where the Premises shall be situate within the County of the City of *Dublin*, at a Court to be held before the Recorder, to answer the said Bill of the Landlord or Lessor; and that it shall be lawful for the said Assistant Barrister, Chairman of the County of *Dublin*, or Recorder, as the Case may be, upon such Civil Bill, and upon Proof of such Certificate by any Person who may have witnessed the Execution of the same, and upon Proof that at least One Half Year's Rent was due to such Landlord or Lessor for the Premises when such Certificate was made, and that the Civil Bill Process and a Copy of such Certificate were served as aforesaid, or that the Tenant could not be found so that the same could be served, then, upon Proof that such Process and a Copy of such Certificate had been duly affixed as herein-before mentioned, and upon hearing the Tenant, in case such Tenant shall appear, and such Evidence as shall be offered on behalf of such Tenant, if any shall be offered, and duly considering the same, to decree the said Landlord or Lessor to be put into possession of the Premises.

Ejectment for Premises held by Tenant at a Rent not exceeding 50*l.* per Annum, withheld after legal Notice, where Tenant's Interest is determined, and Possession has been demanded.

LXXII. In all Cases where any Lands, Tenements, or Hereditaments shall have been held by any Tenant at a Rent not exceeding Fifty Pounds *per Annum*, and the Tenant's Interest in the same shall have determined, and after Demand made by the Landlord or Lessor, his Agent, Bailiff, or Receiver, and Delivery of Possession of the same shall be withheld, it shall and may be lawful for the said Landlord or Lessor to proceed by Civil Bill against such Tenant, and such other Person, if any, as shall be in the actual Possession of the Premises, and thereupon to serve such Tenant and such other Persons as aforesaid with a Civil Bill Process, if such Service can be effected, and if it shall be proved to the Satisfaction of the Assistant Barrister or Judge on Appeal that such Service cannot be effected, or in case there be not any Person in actual Possession of the Premises, to affix such Process upon some conspicuous Part of the Premises, and also upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if any within the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any within the Parish),

Parish), by which Process all Persons claiming to have any Interest in the Premises shall be required to appear before the Assistant Barrister, Chairman of the Sessions of the Peace, or Recorder, as the Case may be, on the First Day of the Quarter Sessions for the Division of the County or Riding in which the Premises or any Part thereof shall be situate, or at a Court to be held before the Recorder for the hearing and determining of Civil Bills, in Cases where the Premises are situate within the County of the City of *Dublin*, to answer the Bill of the said Landlord or Lessor, praying to be put into possession thereof; and it shall and may be lawful for the said Assistant Barrister, Chairman of the Sessions of the Peace, or Recorder, as the Case may be, upon such Civil Bill, and upon Proof of such Service as aforesaid, or in case of Impossibility or unreasonable Difficulty of Service, to be ascertained in manner herein-before provided, or in case there shall be no Person in actual Possession of the Premises, upon Proof of affixing the said Process as herein-before required, and that the Premises had been held by the Tenant against whom such Proceedings shall be at a Rate not exceeding Fifty Pounds *per Annum*, and that the Interest of the Tenant had determined, and that Notice to quit (in Cases where such Notice is by Law necessary) had been duly served, and the Time for the Delivery of the Possession thereof expired, to decree the said Landlord or Lessor to be put in possession of the Premises.

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LXXIII. In all Cases where any Lands, Tenements, or Hereditaments shall have been held by any Tenant under any Lease, Article, Minute, or Contract in Writing, or by Parol Demise, or under a Tenancy from Year to Year, at a Rent not exceeding Fifty Pounds *per Annum*, and that a full Year's Rent shall be due thereout, it shall and may be lawful for the Lessor or Landlord to proceed by Civil Bill Ejectment against such Tenant, and also against such Persons (if any) as shall be in actual Possession of the said Premises, and also against Persons having any Interest for valuable Consideration, in Cases where the Deeds or Instruments, if any, creating such Interests shall have been duly registered, and thereupon to serve such Tenant and such other Persons as aforesaid with Civil Bill Process (if such Service can be effected), and if it shall be proved to the Satisfaction of the Assistant Barrister or Judge on Appeal that such Service cannot be effected, or in case there be not any Person in actual Possession of the Premises, to affix such Process upon some conspicuous Part of the said Premises, and also upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if there shall be any in the Parish), and also upon the Door or Gate or One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any in the Parish), by which Process all Persons claiming to have Interest in the Premises shall be required to appear before the

How Landlord shall proceed in Cases where a Year's Rent shall be due.

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said Assistant Barrister, Chairman of the County of *Dublin*, or Recorder of any City or Borough, as the Case may be, on the First Day of the Quarter Sessions for the Division of the County or Riding in which the Premises or any Part of them shall be situate, or at a Court to be held before such Recorder for the hearing or determining of Civil Bills, in Cases where the Premises shall be situate within the Jurisdiction of such Recorder, to answer the Bill of the said Lessor or Landlord praying to be put in possession thereof; and it shall and may be lawful for the said Assistant Barrister, Chairman, or Recorder, as the Case may be, upon Proof of such Service as aforesaid, or, in case of Impossibility or unreasonable Difficulty of Service, to be ascertained as herein-before provided, upon Proof of such affixing of the said Process, and that the Premises were then held by the Tenant at a Rent not exceeding Fifty Pounds *per Annum*, and that a Sum equal to One full Year's Rent at such Rent was due when such Proceeding by Civil Bill was commenced, and still remained due, to decree the said Lessor or Landlord to be put into possession of the said Premises; and in case the Tenant or Tenants, his or their Assignee or Assignees, or other Person or Persons claiming or deriving under him or them, shall suffer the Decree to be executed putting the Lessor or Landlord into possession of the Premises, without paying the Rent and Arrear thereon, with full Costs, or without preferring a Civil Bill for Relief to the Assistant Barrister, Chairman, or Recorder, as the Case may be, or filing any Bill or Bills for Relief in Equity within the Time now limited by the several Statutes which regulate the Action of Ejectment for Nonpayment of Rent after such Execution executed, then and in such Case the said Tenant or Tenants, his or their Assignee or Assignees, and all other Persons deriving under him or them, shall be barred and foreclosed from all Relief or Remedy in Law or Equity, other than by Appeal from the Decree, the said Appeal to be brought within the Time by this Act limited for bringing of Appeals on Civil Bills: Provided always, that the Tenant or other Person so evicted under the Provisions of this Act for or by reason of Nonpayment of Rent may, at any Time within Six Calendar Months after Execution executed, tender the Rent and Costs, for the Purpose of redeeming the said Premises; and that in all Cases where he or they shall have made such Tender, he and they may be restored to the Possession of such Premises by a Decree of the Assistant Barrister, Chairman, or the Recorder, as the Case may be, on a Civil Bill for Redemption preferred for that Purpose, and due Proof made of their being respectively entitled thereto, anything in this Act contained to the contrary notwithstanding.

Tenant, after Execution of Decree, may appeal therefrom;

and may tender Rent and Costs to redeem Possession.

In Civil Bill Ejectments for Nonpayment of Rent

LXXIV. In all Cases of Ejectment by Civil Bill for Nonpayment of Rent the Amount claimed to be due for Rent, and the Times

Times at which the same accrued, shall be stated upon the Civil Bill, which Statement shall be written or printed thereon in the following Form, or as near thereto as the Nature of the Case will admit; (that is to say,) ment of Rent the Amount claimed shall be stated.

'THE Plaintiff claims being for Years Rent
' up to the Day of and if the Amount
' thereof be paid to the Plaintiff or his Attorney, or his known Agent
' or Receiver, together with the Sum of Shillings, the
' Amount of the Stamp Duty paid on the original Ejectment and
' Copies served, and Five Shillings for Service and filing the Eject-
' ment, the said Sums making together the Sum of in
' full of all Costs of such Ejectment Proceedings, before the
' Day of (being the Day next but One before the First Day
' of the next Sessions), further Proceedings will be stayed.'

And upon Payment or Tender within the Time so mentioned of the Rent so specified, together with such Sum as aforesaid for Costs, to the Plaintiff, or his Attorney, known Agent, or Receiver, all further Proceedings in such Ejectment shall cease and be stayed accordingly.

LXXV. It shall be lawful for any Defendant in any Civil Bill Ejectment for Nonpayment of Rent, Five Days previous to the Day on which by such Civil Bill he is required to appear, to deposit with the Clerk of the Peace a Sum of Money for Rent, together with the Sum mentioned on said Civil Bill for Costs, for which Deposit the Clerk of the Peace, upon Payment of a Fee of One Shilling and Sixpence, shall give to the Defendant a Certificate according to the Form (10.) in the Schedule (C.) hereto annexed, and also a Duplicate of such Certificate, which Certificate and Duplicate shall be free from the Payment of Stamp Duty, and of which Certificate a Copy shall be entered by the Clerk of the Peace in the Book kept by him for entering Decrees in Civil Bill Ejectments; and the Defendant shall, Three Days previous to the Day on which he is required to appear as aforesaid, deliver to or leave at the Place of Abode of the Plaintiff, his Agent, Receiver, or Attorney in such Cause, such Duplicate Certificate; and in case the Plaintiff or his Attorney in such Cause shall receive from the Clerk of the Peace the Sum so deposited, which the said Clerk of the Peace is hereby required to pay over to the Plaintiff or his Attorney on Demand, such Receipt and Payment shall be deemed to be in full Discharge of the Rent claimed by such Civil Bill and of Costs; but in case the Plaintiff or his Attorney, after such Certificate shall have been delivered or left as aforesaid, shall not accept the Sum so deposited, on or before the Day next previous, or (in case of *Sunday* intervening) on or before the Day next but one previous to the Day on which the Defendant is required to appear as aforesaid, and if upon the hearing of such Civil Defendant may deposit Rent and Costs Five Days before the First Day of the Sessions.

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Civil Bill it shall appear that no greater Sum than the Sum so deposited for Rent was due to the Plaintiff for Rent at the Time of the Service of such Civil Bill Ejectment, and that such Duplicate Certificate has been delivered or left as aforesaid, it shall be lawful for the Assistant Barrister to dismiss such Civil Bill, with the Costs of the Proceedings subsequent to the Time of the making of such Deposit, as in other Cases of Dismisses of Civil Bill Ejectments; or if it shall appear that any greater Sum than the Sum so deposited for Rent was due to the Plaintiff for Rent, then it shall be lawful for the Assistant Barrister to make a Decree for the Plaintiff, with Costs, and thereupon the Amount of the Deposit shall be returned to the Defendant.

In such Civil Bill Ejectments, if the Defendant, before a Decree, pay or tender the Rent and Costs, the Proceedings shall be stayed.

LXXVI. If the Tenant or the Defendant in any such Civil Bill Ejectment shall at any Time after the Period herein-before limited for making such Deposit for Rent and Costs, and before the signing and issuing of a Decree upon such Civil Bill, pay or tender to the Lessor or Landlord, his Executors or Administrators, or his or their Agent, or the Attorney in such Civil Bill Ejectment, all Rent and Arrears then due, together with the Costs, it shall be lawful for the Assistant Barrister to order all further Proceedings on such Civil Bill to be stayed and discontinued, upon Payment of such Costs as he shall deem reasonable to be paid by the Defendant, not exceeding such Costs as would be properly payable at the Time of such Tender: Provided always, that in case of such Tender as last aforesaid, and Refusal to receive the Sum so tendered, such Money shall be lodged in the Hands of the Clerk of the Peace, and shall be paid over to such Landlord or Lessor on Demand: Provided also, that the Decision of the Assistant Barrister in any of the Cases aforesaid shall be subject to such Appeal as herein-after provided in other Cases of Civil Bill Ejectments for Nonpayment of Rent.

The Warrant for Execution in Ejectment for Nonpayment of Rent shall state the Amount due for Rent and Costs, and upon Payment thereof, with Fees, Execution shall be stayed.

LXXVII. Upon every Sheriff's Warrant under a Decree in any Civil Bill Ejectment for Nonpayment of Rent there shall be a Statement of the Amount of the Rent then due, according to the Affidavit of the Landlord or his Agent verifying the Ejectment, and of the Plaintiff's Costs; and if at any Time before Execution executed the Defendant or Tenant shall pay to the Sheriff the said Sums for Rent and Costs, together with One Moiety of such Sheriff's Fees for such Execution as would be legally payable if such Execution had been executed, such Sheriff shall stay such Execution, subject nevertheless to any Order which may be made by the Court from which such Execution shall have issued, and the Sheriff shall indorse on such Civil Bill as a Return thereto the Receipt by him of such Rent, Costs, and Fees.

LXXVIII. Every

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Remedy for obtaining Arrears of Rent.

LXXVIII. Every Lessor or Landlord recovering Possession by such Decree as aforesaid shall and may have the same and like Remedy for all Arrears of Rent to the Time of the Execution of the said Decree as such Lessor or Landlord might have had if Possession had not been obtained under such Decree.

As to Ejectment on Title.

LXXIX. The Chairman of the County of *Dublin*, and the several Assistant Barristers, and the Recorder of the County of the City of *Dublin*, and the several Recorders herein mentioned, shall and they are hereby authorized and empowered to hear and determine within their respective Jurisdictions all Disputes and Differences respecting the Possession of any Lands, Tenements, or Hereditaments held under any Grant, Lease, or other Instrument for any Term or Interest the Duration or Extent whereof when originally granted or created did not or shall not exceed Three Lives, without any Provision for the Renewal thereof, or a Term of Sixty-one Years determinable on Three Lives, or Three Lives with a concurrent Term of Years not exceeding Sixty-one Years, or a Term of Sixty-one Years absolute, and the yearly Rent reserved or payable in respect whereof under such Grant, Lease, or other Instrument shall not exceed Twenty Pounds, and in respect of which no Fine exceeding Twenty Pounds shall appear on the Face of such Grant, Lease, or other Instrument to have been paid on the granting or Execution of such Grant, Lease, or other Instrument, or held under a Parole Demise for a Term not exceeding Three Years at a Rent not exceeding Twenty Pounds, whether any Fine was paid upon the Creation of the same or not, or held for any Term or Tenancy from Year to Year at a Rent not exceeding such Amount as aforesaid; and every Person claiming such Possession may proceed by Civil Bill in the Court for the Division of the County or Riding wherein such Lands, Tenements, or Hereditaments or any Part thereof shall be situate, for Recovery of such Possession.

As to Ejectment on Acknowledgments.

LXXX. The said Chairman, and the several Assistant Barristers, and the said Recorders, shall and they are hereby respectively authorized and empowered to hear and determine within their respective Jurisdictions all Disputes and Differences respecting the Possession of Lands, Tenements, or Hereditaments held under an Acknowledgment in or substantially according to the Form (11.) in the Schedule (C.) to this Act annexed, between the Plaintiff in the Civil Bill Decree, to which such Acknowledgment shall refer, or on which the same shall be founded, or any Person claiming or deriving under him, and any Occupier who shall have signed as aforesaid such Acknowledgment, or any Person claiming or deriving under him.

As to Service of Bill in such Cases.

LXXXI. Every Civil Bill Process brought for the Recovery of the Possession of any Lands, Tenements, or Hereditaments held in

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in the Manner specified in either of the Two immediately preceding Provisions shall be duly served upon all and every Person or Persons who shall be in the actual Possession of the Lands, Tenements, or other Hereditaments specified in and claimed by any such Civil Bill, and also such other Person or Persons (if any) as shall be interested in the same or in any Part thereof, under any registered Conveyance; and if there be not any Person in the actual Possession of such Lands, Tenements, or Hereditaments, then the affixing of such Civil Bill to or upon some conspicuous Part of the Premises so claimed, and upon the Door or Gate or One of the Piers of the Door or Gate of the Parish Church (if there shall be any in the Parish), and also upon the Door or Gate or upon One of the Piers of the Door or Gate of the Roman Catholic Chapel (if there shall be any in the Parish wherein the said Premises shall be situated), shall be and be deemed to be good and sufficient Service of such Civil Bill; and it shall be lawful for the Assistant Barrister to make an Order or Decree for the delivering up of Possession of such Lands, Tenements, or Hereditaments to the Party entitled thereto.

As to Ejectments against Tenants at Will or permissive Occupants.

LXXXII. And whereas Owners of Land in *Ireland* are often Sufferers by Caretakers, Servants, Herdsmen, and other Persons holding over the Possession of Lands and Premises which they do not hold under any Lease or Parol Demise, but strictly at Will or by Sufferance, or merely by Permission: Be it enacted, That if any Person who shall have been heretofore, or shall hereafter be, by the Owner of any Land, Tenements, or Hereditaments, or by his Agent, Receiver, or Bailiff, put or let into occupation or possession thereof by Permission, or as Servant or Caretaker, or as Tenant strictly at Will or by Sufferance, shall refuse or omit to quit and deliver up Possession of the said Premises, on Demand made by the Owner thereof, or his known Agent or Bailiff, it shall and may be lawful for such Owner, his Heirs, Executors, Administrators, or Assigns, (after such Demand and Refusal or Omission to deliver up the same,) to proceed by Civil Bill Ejectment Process for the Recovery of the Possession thereof against such Person or Persons so in occupation or possession, or any Person or Persons being or claiming to be in occupation or possession by, through, or under such Person or Persons; and it shall and may be lawful for the respective Assistant Barrister, Chairman, or Recorder to hear and determine such Civil Bill in the same or like Manner as he is hereby empowered in Cases of Ejectment against over-holding Tenants, and to make a Decree or Dismiss thereon: Provided always, that nothing in this Provision contained shall be deemed to affect or prejudice any Right or Remedy which any such Owner of Land, his Heirs, Executors, Administrators, or Assigns, might have used or exercised in such Case for taking or obtaining the actual Possession of such Premises, if this Act had not been passed.

LXXXIII. That

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What the Civil Bill in Ejectment Cases shall specify.

LXXXIII. That in every Ejectment by Civil Bill, the Civil Bill in Cases between Landlord and Tenant shall specify the Names of the Landlord or Lessor and Tenant or Tenants respectively, the Nature of the Tenancy, the Description of the Premises, and the Baronies or Parishes wherein the same shall be respectively situated, and the Rent at which the same shall be then or had been last holden; and also, in Cases where the Proceeding shall be grounded on Desertion, the Fact of Desertion by the Tenant, and the Amount of Rent due, after all fair and just Allowances, and the Insufficiency of Distress to countervail the same; and in Cases where the Proceedings shall be grounded on the Tenancy having determined, the Fact of the Determination of such Tenancy, and the Means by which the same shall have been determined, and Refusal to deliver up Possession; and in Cases where the Proceedings shall be grounded on Nonpayment of Rent, the Amount of the Rent due after all fair and just Allowances, and up to what Gale Day due; and in Cases where the Proceedings shall be grounded on a Claim respecting the Possession of Lands, Tenements, and Hereditaments held under any Grant, Lease, or other Instrument, or by Parol Demise, or as Tenant from Year to Year, the Name and Residence of the Claimant, the Description of the Property sought to be recovered, and the Barony or Parish where situate, and how the said Lands and Tenements were held, whether for Lives or Years, or by Parol Demise, or from Year to Year; and in Cases where the Proceedings shall be grounded on the Tenancy having determined, and when such Tenancy was created by Agreement after a Decree for Delivery of Possession obtained by an Ejectment, the Fact of the Determination of such Tenancy, and the Means by which the same shall have been determined, and the Refusal to deliver the Possession, and where the Occupation was permissive the Fact of its having been so, and of a Demand and Refusal of Possession, and the Truth of the Contents of the said Civil Bill, shall be verified by the Affidavit of the Landlord or Lessor or Owner, his known Agent or Receiver, such Affidavit to remain in the Custody of the Clerk of the Peace of the County in which such Bill shall be filed.

Where Tenement in question shall be situate in Two Counties, Proceedings to be in either of them, &c.

LXXXIV. If any Lands, Tenements, or Hereditaments touching which any Proceeding by Civil Bill shall be had in pursuance of this Act shall be situate in Two or more Counties, such Proceeding shall be in any One of such Counties; and the Sheriffs of the respective Counties in which any Part of such Tenement or Premises shall be, and in which such Proceedings shall not be had, shall, so far as relates to the Portion of such Tenement or Premises within their respective Bailiwicks, execute such Decree as shall be made on such Civil Bill, upon Delivery to him or them of a Copy thereof, signed by the Chairman, Assistant Barrister, or Recorder who

Ejectments.

Assistant Barrister to have Jurisdiction in a City or Town which is a County of itself.

who shall have made such Decree: Provided always, that if any Tenement shall be situate in the whole or in part within the County of any City or Town which is a County of itself, except the County of the City of *Dublin*, the Assistant Barrister of the County at large having Jurisdiction for other Purposes within such County of a City or Town, and the Justices of the Peace for such County at large, shall have the same Jurisdiction and exercise the same Powers with respect to such Tenement as if the same had been situate in the County at large, anything in this Act or any Law or Usage to the contrary notwithstanding: Provided also, that in all Cases where it may happen that the Assistant Barrister, or the said Chairman or Recorder, as the Case may be, shall be the Landlord, Lessor, or Owner, or shall claim to be entitled to the Possession of any Lands, Tenements, or Hereditaments situate in Two or more Counties, and where any Part of the same shall be situate within his respective Jurisdiction, and that he shall be desirous to institute Proceedings in respect of the said Tenements or Premises under or by virtue of this Act, such Proceedings shall be in the County or Place without the Jurisdiction of such Assistant Barrister, Chairman, or Recorder where the other Part of such Lands, Tenements, or Premises may still be situate.

In case Assistant Barrister sues for Lands situate in his own Jurisdiction, Proceedings to be had in a Place without his Jurisdiction.

Assistant Barrister, being a Landlord in his own Jurisdiction, may proceed by Civil Bill before Assistant Barrister of any adjoining County.

LXXXV. And whereas it is reasonable, in Cases where it may happen that the Chairman, or any Assistant Barrister, or the Recorder, is the Landlord or Lessor of or claims to be entitled to the Possession of any Lands or Tenement, within his own Jurisdiction, that Provision should be made for extending to such Chairman, Assistant Barrister, or Recorder the Benefits of this Act: Be it therefore enacted, That in every such Case it shall and may be lawful for such Chairman, Assistant Barrister, or Recorder to proceed by way of Civil Bill respecting such Lands or Tenements before the Chairman or any Assistant Barrister of any of the Counties next adjoining to that wherein such Lands or Tenements shall be so situate, in the same Manner as any other Landlord or Claimant might proceed respecting any other Tenement before such Chairman or Assistant Barrister; and an Appeal shall lie from any Decree of such Chairman or Assistant Barrister upon such Civil Bill to the Judge at Nisi Prius, or the next going Judge of Assize, as the Case may be, in the same Manner, and subject to the same Restrictions, Conditions, and Limitations, as are applicable to other Civil Bill Decrees and Dismisses, as herein provided.

Appeal.

Service of Ejectment off the Premises on the Wife, Child, or Servant of

LXXXVI. Whenever it shall happen that the Defendant in any Ejectment Proceeding brought for the Recovery of any Lands, Tenements, or Hereditaments under the Provisions of this Act shall not be resident on such Lands, Tenements, or Hereditaments, the

Delivery

Delivery of any Notice or Process to such Defendant in Person, or, at the Dwelling House or Place of Residence of such Defendant, to his Wife, or to any Child or Servant of such Defendant, or to the Father, Mother, Brother, Sister, or other Relation of the said Defendant or of his Wife residing with the said Defendant, and being of the Age of Sixteen Years or upwards, shall in all Cases be deemed good and sufficient Service of any such Notice or Process, although such Defendant or Defendants shall not be resident, or his or their Dwelling House or Houses or Place of Residence shall not be situate, on the Lands or Tenements comprised in such Ejectment, or to which such Notice or Process shall relate, any Law, Usage, or Custom to the contrary in anywise notwithstanding: Provided always, that if a Defendant shall have gone out of *Ireland*, and shall have left his Wife and Family residing in the Dwelling House usually occupied by him while in *Ireland*, Service of the Process in Ejectment upon his Wife or any Member of his Family, being of the Age aforesaid, at such Dwelling House, shall be deemed and taken as good Service of the Process upon the Defendant, so as to enable the Landlord or Owner to obtain a Decree for the Possession of said Lands.

Defendant at Dwelling House deemed good Service.

LXXXVII. If any Lands or Tenements, or any Part of any Lands or Tenements, for which any Proceeding by Civil Bill Ejectment shall be had under the Authority of this Act, shall be in any extra-parochial Place, and there shall be any Chapel or Place of Public Worship in such extra-parochial Place, all Processes and Copies of Certificates before required to be fixed on the Door or Gate or on the Pier of the Door or Gate of a Parish Church or Roman Catholic Chapel in Places not extra-parochial shall be fixed on the Door or Gate or on One of the Piers of the Door or Gate of such Church, Chapel, or Place of Public Worship in such extra-parochial Place; and if there shall be more than One such Church, Chapel, or Place of Worship, then such affixing upon any One, in manner aforesaid, shall be sufficient.

How Ejectment Process shall be fixed in extra-parochial Places.

LXXXVIII. In all Proceedings under this Act by Civil Bill Ejectment for Nonpayment of Rent the Affidavit of the Landlord or Lessor, or his Agent or Receiver, for ascertaining the Amount of the Rent due, shall be admissible.

Affidavits of Landlords admissible in Ejectments.

LXXXIX. In all Cases of Ejectment by Civil Bill, as between Landlord and Tenant, except where the Proceedings shall be grounded on Nonpayment of Rent, the Chairman, Assistant Barrister, or Recorder shall, if required, sign Two Copies of every Decree which shall be made, and also a Memorial thereof, for the Purpose of Registry in manner herein-after mentioned, and that his affixing his

Assistant Barrister to sign Two Copies of Ejectment Decrees for Registry.

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Signature to One of the said Copies shall be witnessed by some Person present at the Time of such Signature; and that it shall and may be lawful for the Landlord or Lessor, if he thinks proper, at any Time between the Termination of the Assizes for the County then next ensuing and the Commencement of the Assizes thereafter next following, to register One Copy of the said Decree in the Office for the Registry of Deeds and Wills in *Ireland*, by lodging a Memorial, and proving the Perfection of the same, in like Manner as is now provided by Law for the registering of Deeds; and that from and after the Registry of the said Decree it shall have the further Effect of a Conveyance to the said Landlord or Lessor of any Interest which the Tenant, or any Person claiming under him, may or might have in and to the said Lands and Premises, freed and discharged from all Leases, Contracts, Mortgages, Debts, Charges, or Incumbrances which the said Tenant, or any Person claiming under him, may have charged, made, or created thereon.

No greater Fee to be demanded for the Registry of a Decree than for Registry of a Deed. Penalty.

XC. If any Person in the said Office for the Registry of Deeds in *Ireland* shall demand or take any greater Fee, Gratuity, or Sum of Money, for or on occasion of the Registry of any of the said Decrees, than he is now by Law entitled to for the Registry of a Deed, he shall forfeit the Sum of One hundred Pounds for every such Offence, to be recovered in an Action of Debt by any Person suing for the same.

Clerk of Peace to keep Books in which Ejectments are to be entered.

XCI. The Clerk of the Peace of each County, and the respective Registrars of the County and County of the City of *Dublin*, shall enter in a Book to be kept for that Purpose all Decrees in Ejectment which shall be made at any Sessions of the Peace of such County or County of a City, and which Entries shall specify the Names of the Plaintiffs and Defendants, and the Tenements recovered, as the same shall be specified in the Civil Bills concerning the same, which Book every Person shall have Liberty to inspect and examine, paying to the Clerk of the Peace or Registrar for such Inspection and Examination the Fee of One Shilling and Eightpence; and that the said Clerk of the Peace or Registrar, within Three Days next after the Close of each Session of the Peace, shall post on the Outside of the Door of the Court House where such Sessions were held a correct List of such Causes in which any Tenements shall have been recovered at such Sessions under this Act, which List shall specify the Parties Names and the Description of the Tenements as set forth in the Civil Bill upon which the same shall have been recovered, upon pain of forfeiting for every such Omission the Sum of Ten Pounds, to be recovered by Civil Bill by any Person suing for the same: Provided always, that the Omission

to make such Entry or posting shall not invalidate or in any way affect any Decree, or the Recovery of the Possession of any Lands or Premises. *Ejectments.*

XCII. It shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, and they are hereby respectively required, in Cases of Civil Bill Ejectment, on the Request of either Party or his Attorney, to tax the Costs between Party and Party, and to include the same in the Decree or Dismiss, as the Case may be, and further, on the like Request, to tax Costs between Attorney and Client upon any Proceedings that shall have been taken or may hereafter be taken for the Recovery of the Possession of Lands or Tenements under the Provisions of this Act, and no Clerk of the Peace shall have any Power to tax the same, and no Fee shall be payable for such Taxation; and no Attorney shall be entitled to recover any Sum against any Client for or by reason of any Proceedings in Ejectment under this Act, or any Preparation for such Proceedings, unless the same shall have been previously taxed in manner herein provided; and it shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, and they are hereby respectively required, to examine upon Oath (which Oath they are hereby respectively authorized to administer) the Attorney seeking to charge such Client, as to all Matters and Things which it may appear to the said Chairman, Assistant Barrister, or Recorder necessary to ascertain for the due Taxation of the said Costs: Provided always, that no Sum shall be allowed to the Plaintiff's Attorney for any Searches for Incumbrances affecting the Lands and Tenements, unless he shall have received Directions in Writing from the Plaintiff or his Land Agent authorizing him to make the same.

Assistant Barrister, &c. to tax Costs of Ejectments.

No Attorney entitled to recover until such Costs are taxed.

Assistant Barrister to examine Attorney on Oath as to Costs.

XCIII. The Forms in the Schedule (C.) to this Act annexed (marked 12, 13, 14, 15, 16, and 17), or any other Forms to the like Effect, may be used in the respective Cases in the said Schedule mentioned, as and for the Process in such Cases; and the Forms in the said Schedule (marked 18, 19, 20, 21, 22, and 23), or any other Forms to the like Effect, may be used in the respective Cases in the said Schedule mentioned, as and for the Decrees in Ejectment; and the Form (marked 24) in the said Schedule, or any other Form to the like Effect, may be used by the Magistrates in the said Act mentioned, as and for a Certificate for Desertion; and the Form (marked 25) in the said Schedule, or any other Form to the like Effect, may be used for the Affidavit ascertaining the Rent due, to enable the Magistrates to grant such Certificate.

Forms to be used in proceeding by Ejectment under this Act.

XCIV. It

Ejectments.

Assistant Barrister may order Costs to be paid by One Defendant in Ejectment only.

XCIV. It shall and may be lawful for the Chairman, Assistant Barrister, or Recorder, upon the Hearing of any Ejectment, where there shall be more than One Defendant, upon his pronouncing a Decree, to order and direct that the Costs of such Ejectment Proceedings shall be paid by and recovered from One or more of such Defendants by Name, and not from the other or others of them.

Sheriff to execute all Decrees for Possession within One Fortnight.

Fee for the same.

XCV. It shall be lawful for every Sheriff or Under Sheriff, and he is hereby required, in every Case in which no Special Bailiff shall have been appointed at the Nomination of the Plaintiff, as herein-after provided, to execute all Decrees for delivering the Possession of any Lands, Tenements, or Hereditaments within One Fortnight after the same shall be so delivered to him; and every such Sheriff or Under Sheriff shall be entitled to and be paid a Sum of One Pound One Shilling, and no more, in every Case where he shall so execute the same: Provided nevertheless, that it shall be lawful for the Sheriff or Under Sheriff, and he is hereby required, if called on by the Plaintiff so to do, to grant his Warrant to a Special Bailiff, at the Plaintiff's Nomination, in like Manner as for the Execution of any other Civil Bill Decree; and that it shall and may be lawful for such Special Bailiff to whom such Warrant shall be granted, together with his Assistants, to execute the same by delivering the Possession of the Lands, Tenements, or Hereditaments therein named to the Plaintiff to whom the same shall have been decreed, or to any Person appointed by the said Plaintiff to receive the Possession on his Behalf; and in every Case where the said Sheriff or Under Sheriff shall grant his Warrant to a Special Bailiff for executing any such Decree for delivering Possession as aforesaid he shall be entitled to and be paid the Fee of Two Shillings and Sixpence, and no more.

Sheriff may grant Warrant to Special Bailiff for Execution of Decree.

Fee for such Warrant.

Title to Lands, &c. not to be drawn into question.

XCVI. The Title to Lands, Tenements, and Hereditaments (except in the Cases herein-before mentioned) shall not be drawn into question in any Proceeding by Civil Bill under this Act; and every Defendant in every Civil Bill shall be entitled, on the Hearing of such Civil Bill, to every Defence which he may have at Law or in Equity.

Regulation of the Courts.

Courts of Chairman, &c. to be Courts of Record.

XCVII. The Courts held by the said Chairman, Recorder of *Dublin*, or Assistant Barristers, and every of them, for hearing and determining Causes by Civil Bill as aforesaid, shall be respectively Courts of Record.

Time for sitting at Sessions.

XCVIII. The Court for the Hearing of Civil Bills, and of Quarter Sessions, shall, after the First Day of every Sessions, commence its

its Sittings, in the Months of *December* and *January*, not earlier than Nine nor later than Ten of the Clock in the Forenoon, and in other Months not later than Nine of the Clock in the Forenoon, save when prevented by the Illness or unavoidable Absence of the Assistant Barrister, or other Fatality, and shall at once proceed with the criminal or civil Business, after the Assistant Barrister shall be in attendance; but no Decree or Proceeding shall be in any Manner impeached or questioned in consequence of any Trial or Civil Bill having been commenced or heard at any Time before or after any of those Hours; and that no Trial or Case, criminal or civil, or other Business, shall be entered upon after the Hour of Six of the Clock of the Afternoon of any Day, nor shall any Civil Bill be called on after that Hour, except at the Request of both Parties.

Civil Bills to be heard at every Sessions in alphabetical Order, except Assistant Barristers vary the same.

May be heard in Baronial or other Divisions.

XCIX. All Civil Bills, save Ejectments and Replevins, shall be heard and determined at every Sessions in alphabetical Order according to the Surnames of the Plaintiffs, and be entered accordingly in the Book of the Clerk of the Peace, save and except in any Case or Cases where the Assistant Barrister shall see Reason to vary the same: Provided always, that nothing herein contained shall prevent any Assistant Barrister from hearing and determining such Civil Bills in such Baronial or other Divisions as to him shall seem meet; provided that within such Divisions they shall be heard and determined in alphabetical Order as aforesaid, and provided that such Assistant Barrister shall give Three Months Notice of his Intention to hear and determine such Civil Bills in such Baronial or other Divisions.

Jury may be summoned for Trial of all Actions except in Ejectment and Replevin.

C. That in all Actions other than in Ejectment and Replevin when the Amount claimed shall exceed the Sum of Twenty Pounds, it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the said Action, and such Jury shall be summoned in the Manner herein-after mentioned; provided always, that the Party requiring a Jury to be summoned shall, Eight Days previous to the First Day of the Sessions at which said Jury may be so required, give to the Sheriff or leave at his Office a Notice in Writing setting forth that a Jury was demanded by such Party for the Trial of such Action; and such Notice shall contain the Names of the Parties to the said Action, and the Sessions to which said Process is returnable; and the said Jurors so to be summoned by the Sheriff shall be taken from the List of Persons now or at any Time hereafter liable to serve as Jurors at the Assizes or Quarter Sessions of the respective Counties; and the Sheriff shall cause so many of the Jurors of the said Court as in his Opinion he shall deem sufficient (but not less than Twelve) to be summoned to attend the said

Regulation of the Courts.

Court at a Time and Place to be mentioned in the said Summons, and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Assistant Barrister shall direct, not being more than Five Pounds for each Default, same to be recovered as Fines imposed on defaulting Jurors are now recoverable; and the Delivery of such Summons to the Person whose Attendance is required on such Jury, or Delivery thereof to the Wife or Servant or any Inmate at his usual Place of Abode, not less than Three Days before the Day mentioned in said Summons for his Attendance, shall be deemed good Service: Provided also, that no Person shall be summoned or compelled to serve on such Jury more than twice within One Year, or who shall have been summoned and shall have attended any Jury at the Assizes, or any Court of Nisi Prius, or at the Quarter Sessions, within Six Calendar Months next before the Delivery of such Summons: Provided also, it shall be lawful for the said Sheriff to summon any Person to act on such Jury for the Trial of such Actions as aforesaid who may be summoned to serve on Juries for the Trial of Criminal Cases at the same Sessions: Provided also, that whenever there are any Jury Trials Six Jurymen shall be empannelled and sworn as Occasion shall require to give their Verdicts in the Causes which shall be brought before them in the said Court, and being once sworn, shall not need to be re-sworn at each Trial; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against all or any of the said Jurors, in the like Manner as he would be entitled in any of the Superior Courts; and the Jurymen so sworn shall be unanimous in their Verdict: Provided also, that all Civil Bill Cases which shall be tried by any such Jury shall be tried and heard on such Day of the Sessions to which such Civil Bill Process shall be returnable, as to the Assistant Barrister shall seem fit: Provided always, that in case any Assistant Barrister upon any Hearing, or any Judge of Assize upon any Appeal, shall think it proper to have any Fact or Facts controverted in any Cause at Hearing before him tried by a Jury, in such Case a Jury, consisting of not less than Three nor more than Twelve Persons, shall be returned instantly by the proper Officer to try such Fact or Facts as shall seem doubtful to such Assistant Barrister or Judge, and the Assistant Barrister or Judge shall proceed to make his Decree or Dismiss on the Verdict of such Jury, or as he shall deem fit.

Power to issue Summonses to Witnesses.

CI. For the Purpose of procuring the Attendance of Witnesses in the Civil Bill Courts it shall and may be lawful for the respective Clerks of the Peace of or acting for the several Counties and Counties of Cities and Towns in *Ireland*, upon the Request of any Person, a Party to any Proceeding by Civil Bill, whether Ejectment or other, to

to issue a Summons in the Nature of a Subpœna ad testificandum or Duces tecum, directed to any Person in *Ireland*, requiring him personally to appear and give Evidence before the Assistant Barrister, or before the Judge on Appeal, by whom the Matter in dispute is to be heard and determined; and in case any Person so served with any such Summons, without sufficient Cause shall not attend pursuant thereto, and produce any Deeds, Documents, Papers, or Writings required by such Summons to be produced, it shall and may be lawful for the said Assistant Barrister, or Judge on Appeal, upon Proof that proper Service thereof had been duly made in sufficient Time before the Day for Appearance named therein, of the Sufficiency whereof the Assistant Barrister or Judge on Appeal is to determine, and that the reasonable and suitable Expenses of such Person had been paid or tendered to him at the Time of such Service, to award such Fine against any such Person who shall not attend, not exceeding Ten Pounds, as the said Assistant Barrister or Judge on Appeal shall deem fit and proper, he the said Assistant Barrister or Judge on Appeal causing to be filed of Record in his Court an Affidavit of the Time, Place, and Manner of the Service of such Summons, and of the Payment or Tender of such Expenses, to be made by the Person proving the same, which said Fine shall be paid or payable to the Party or Parties at whose Instance and Request the said Summons shall have been issued: Provided always, that it shall and may be lawful for the Assistant Barrister or Judge on Appeal to tax and award against the unsuccessful Party in any Proceeding by Civil Bill such Sum or Sums of Money as and for the Expenses of Witnesses residing out of the District or Division in which such Civil Bill shall be heard not exceeding Five Pounds in the Case of any One Witness, and not exceeding Two Pounds in the Case of any One Witness residing within the Jurisdiction of the Assistant Barrister; or if the Assistant Barrister or Judge on Appeal shall think fit, it shall be lawful for him to award a certain limited Sum to be paid for or in lieu of all the Costs of all Witnesses, but not in any Case exceeding the Rate aforesaid; and the Costs so awarded, when payable by a Defendant, shall be recoverable in like Manner as and with and in addition to the Sum ordered to be paid by him in the Decree or Order of the Assistant Barrister or Judge of Assize on Appeal, and when payable by a Plaintiff shall be recoverable in like Manner as herein provided as to the Costs of a Dismiss: Provided also, that upon the Hearing of any Ejectment or other Civil Bill it shall be lawful for the Assistant Barrister or Judge on Appeal, in his Discretion, to receive in Evidence Proof of the Handwriting of any Party or of any subscribing Witness to any Instrument whatsoever, upon satisfactory Proof being given before him that such Party or Witness resides out of the County where such Civil Bill shall be so heard.

Regulation of the Courts.

Fine for Non-attendance.

Expenses of Witnesses summoned from another County to be taxed against the unsuccessful Party.

Handwriting of Party or subscribing Witness may be proved when out of Jurisdiction.

CII. The

Regulation of the Courts.

Parties may appeal to the Oath of each other.

CII. The Parties, Plaintiff and Defendant, shall in all Ejectment and other Cases be mutually at liberty to appeal each to the Oath of the other, provided that a Notice in Writing be served on the Party so intended to be examined at least Three Days previous to the Commencement of the Sessions; but the Assistant Barrister or Judge on Appeal may dispense with the Examination of any Party in any Case in which he may think it expedient so to do; and if he shall deem it to be a Case in which he ought not to dispense with the Oath of such Party, it shall be lawful for such Assistant Barrister or Judge on Appeal, in case of the Non-attendance of any Plaintiff, either to dismiss the Process without Prejudice, or to nil the same, or in case of the Non-attendance of any Defendant, and the Plaintiff thereby failing to prove his Case, to impose on such Defendant a Fine not exceeding Five Pounds, to be recovered by Civil Bill: Provided always, that in case a Defendant shall by such Notice require the Attendance at the Hearing of the Civil Bill of any Plaintiff therein who shall reside out of the Jurisdiction wherein such Civil Bill is to be heard, he shall at the Time of the Service of such Notice pay or tender to such Plaintiff his reasonable Expenses (the Reasonableness thereof to be determined by the Assistant Barrister or Judge upon Appeal); and in the event of the Defendant's omitting so to do such Plaintiff so residing out of the Jurisdiction shall be excused from Attendance in compliance with such Notice, and the Cause shall proceed and be determined as if no such Notice had been served; but in the event of such Expenses having been paid or tendered, and of the Non-attendance of the Plaintiff, or of his Attendance and of the Plaintiff's Case being dismissed, the Sum paid to the Plaintiff shall be added to the ordinary Costs of such Dismiss: Provided also, that it shall be lawful for the Assistant Barrister to examine on Oath any Party who shall be in Court, although no Notice may have been served upon such Party.

Civil Bill for Fines for Non-attendance.

CIII. It shall and may be lawful for any Party at whose Instance any Summons or Notice shall have issued, requiring the Attendance of any Person as a Witness, or of the opposite Party to be examined, when the Person so summoned as a Witness, or the Party noticed to attend, shall not have attended in pursuance of said Summons or Notice, as the Case may be, and shall have been fined for such Non-attendance, to proceed by Civil Bill against such Person or Party for Recovery of the Amount of the Fine so awarded, together with such Expenses as may have been paid to such Witness in the Civil Bill Court of the Division of the County or Riding in which such Person or Party shall reside, and the Certificate, signed by the Clerk of the Peace of the County in which such Fine had been imposed, or by his Deputy, upon Proof of the Handwriting of such

such Clerk of the Peace or Deputy, shall be conclusive Evidence that the Person so fined for Non-attendance had been duly called in Court, and did not attend, and had been fined for Non-attendance in the Amount stated in such Certificate: Provided always, that on the Hearing of such Civil Bill it shall and may be lawful for the Assistant Barrister to receive Evidence on the Part of the Defendant in such Civil Bill to satisfy him the said Assistant Barrister that the said Defendant had not been served with the Summons or Notice, or had not been served in sufficient Time to enable him to have attended, or that there was a reasonable and just Excuse for the Non-attendance of the said Defendant; and the Assistant Barrister shall be at liberty to pronounce a Decree, either for the full Amount of such Fine or for any smaller Sum, or a Dismiss, and with or without Costs, as he may under the Circumstances think fit. *Regulation of the Courts.*

CIV. In case any Plaintiff in any Civil Bill shall be desirous to appeal to the Oath of the Defendant in such Civil Bill, it shall be lawful for such Plaintiff to cause a Notice in Writing annexed to the Civil Bill Process to be served upon such Defendant at the Time of the Service of the Civil Bill, or upon his Wife, Child, Clerk, or Servant, or Relative of the Defendant or of the Defendant's Wife, aged Sixteen Years and upwards, residing in his Dwelling House, setting forth that the Plaintiff in such Civil Bill requires the personal Attendance of the said Defendant upon the Hearing of such Civil Bill, to be examined on Oath touching the Matters therein contained, and that in default of his Appearance for that Purpose an Application would be made to the Assistant Barrister for a Decree founded upon the Affidavit of the Plaintiff; and in such Case, if the Defendant shall not appear upon the said Civil Bill being called on for Hearing, the Assistant Barrister shall postpone the same, so as to enable the Plaintiff to make an Affidavit setting forth the Facts of the Case, and such Circumstances, if any, as in his Judgment would justify the Court in making a Decree, and also the Amount then justly due to him by the Defendant in such Civil Bill, over and above all just and fair Credits and Allowances; and such Affidavit shall be filed and kept with the Records of the County or Riding where the same shall have been sworn, and the Party so swearing such Affidavit shall be liable to be prosecuted for Perjury in case any false Statement shall be contained in the same; and it shall be lawful for the Assistant Barrister, upon due Proof of the Service of the said Process, and such Notice annexed thereto as aforesaid, and upon being satisfied that the said Defendant was resident at the Time of the Service other than personal at such Dwelling House where such Service was made, and was not at the Time of the Hearing of the said Civil Bill disabled by Sickness or other sufficient Cause from attending thereat, and *Decree pro confesso.*

upon Consideration of the Matter of such Affidavit, and upon Examination on Oath of the Plaintiff, in case he shall think fit to examine him, and if he shall be satisfied of the Justice of the Claim of the Plaintiff, to make a Decree for such Sum as to him shall seem just, or to decline making any Decree: Provided also, that in case any Decree shall be made it shall appear on every such Decree so made as last aforesaid that the same was made upon the Affidavit of the Plaintiff filed in the said Court, specifying the Date thereof.

Process not to be void for technical Errors.

CV. No Action or Proceeding under or by virtue of this Act shall be treated or considered as invalid on account of any verbal or technical Error in the same; and it shall be lawful for every Assistant Barrister, or Judge on Appeal, to decide and determine what is a verbal or technical Error or Mistake in any Action or Proceeding, but all Errors or Mistakes which have not a Tendency to mislead the opposite Party shall in all Cases be deemed merely verbal or technical.

Variances.

Assistant Barristers may amend Variances and correct Misjoinders.

CVI. It shall and may be lawful for the several Assistant Barristers, and Judges on Appeal, and they are hereby respectively empowered, in all Cases, to amend all Variances between the Statement of the Cause of Action in any Civil Bill or other Process or Proceeding in their respective Civil Bill Courts, and the Evidence in support of such Cause of Action, and also to amend all Variances, Omissions, and Misdescriptions in the Descriptions, Additions, and Residence of the Parties or any of them, or otherwise howsoever of or in any such Process, or between the Original and any Copy or Copies thereof, provided such last-mentioned Variances, Omissions, or Misdescriptions shall not, in the Opinion of the Assistant Barrister, be calculated to mislead the Defendant or Defendants therein; and in every Case of any Misjoinder of Parties or Causes of Action it shall and may be lawful for every Assistant Barrister to strike out of the Process the Name or Names of any One or more Plaintiffs or Defendants, or any Count or Counts in such Process, by reason of whom or which such Misjoinder shall arise, and thereupon to proceed therein as to Justice shall appertain.

Evidence.

Official Copy of Judgment to be Evidence.

CVII. In every Proceeding before the Court of the Assistant Barrister or of the Judge of Assize upon Appeal an Office Copy of any Judgment, Decree, or Order made by or before any Court of Law or Equity in *Ireland*, certified to be a true Copy by the proper Officer of such Court of Law or Equity, as the Case may be, shall, upon Proof of such Officer's Handwriting, be deemed and taken as *primâ facie* Evidence of such Judgment, Decree, or Order of such Courts respectively: Provided always, that in every Civil Bill Proceeding under

Evidence.

under this Act, where it may become necessary to prove the Appointment of any Person to be a Receiver in any Cause in any of the Superior Courts of Equity in *Dublin*, an Office Copy of the Order appointing such Person such Receiver, duly proved as aforesaid, shall be sufficient Evidence of the Appointment of such Person as such Receiver; and it shall not be necessary to produce in proof of such Appointment the Bill and Answer or any other Proceeding in the Cause in which said Person shall have been so appointed such Receiver.

Office Copies of Wills to be Evidence of the Contents thereof in Civil Bill Courts.

CVIII. In every Proceeding before any Assistant Barrister in any Civil Bill Court, or before a Judge of Assize on Appeal, an Office Copy of any original Will or other testamentary Document lodged in any Ecclesiastical Court in *Ireland*, or in the Registry thereof, and which shall appear by such Copy to have been duly proved, and Probate or Letters of Administration thereof granted, shall, upon due Proof of the Signature of the proper Officer of such Ecclesiastical Court, certifying the same to be a true Copy of such original Will or other testamentary Document, be admitted as *primâ facie* Evidence of the Contents of such original Will or testamentary Document of which it purports to be an Office Copy, without the Production of the original Will or testamentary Document; and the proper Officer of any such Ecclesiastical Court is hereby required to make a Memorandum in Writing upon such Office Copy of the Time at which and the Person or Persons to whom such Probate or Letters of Administration shall have been granted.

Assistant Barrister may grant Time or adjourn the Hearing of a Cause.

CIX. The Assistant Barrister may in any Case make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of any Civil Bill, and also may from Time to Time, and to the next subsequent Sessions for the same Division, but not longer, adjourn the Hearing or the further Hearing of any Civil Bill, as to the said Assistant Barrister may seem fit.

Decrees.

Decrees and Dismisses to be in Form in Schedule.

Execution against the Body or Goods.

CX. Every Decree and Dismiss made and signed by an Assistant Barrister, and not otherwise provided for, shall respectively be according to the Forms (26, 27.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will permit; and every such Decree may direct Execution against the Body or Goods of the Defendant, save when by Law it is otherwise provided.

Provision as to Costs.

CXI. Wheresoever any Assistant Barrister shall, in any Civil Bill brought under and by virtue of this Act, grant a Decree, the same shall be with such Costs as are provided by this Act; but in case the Plaintiff in any Civil Bill shall not proceed with the same,

or

Decrees.

or shall fail to establish his Case to the Satisfaction of the Assistant Barrister, such Assistant Barrister shall and he is hereby authorized and empowered to dismiss such Civil Bill, with such Costs as are by this Act provided (save as herein-after mentioned), and either without Prejudice to the Plaintiff's proceeding by a new Civil Bill, or on the Merits, as he shall think just.

Decrees may be ordered to be paid by Instalments.

CXII. The Assistant Barrister, upon pronouncing any Decree for any Sum of Money, may order the Time or Times when and by what Instalments the Debt or Damages and Costs for which such Decree shall be obtained shall be paid, and such Decree shall be in the Form (28.) in the Schedule (C.) to this Act annexed; provided, that if the Assistant Barrister shall have made such Order for the Payment of such Sum of Money and Costs by Instalments the said Decree shall not issue against the Defendant until after Default in Payment of some Instalment according to such Order, and immediately upon such Default being made, and Affidavit thereof lodged with the Clerk of the Peace (and which Affidavit any Justice of the Peace is hereby authorized and required to take), the said Decree may issue for the whole, or for such Balance as may then remain due after deducting such Instalment or Instalments as were previously paid.

Where more than One Defendant, a Dismiss may be given in favour of one and a Decree against the other.

CXIII. It shall and may be lawful for the Assistant Barrister, upon the Hearing of any Civil Bill where there shall be more than One Defendant, to grant a Decree, with Costs, against One or more of such Defendants, and to grant a Dismiss as to the other or others of the Defendants, either with or without Costs, as he shall think fit.

Decrees of Assistant Barrister may be signed by his Successor.

CXIV. In case of the Death, Removal, or Incapacity of any Assistant Barrister, it shall and may be lawful for his Successor, or the Barrister for the Time being acting for him, to sign any Order or Decree pronounced by the Barrister so dying or removed, or becoming incapable as aforesaid, and to act in all respects in reference to the Orders made as the Barrister so dying or removed, or being incapable as aforesaid, might have done; and the Order and Decree so signed shall be as valid and effectual as if the same had been signed by the Assistant Barrister who pronounced the same.

All previous Decrees, Orders, &c. to remain in full Force.

CXV. All Decrees and other Proceedings, of every Nature and Kind soever, obtained in any Civil Bill Court in *Ireland*, and in force at the Time of the Commencement of this Act, shall, notwithstanding this Act, remain and be in full Force as long as the same would have been in force and effect if this Act had not been passed, and may be renewed and enforced under this Act.

CXVI. In

Process of Arrest.

When Defendant is exempted from Arrest by virtue of 11 & 12 Vict. c. 28. the Plaintiff may serve a Civil Bill Process, requiring the Defendant to show Cause why Process of Arrest, &c. should not issue.

Form of Civil Bill Process.

CXVI. In all Cases in which any Decree or Order for any Sum in respect of which the Power of Arrest without special Order is taken away under the Provisions of an Act of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Twenty-eight, and the Plaintiff having obtained such Decree or Order shall not have recovered his Demand out of the Goods and Chattels of such Defendant, it shall be lawful for such Plaintiff to cause a Civil Bill Process to be issued against the Defendant in such Decree or Order, thereby requiring him personally to appear before the Assistant Barrister for the County or Riding at the General or Quarter Sessions for the Division or Place in which such Defendant shall reside, and to show Cause why a Decree should not issue against his Person in respect of such Decree or Order; and such Civil Bill Process shall be according to the Form (29.) in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will admit; and the respective Assistant Barristers within their respective Jurisdictions shall have Power to hear and determine any such Civil Bill; and the Service, and the several Proceedings of, in, or relating to such Civil Bill, and the Costs of or relating to the same, shall be subject to the like Provisions and Regulations, so far as the same are applicable, as any Civil Bill in other Cases, save as herein otherwise provided.

If Assistant Barrister shall find that Defendant has Property fit to be administered under the Insolvent Act, he may direct Process of Arrest to issue, or if Debt contracted fraudulently may commit him.

CXVII. At the Hearing of such Civil Bill it shall be lawful for the Assistant Barrister to investigate the Amount of the Debts or Demands due or owing by or claimable against the Defendant, and the Nature and Amount and Circumstances of any Property, of whatsoever kind, he, or any one in trust for him, is, was, or may be possessed of or entitled to, and the Manner and Circumstances under which the Debt due to the Plaintiff or other Liability was incurred, and the Means and Expectation of Payment thereof; and if it shall appear that the Defendant, or any one in trust for him, is possessed of or entitled to Property of any kind, which, regard being had to the Nature, Amount, and Circumstances of such Property, and to the several Debts and Demands due by and claimable against the Defendant and to the Security of his several Creditors, ought, in the Opinion of the Assistant Barrister, to be administered under the Provisions of the Acts relating to Insolvent Debtors in *Ireland*, or that the Defendant is of sufficient Ability to discharge the Plaintiff's Debt or Demand, or that he is in receipt of any Income, Pension, Wages, or Salary, or Monies, which, in the Opinion of the Assistant Barrister, would enable the said Defendant to pay the Demands of the Plaintiff, by Instalments or otherwise, then and in such Case it shall be lawful for the Assistant Barrister to issue a Decree, in like Manner as in other Cases of Civil Bill, to take in Execution the Body of

Process of Arrest.

the Defendant to satisfy the Plaintiff's Demands and Costs, or to issue such Decree, with Stay of Execution for a Period thereby limited, which Decree may be according to the Form (30.) in the Schedule (C.) to this Act annexed, or as the Circumstances of the Case may require; and under any such Decree the said Defendant may be arrested and detained in Custody accordingly, as in other Cases of Execution against the Body under a Civil Bill Decree; but if at such Hearing it shall appear to such Assistant Barrister that there is not Property of the Defendant which ought, in the Opinion of such Barrister, to be administered under the said Acts relating to Insolvent Debtors, or that the Defendant is not of sufficient Ability to discharge the Plaintiff's Debt or Demand, in any such Manner as aforesaid, or otherwise, but that such Defendant in incurring the Debt due to the Plaintiff or other Liability has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, Income, Pension, Salary, or Wages, or shall have charged, removed, pledged, incumbered, or concealed the same, with Intent to defraud his Creditors or any of them, it shall be lawful for the Assistant Barrister, if he shall think fit, by a Decree according to the Form (30.) in the Schedule (C.) to this Act annexed, or as the Circumstances of the Case may require, to order that any such Defendant may be committed to the Common Gaol or House of Correction of the County, District, or Place in which the Defendant is resident, for any Period not exceeding Three Calendar Months, unless the Demand of the Plaintiff be sooner paid, without Prejudice to any Remedies for the Recovery of the Plaintiff's Demand out of the Property or Effects of the Defendant: Provided also, that there shall be no Appeal from any such Decision of the Assistant Barrister, and such Assistant Barrister may dismiss such Civil Bill, either with or without Costs, as he may think fit; and in case of a Dismiss with Costs, the Costs thereof shall be paid by the Plaintiff, or set off against his Demand, as the Assistant Barrister shall direct: Provided also, that if the Defendant in such Civil Bill shall not personally appear as thereby required at such Hearing, it shall be lawful for such Assistant Barrister to proceed to the Hearing of such Case in his Absence, and to make such Decree or Order as might be made on his Appearance, or as the Assistant Barrister shall think fit.

In default of Defendant's Appearance, Decree may be made.

Power to examine or commit at the original Hearing of a

CXVIII. In any Action brought in any Civil Bill Court in any Case where the Power of Arrest without special Order is taken away under the Provisions of the said last-mentioned Act, the Assistant Barrister, at the original Hearing of the Cause, shall have the same

same Power and Authority of granting a Decree against the Person of the Defendant, or of committing him to Prison, as he might have and exercise under the said last preceding Provision in case the Plaintiff had (after a Decree obtained) proceeded specially by a Civil Bill for such Purpose, as in the said last preceding Provision mentioned, anything herein-before contained to the contrary thereof notwithstanding: Provided always, that in any Case in which a Plaintiff shall seek for a Decree against the Person of a Defendant, or for an Order for his Committal at the original Hearing of a Cause, when the Sum demanded shall not exceed Ten Pounds, he shall cause a Notice to be annexed to or endorsed upon the Civil Bill of such his Intention to seek for such Decree or Order: Provided also, that the Committal of a Defendant under an Order, and under any of the Circumstances in the last preceding Provision mentioned, shall not operate as an Extinguishment or Satisfaction of the Plaintiff's Debt or Demand.

Civil Bill in certain Cases.

CXIX. From and after the First Day of *January* in the Year One thousand eight hundred and fifty-two, the Circuits of the Commissioners of the Court for the Relief of Insolvent Debtors in *Ireland* shall be abolished; and that if thereafter any Insolvent Debtor in Custody in any of Her Majesty's Gaols in *Ireland* situated elsewhere than within the County of *Dublin* or the County of the City of *Dublin*, or any detaining Creditor of such Insolvent Debtor so in Custody as aforesaid, shall petition such Court under any Act or Acts relating to Insolvent Debtors in *Ireland*, or if any such Prisoner or detaining Creditor shall have so petitioned prior to the before-mentioned First Day of *January*, and such Petition shall not have been heard, or if the same shall have been heard, and the Consideration thereof shall have been adjourned, such Court or a Commissioner thereof shall, after the Schedule of such Prisoner shall have been duly filed, in the Case of any new Petition, and at any Time which to such Court or Commissioner shall seem fit in the Case of any such Petition which shall not have come on for Hearing, or the Hearing of which shall have been adjourned, make an Order referring such Petition for Hearing to the Assistant Barrister within whose Jurisdiction such Insolvent Debtor is in Custody, and shall transmit such Petition and Schedule to the Clerk of the Peace of the respective County for Hearing accordingly, and shall appoint a Time and Place at any Court of Quarter Sessions held within the Jurisdiction of such Assistant Barrister for such Prisoner to be brought up before such Assistant Barrister, and shall cause the usual Notices to be given; and any Assistant Barrister to whom any such Petition shall be so referred shall have and possess the same Power and Authority with respect to every such Petition, and shall make all such Orders, give all such Directions, and do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and

Jurisdiction of the Court for Relief of Insolvent Debtors on Circuit transferred to the Assistant Barristers.

Assistant Barrister to whom the Petition as to Insolvents is referred to have the

same Powers as the Insolvent Court, or a Commissioner, for discharging or remanding the Insolvent, &c.

and otherwise respecting such Prisoner, his Schedule, Creditors, and Assignees, as the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, might make, give, or do in the Matters of Petitions heard before such Court or Commissioner under such Acts relating to Insolvent Debtors, and if he shall deem fit shall be at liberty to adjourn the Hearing from One Session to another, and to extend the Order for the Protection of the said Insolvent from Arrest during such Adjournment; and that every such Petition and Schedule, and all Judgments, Rules, Orders, Directions, and Proceedings pronounced, made, and done thereon in all and every the Matters aforesaid by such Assistant Barrister, shall be forthwith, as soon as conveniently may be after such Hearing or Adjournment thereof, as the Case may be, returned by the Clerk of the Peace to the said Court for the Relief of Insolvent Debtors, signed by such Assistant Barrister and Clerk of the Peace respectively, to be a Record of the said Court for the Relief of Insolvent Debtors, and to be kept as such among the Records thereof; and the said Clerk of the Peace is hereby required to return the same accordingly; and the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, shall have Power to issue his Warrant or Order, directed to the Governor, Keeper, or Gaoler of any Gaol wherein the Insolvent Debtor shall be in Custody, directing him to bring the Insolvent before such Assistant Barrister on the Day appointed for the Hearing of such Petition, or at any adjourned Sitting held in the Matter of such Petition; and every such Governor, Keeper, or Gaoler shall obey such Warrant; and the Expense of conveying such Prisoner to any such Quarter Sessions Town where the Gaol in which such Prisoner shall be confined shall not be situate in such Quarter Sessions Town, or of conveying such Prisoner (when necessary) from such Quarter Sessions Town to the said Gaol, not exceeding Threepence *per* Mile, shall be paid to the Keeper, Gaoler, or other Officer who shall bring such Prisoner to or from any such Quarter Sessions Town in obedience to any Rule or Order of the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expense, and if not, then such Expense shall be paid by the Treasurer of the County, County of a City, or County of a Town in the Gaol of which such Prisoner shall be imprisoned, as the same shall be directed or ordered by such Assistant Barrister before whom such Prisoner shall be brought, and the Grand Jury of such County, County of a City, or County of a Town is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order, to be levied off such County, County of a City, or County of a Town: Provided always, that nothing herein contained shall extend or be construed to deprive the said Court for the Relief of Insolvent Debtors,

Order for bringing the Insolvent before the Assistant Barrister.

The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment.

Insolvent Court to have Jurisdiction

Debtors, or a Commissioner thereof, of the Power of discharging such Prisoner upon Recognizance of Sureties for the due Appearance of such Prisoner at the Time and Place appointed, or which shall thereafter be appointed, for the Hearing of such Prisoner before such Assistant Barrister as aforesaid, or of the Power of doing, prior to such Hearing before such Assistant Barrister, or pending the Adjournment of such Hearing, any Matter or Thing relative to such Prisoner, his Petition and Schedule, Estate and Effects, Creditors or Assignees, which can now be lawfully done by the said Court or a Commissioner thereof prior to or pending the Hearing of any such Prisoner before a Commissioner of said Court upon his Circuit: Provided also, that after the Discharge or Remand of such Prisoner by such Assistant Barrister as aforesaid the Jurisdiction of such Assistant Barrister shall cease, save as to any Rehearing of such Petition pursuant to any Order that may be made by the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof; and all Things necessary to be thereafter done in the Matter of the Petition and Schedule of such Prisoner, his Estate and Effects, Creditors or Assignees, shall be done by the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, as if this Act had not been passed: Provided also, that nothing in this Act contained shall extend to the Case of any Prisoner of unsound Mind.

before and pending an Adjournment.

Exception as to Prisoners of unsound Mind.

CXX. And whereas divers Persons as Sureties have entered into Recognizances to the Provisional Assignee of the Court for the Relief of Insolvent Debtors in *Ireland*, with Conditions that the Insolvents therein named should duly appear as therein mentioned, and it may be necessary that some of such Insolvents should appear before Assistant Barristers under this Act: Be it therefore enacted, That every such Recognizance shall extend to bind the Persons who may have entered into the same, in case the Insolvent Debtor therein mentioned shall not at the Time and Place appointed by any Order made pursuant to this Act duly appear before the Assistant Barrister to whom the Matter of the Petition of such Insolvent shall be referred, and on every adjourned Hearing thereof, or shall not abide by the final Judgment of such Assistant Barrister.

Recognizances of Sureties entered into for enforcing Attendance of Insolvents to bind Persons to appear before Assistant Barrister.

CXXI. Every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do anything in obedience to any Order of the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, or of any Assistant Barrister, or of any Officer of the said Court for the Relief of Insolvent Debtors, or of such Assistant Barrister, by virtue of the Provisions of this Act as to Insolvent Debtors, shall be and is hereby indemnified for whatsoever shall be done by them respectively in obedience thereto; and that if any

Indemnity to Sheriffs, Gaolers, &c. for anything done under the Act.

Process of Arrest.

Action of Escape, or any Suit or Action, be brought against any such Commissioner or Assistant Barrister, Sheriff, Gaoler, Keeper of any Prison, or any Person, for performing the Duty of his Office in pursuance of the said Provisions of this Act, such Commissioner, Assistant Barrister, Sheriff, Gaoler, Keeper of Prison, and other Person may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff be nonsuited, or discontinue his Action, or a Verdict shall pass against him, or Judgment shall be had for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

Retiring Salary to senior Commissioner of the Insolvent Court on his Resignation, &c., and One Commissioner to perform the Duties thereafter.

CXXII. And whereas by reason of the Provisions in this Act contained relating to the Discharge of Insolvent Debtors One Commissioner of the Court for the Relief of Insolvent Debtors in *Ireland* will be sufficient for the Discharge of all the Duties relating to the Office of the Commissioners of the said Court: Be it enacted, That upon the Death, Resignation, or Removal of the senior of the present Commissioners of the said Court at any Time after the passing of this Act the surviving or remaining Commissioner of the said Court shall alone discharge all the Duties of Commissioner of the said Court; and upon the Death, Resignation, or Removal of such surviving or remaining Commissioner it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to appoint in his Place and Stead a Commissioner of the said Court, in such Manner as he or they are now by Law empowered to appoint a Commissioner thereof, and who shall be the sole Commissioner of the said Court; and upon the Resignation or Removal as aforesaid of the said senior of the present Commissioners of the said Court it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct such Superannuation or annual Compensation to be paid to the said Commissioner as they shall think fit; and such Superannuation or Compensation shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* annually, by Four quarterly Payments at the Periods at which any Commissioner of the said Court is now by Law entitled to receive his Salary.

Proviso as to appointing a Deputy in case of Illness.

CXXIII. Provided always, That nothing herein contained shall extend to take away the Power of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* of appointing a Deputy, in the Case of Illness of a Commissioner of the said Court for the Relief of Insolvent Debtors, or other reasonable Cause, according to the Provisions of the Act of the Third and Fourth Years of Her Majesty's Reign, Chapter 107, or of appointing a Commissioner for taking Bail under an Act of the Fourth and Fifth Years of Her Majesty's Reign, Chapter 47.

CXXIV. From

Office of One of the Registrars of the Insolvent Court to be thenceforth abolished, &c.

CXXIV. From the Time when the Duties of Commissioner of the said Court for the Relief of Insolvent Debtors shall be performed by a sole Commissioner as aforesaid, the Office of the Registrar of the Commissioner so dying, resigning, or being removed as aforesaid shall be abolished, and such Office shall not be again filled up; and thereupon it shall be lawful for the said Commissioners of Her Majesty's Treasury to order and appoint to be paid to such Person, whose Office shall be so abolished, such annual Compensation as they shall think fit, and the same shall be paid annually out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* by Four quarterly Payments.

Tools and actual Necessaries of Debtors not to be seized in Execution under Civil Bill.

CXXV. And whereas it is expedient to protect, to the Extent herein-after mentioned, the Tools and actual Necessaries of or belonging to Debtors from being seized in Execution under any Civil Bill, Decree, Dismiss, or Order: Be it enacted, That the Wearing Apparel and Bedding of any Debtor in *Ireland*, and the Tools and Implements of his Trade or Business, the Value of such Apparel, Bedding, Tools, and Implements not exceeding in the whole the Value of Five Pounds, shall not be liable to Seizure under any Decree, Dismiss, or Order of any Civil Bill Court against his Goods and Chattels: Provided always, that whether the Value of such Apparel, Bedding, Tools, and Implements shall or shall not exceed the Value of Five Pounds, they shall, to an Extent not exceeding Five Pounds in Value, be protected from such Seizure as aforesaid.

Affidavits as to Civil Bill Proceedings may be taken by Assistant Barristers out of their Counties.

CXXVI. It shall and may be lawful for every Assistant Barrister in *Ireland*, although he shall not be at the Time within the County of which he shall be such Assistant Barrister, to take any such Affidavit or Affidavits as he is now by Law entitled to take, or as in any way relates to any Action or Proceeding in his Court of Civil Bill Jurisdiction, and to administer the necessary Oath or Oaths for that Purpose; and every such Affidavit shall be of the same Force and Effect, and the Penalty for any false swearing therein shall be the same, to all Intents and Purposes, as if such Affidavit was taken by or before such Assistant Barrister in the Civil Bill Court within his County: Provided always, that every Affidavit relating to or concerning any Action or other Proceeding in his Court of Civil Bill Jurisdiction shall, within Six Days after the Day on which such Affidavit shall be made, be delivered to the Clerk of the Peace of such County, or at the Office of such Clerk of the Peace within such County, to be filed amongst the Records of such Court, otherwise such Affidavit shall be null and void.

CXXVII. It

Appeals.

Appeals may be made to Judge at next Assizes.

CXXVII. It shall and may be lawful for any Person who shall think himself aggrieved by any Decree or Dismiss made or pronounced by any Assistant Barrister to appeal therefrom to the Judge of Assize for the respective Counties in which such Decree or Dismiss shall have been made, at the Assizes next after such Decree or Dismiss shall have been so made or pronounced, and not after such Assizes; and such Judge of Assize is hereby empowered and required to hear the said Cause, and to issue a Decree and Execution thereon, in like Manner as Decrees and Executions are by the said Assistant Barristers to be awarded and issued upon the Hearing of Civil Bills under this Act, and with like Powers relating to the same, and with the like Costs; which Appeal the Assistant Barrister is hereby required to receive, and stop all Proceedings on the Decree or Dismiss pronounced, the Party appealing, if a Defendant, first paying to the Plaintiff the Costs allowed by this Act, or depositing the same with the acting Clerk of the Peace, and in all Cases, except in Proceedings by Ejectment for Nonpayment of Rent, entering before the said Assistant Barrister into a Recognizance of double the Sum decreed, with sufficient Bail to pay the Sum decreed against him, with Costs, in case no Relief shall be had upon the Hearing of such Appeal; and such Recognizance shall be in the Form (31.) in the Schedule (C.) to this Act annexed; and in case the Party appealing be a Plaintiff, then paying the Defendant, or depositing with the acting Clerk of the Peace, the Costs allowed by this Act, and entering before the Assistant Barrister into a Recognizance in the Sum of Forty Shillings, or if the Sum awarded against him by the said Assistant Barrister for Costs shall exceed Forty Shillings, in a Sum equal to the Amount of such Costs, conditioned to pay such Costs as shall be awarded against him on such Appeal, if the same shall be determined against him: Provided always, that in Cases of Ejectment for Nonpayment of Rent Execution shall not be stayed by reason of any such Appeal, unless the Defendant shall deposit with the Clerk of the Peace the Amount of the Rent proved to be due on the Hearing of the Civil Bill Ejectment; and provided also, that, except in Ejectment Cases, no Appeal shall lie against a Dismiss without Prejudice.

Judges of Assize empowered to hear and issue Decree and Execution as herein.

Assistant Barristers to receive Appeal and stop Proceedings, Appellant, if Defendant, first paying, &c. as herein.

If Plaintiff, then to pay, as herein.

If Appearance by Attorney not made, or Recognizance not entered into, Money decreed, &c. may be deposited with

CXXVIII. Any Person who shall think himself aggrieved by such Decree of such Assistant Barrister, and who did not appear by Attorney at the Hearing of the Cause, and shall not have entered into such Recognizance as aforesaid, may deposit the Money decreed against him, and the Costs thereof, in the Hands of the Sheriff, and enter into a Bond of Five Pounds to the adverse Party (such Bond to be free from any Stamp Duty), conditioned to perform and abide the

the Decree of the next-coming Judge of Assize for such County, and on his so doing the said Sheriff shall stop and forbear further Proceedings on the said Decree until the next Assizes, and give the Party appealing a Certificate that such Party has appealed and made such Deposit with the said Sheriff; and the Party appealing shall give Notice to the other Party in the Cause, Six Days at the least before the then next Assizes, that he has made such Deposit with the Sheriff, and intends to appeal to the next-going Judge of Assize, if there shall be sufficient Time to give such Notice after such Deposit so made; and if there shall not be sufficient Time to give Six Days Notice thereof, then the said Party so making such Deposit with the Sheriff shall give as long Notice of such his Deposit made, and Intent to appeal, as he reasonably can, on the Reasonableness of which Notice the said Judge of Assize shall determine; and if he or they shall think the same, on the Circumstances of the Case, insufficient, he or they shall dismiss the said Appeal, and affirm the said Decree or Dismiss, without requiring the Party who obtained the same to prove his Case, if he is unprepared so to do.

Sheriff, upon which Proceedings shall be stopped, &c.

Appellant to give Notice of Deposit Six Days before next Assizes.

Proviso if not Time to give Six Days Notice.

If Notice deemed not sufficient Appeal to be dismissed.

CXXIX. No Assistant Barrister shall receive any Appeal from any Decree or Dismiss by him made or pronounced unless the Attorney who appeared at the Hearing of the Cause in which the same was made or pronounced for the Party desiring to appeal, if any such Attorney did appear, shall first make an Affidavit in Writing according to the Form (32.) in the Schedule (C.) to this Act annexed, before such Assistant Barrister, that such Appeal is not, as he believes, made or to be made for the Purpose of Delay, but that he believes that there is probable Cause of reversing the Decree or Dismiss made in the said Cause, which Affidavit so made shall be kept among the Records of the County by the Clerk of the Peace; and in case the Party intending to appeal shall not have appeared by Attorney at the Hearing of the Cause, and shall not have entered into such Recognizance as aforesaid, but shall offer to deposit the Sum decreed against him in the Hands of the Sheriff, the same shall not be received by the Sheriff, nor the Proceedings therein stopped, unless the Party appealing shall produce to the Sheriff, and deposit with him, an Affidavit made by such Party before some Justice of Peace of the respective County, to the same Effect and of the same Substance as herein-before required to be made before such Assistant Barrister in case of an Appeal lodged before him; which said Affidavits the several Justices of the Peace are hereby empowered and required to take in and for their respective Counties; and such Sheriff is hereby required to transmit such Affidavit to the Clerk of the Peace, to be by him kept among the Records of the Court.

Attorney to make Affidavit that Appeal is not made for the Purpose of Delay.

Affidavit to be kept with Records of County.

If Appearance not made, &c., Deposit not to be received by Sheriff, &c. unless Affidavit is made.

Affidavit to be kept with Records.

Appeals.

Appeal in Cases when Parties appear by Attorney, but are not present to enter into Recognizance.

CXXX. And whereas Plaintiffs and Defendants appearing by Attorney, and not attending in Person at the Quarter Sessions, might be deprived of their Right of Appeal, by reason of their being necessary Parties to the Recognizance to prosecute such Appeal: Be it therefore enacted, That in case of the Absence of any such Plaintiff it shall and may be lawful for him to enter an Appeal, without entering into such Recognizance, upon paying the Defendant, or depositing with the Clerk of the Peace, double the Costs of such Dismiss, and performing the other Requisites herein-before specified in Cases of Appeal (save as to such Recognizance); and it shall and may be lawful for any such Defendant to enter an Appeal on a like Payment to the Plaintiff, or depositing with the Clerk of the Peace, double the Costs of such Decree, and performing the other Requisites as to Appeals herein-before specified (save as to such Recognizance); but a Recognizance in double the Sum decreed, in case of the Absence of the Defendant, shall in every Case be entered into on his Behalf by Two solvent Sureties, to prosecute the Appeal, and to pay the Amount to be decreed against the Defendant, and Costs.

Sheriffs neglecting to pay over Deposit or Sums levied under Decrees liable to pay double to Party aggrieved.

CXXXI. Where any Person shall be entitled to bring an Appeal under the Provisions of this Act, and shall for the Purposes of such Appeal deposit with the Sheriff the Money decreed against him, or any Sum of Money directed by this Act to be deposited with the Sheriff, if the said Sheriff shall neglect to pay over the Sum so deposited with him, or shall refuse or neglect to pay over any Sum levied by virtue of any Execution of such Decree or Dismiss to the Person or Persons entitled thereto, or to such Person or Persons as by him or them shall be lawfully authorized to receive the same, upon Demand made for that Purpose, such Sheriff so offending shall forfeit to the Party aggrieved double the Sum so deposited with or received by such Sheriff, together with legal Interest for the same from the Time of such Demand, to be recovered by Civil Bill before the Assistant Barrister for the County for which such Sheriff so acted, with like Power of Appeal as in the Case of any ordinary Civil Bill.

Appeals from Civil Bill Decrees and Dismisses in the County and City of Dublin to be heard by the Courts provided by the 13 Vict. c. 18. s. 30.

CXXXII. Every Appeal from any Decree, Dismiss, or Order on any Civil Bill of the Recorder of *Dublin*, or of the Chairman of the County of *Dublin*, shall be made to and heard by such Court as is in that Behalf provided by an Act passed in the Thirteenth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in* Ireland; and the Party appealing shall give to the Party who shall have obtained such Decree, Dismiss, or Order, or to his Attorney, Four Days Notice of the Time appointed by the Court for the Hearing of the same; and such Appeal, and the several Matters relating

relating thereto, shall in other respects be subject to the like Provisions and with like Powers as in Cases of Appeals to Judges of Assize. *Appeals.*

CXXXIII. Such Decrees and Dismisses as shall be made and pronounced by such Chairman, Recorder, and Assistant Barristers respectively shall, in case there shall be no Appeal therefrom, be absolutely final to all Intents and Purposes, and shall not be subject to be removed, by any Writ of Error or otherwise, to any other of Her Majesty's Courts, or capable of being reversed; and that in case of an Appeal from any such Decree or Dismiss to the next going Judge of Assize, or in the County or County of the City of *Dublin* to the Court herein-before provided, the Order or Decree of such Courts shall in like Manner be absolutely final to all Intents and Purposes, and shall not be removed to any of Her Majesty's Courts, by Writs of Error or otherwise, and shall not be capable of being reversed. If no Appeal, Decrees and Dismisses final. If Appeal made, the Decree of Judge of Assize final.

CXXXIV. In all Cases where it shall happen that there are Two or more Defendants, and that the Chairman, Recorder, or Assistant Barrister shall decide that One or more of said Defendants is or are liable to the Plaintiff's Demand, and that the other or others of said Defendants is not or are not liable to same, and shall accordingly direct a Decree to issue against One or more of the said Defendants, and at the same Time a Dismiss against another or others of them, it shall and may be lawful in all such Cases for the Defendant or Defendants against whom such Decree has been made to appeal in the same Manner and under the same Restrictions and Provisions as if there was but One Defendant in the Cause. Where several Defendants, and where Assistant Barrister dismisses as to One and decrees as to the other or others, the Defendant or Defendants so decreed may appeal.

CXXXV. In all Cases where there shall be several Plaintiffs or several Defendants it shall be lawful for any One or more of such Plaintiffs to appeal against a Dismiss, and for any One or more of such Defendants to appeal against a Decree, pronounced by the Assistant Barrister, although the other or others of said Parties, Plaintiffs or Defendants, shall refuse or decline to join the said Plaintiff or Defendant so desirous of appealing: Provided always, that such Decree or Dismiss so appealed against shall not, pending such Appeal, be executed against the Party or Parties not appealing. One of several Plaintiffs or Defendants may appeal without the others.

CXXXVI. Where in any Civil Bill there shall be several Plaintiffs and several Defendants, and all or more than One of such Plaintiffs, or all or more than One of such Defendants, as the Case may be, shall appeal from the Decree or Dismiss of the Chairman, Recorder, or Assistant Barrister, and after the lodging of such Appeal Death of Parties not to abate Suit where several Plaintiffs or Defendants, but may be prosecuted by Survivor.

Appeals.

Appeal any of such Parties, Plaintiffs or Defendants, shall die (in case of a Plaintiff or Plaintiffs) leaving another Plaintiff or other Plaintiffs surviving, and (in case of a Defendant or Defendants) leaving another Defendant or other Defendants surviving, such Appeal shall not abate by such Death or Deaths, but the same may be proceeded with at the Suit of the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, or *vice versâ*, as the Case may be.

Notices on Parties below to be good in Cases of Appeal.

CXXXVII. In all Cases where any Party to any Civil Bill shall have given Notice in Writing to the opposite Party to produce, upon the Hearing of said Civil Bill before the Chairman, Recorder, or Assistant Barrister, any Document, or any Notice of Set-off, or any Notice of any other Kind or Description whatsoever, it shall not be necessary for such Party or Parties so having given such Notice to renew the same upon or for the Hearing of any Appeal that may be brought in such Case, but any such Notice so given for the original Hearing of the Civil Bill shall be effectual in like Manner upon the Appeal.

Opinion of the Court of Appeal on the Question of Law.

CXXXVIII. In all Cases of Appeal from any Civil Bill Decree or Dismiss it shall be lawful for the Chairman, Recorder, or Assistant Barrister, in case he shall be of opinion that a Question of Law only is involved in such Proceeding, by Consent of the Parties respectively, to state a Special Case under his Hand for the Opinion of the Judge on Appeal upon such Question of Law, and thereupon like Proceedings shall be had, and a like Decision given upon such Appeal and Special Case, and subject to like Provisions as in other Cases of Appeal, save that, without further Proof of the Facts of the Case, the Decision of the Court of Appeal shall be given upon such Special Case.

Renewals of Decrees.

Decrees and Dismisses in force for One Year, and may be renewed every Six Months.

No Renewal of Decree for Possession, except for Costs.

CXXXIX. Every Decree and Dismiss made and signed by any Assistant Barrister shall be in full Force and Effect for One Year from the Date of the same, and that the same, if not before executed, may be renewed from Time to Time once in every Six Months, or as near thereto as the Time for holding the several Sessions will permit: Provided always, that no Civil Bill Decree for Possession of any Lands or Tenements, or any Affirmance of such Decree, (except in the Case of a Renewal under the Eighth Section of an Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and eleven,) shall be renewed, save for the Costs thereby decreed.

CXL. No Decree shall be at any Time renewed until the Plaintiff in such Decree, or One of the Plaintiffs, if there be more than One, or in case of the Death of a sole Plaintiff then his or her personal Representatives, or One of them, and in case of more than One Plaintiff, the surviving Plaintiff, or One of the Representatives of a deceased Plaintiff, shall have made Affidavit, or an Affirmation in Cases where an Affirmation is by Law allowed, before the said Assistant Barrister for the County in which such Decree was made or pronounced in open Court held as aforesaid for such Division, which Affidavit or Affirmation shall be in the Form 33. in the Schedule (C.) to this Act annexed, or as near thereto as the Nature of the Case will admit, and shall state the Names of the Parties in the original Cause, the Sum for which such Decree was made, and the Sum then remaining due or unpaid to the Plaintiff or Plaintiffs, or their personal Representatives, on the Foot of the said Decree, after all just Allowances; provided that if the Person swearing such Affidavit or making such Affirmation was a Party in the original Cause as personal Representative to some other Person, or if such Person so swearing or affirming shall seek to renew any Decree or Dismiss as Executor or Administrator of One of the Parties in the original Cause, it shall be sufficient for such Person to swear or affirm that such Sum still remains due, after all just Allowances, as he or she verily believes: Provided also, that in the Absence of the Party to the original Decree it shall be lawful for the known Agent or Receiver of such original Party to make such Affidavit, in which Case the Words "One of the Parties," in the Form of the Affidavit specified, shall be omitted, and instead thereof shall be substituted (known Agent or Receiver (as the Case may be) to *C.D.*, Plaintiff or Defendant (as the Case may be), and that such Person so making the said Affidavit may add at the End thereof these Words, "as he doth verily believe."

Decree not renewed till Affidavit in Schedule made.

Provision as to Representatives.

Affidavits for Renewal of Decrees or Dismisses may be made by Agent or Receiver, with Alterations herein directed.

CXLI. No Dismiss shall be at any Time renewed until the Defendant who shall have obtained the same, or One of the Defendants, if there shall be more than One Defendant, or in case of the Death of a sole Defendant then his or her personal Representatives, or One of them, and in case of more than One Defendant the surviving Defendant, or One of the Representatives of a deceased Defendant, shall have made Affidavit, or an Affirmation in Cases where an Affirmation is by Law allowed, in like Manner and Form, *mutatis mutandis*, as is herein-before provided in the Case of renewing a Decree; which Affidavit so sworn or Affirmation made, and signed by and with the Name or Mark of the Person so swearing or affirming it, as well where the Party shall seek to renew a Decree as a Dismiss, shall be written or printed on the same Piece of Paper with the Renewal of the said Decree or Dismiss, filled and prepared for the said

Dismiss not renewed till Affidavit made.

Affidavit on Renewal of Decree or Dismiss to be written on same Paper with Renewal, pre-

pared for Assistant Barrister to sign.

And may renew Decree or Dismiss, as herein.

Affidavit to be kept with Records of County.

said Assistant Barrister to sign; and when such Affidavit or Affirmation shall have been sworn or affirmed the said Assistant Barrister shall sign his Name thereto, testifying that the same was sworn before him in open Court; and the said Assistant Barrister shall and may then renew such Decree or Dismiss (by signing such Renewal) for the whole original Sum and Costs, if the whole shall be due, or for such Sum as shall be sworn or affirmed to remain due, as the Case shall happen, together with the Costs of such Renewal; and thereupon the said Affidavit or Affirmation shall be separated from the said Renewal, and shall be delivered to the Clerk of the Peace for the County or his Deputy, and shall be kept among the Records of the County.

Decrees or Dismisses may be renewed by Plaintiff or Defendant, or their Executors, &c.

CXLII. It shall be lawful for any Plaintiff or Defendant, or surviving Plaintiff or Defendant, or the Executor or Administrator or Assignee of any Plaintiff or Defendant who shall have become bankrupt or insolvent, or the Husband of any Plaintiff or Defendant, by whom any Decree or Dismiss was obtained, to renew any Decree or Dismiss, or any Affirmance or Reversal of any Decree or Dismiss of the Assistant Barrister affirmed or reversed on Appeal against any Defendant or Plaintiff or surviving Defendant or Plaintiff, or the personal Representatives of such Parties respectively; provided that all such Renewals shall be subject to the same and the like Conditions and Regulations as are herein prescribed: Provided always,

No Renewal after Two Years, except upon Notice.

that it shall not be lawful for any Assistant Barrister to grant a Renewal of any Civil Bill Decree or Dismiss, Affirmance or Reversal, when Two Years shall have elapsed after such Decree or

Notice to be served of Renewal when to be granted to any but the original Parties.

Dismiss, Affirmance or Reversal, shall have been pronounced, nor at any Time to grant such Renewal to or against any Person not being an original Party to such Civil Bill, unless upon Proof made in open Court that the Party seeking such Renewal caused Notice in Writing, according to the Form (34.) in the Schedule (C.) to this Act annexed, to be served upon the Person against whom it is sought to renew such Decree or Dismiss, Affirmance or Reversal, setting forth the Particulars of such Decree, and the Amount for which the Application to renew such Decree is proposed to be made, such Notice to be served in like Manner as Civil Bill Processes are hereby required to be served, and at the like Time previous to the First Day of holding the Civil Bill Court to which such Application is intended to be made, and to be entered with the Clerk of the Peace, and heard and determined in like Manner as any ordinary Civil Bill.

Decrees, &c. previous to this Act may be renewed.

CXLIII. All Decrees and Dismisses which shall have been made or pronounced by any Assistant Barrister, Chairman of the Sessions of the Peace for the County of *Dublin*, or the Recorder of the City of *Dublin*,

Dublin, before the Commencement of this Act, may, subject to the Regulations aforesaid, be renewed before any of the Assistant Barristers for the Time being for the Counties respectively in which the said Decrees or Dismisses have been heretofore made, or before such Chairman or Recorder, as the Case may be. *Renewals of Decrees.*

CXLIV. No Decree or Dismiss already made or pronounced, or hereafter to be made or pronounced, by any Assistant Barrister, shall be renewed at any Time after Six Years from the Time of the making or pronouncing the same, but the Debt and Costs therein shall, after Seven Years from the making of the original Decree or Dismiss, be absolutely extinguished, and shall not be capable of being enforced by any Proceeding whatsoever; and such Decree or Dismiss, or Renewal thereof, shall not be revived or kept in force by any parol Evidence or Promise to pay the same or any Part thereof, or by any Evidence of a Part Payment thereof: Provided nevertheless, that if the Defendant or Defendants shall execute any new Security in Writing for such Debt or Costs such new Security shall be of full Force and Effect in Law. Decree or Dismiss not to be renewed after Six Years made.

CXLV. All Decrees and Orders of the said Civil Bill Courts which shall have been signed before the Commencement of this Act, and remaining unexecuted, and all Decrees and Orders of such Courts hereafter to be signed, shall be executed by the Sheriffs of the several Counties, Counties of Cities and Towns, or, at the Request of the Plaintiff, by any Person authorized by the said Sheriffs, by special Warrant, to act as Bailiff, at the Peril of the Party making such Request; and that the several Sheriffs of the several Counties of Cities and Counties of Towns shall make such Warrants and execute such Executions in and for their respective Bailiwicks, upon all Decrees and Dismisses or Orders to be executed within their respective Bailiwicks, and do all and every Matter relative thereto, and to Appeals therefrom, and with the like Fees, as is herein mentioned respecting the Sheriffs of the several Counties at large. *Execution of Decrees.* Sheriffs to execute Decrees. Sheriffs of Counties of Cities and of Towns to make Warrants, &c. in like Manner as Sheriffs of Counties at large.

CXLVI. Any Person employed as a Bailiff in any Civil Bill Decree shall have full Power and Authority to sell Goods taken in Execution by him, by Public Auction, without the Assistance of a licensed Auctioneer. Bailiffs may sell Goods taken in Execution.

CXLVII. No Cattle or Goods taken in Execution under any Decree or Dismiss shall be driven or carried to any Place more than Five Miles distant from the Place where they were taken; and that such Cattle or Goods shall be sold by public Cant to the highest and best Bidder, between the Hours of Ten in the Forenoon and Four in Cattle, &c. not to be taken more than Five Miles; and then publicly sold between

Ten in the Forenoon and Four in the Afternoon, giving Four Days Notice of the same.

in the Afternoon on such Day and at such Place as the Sheriff or his Bailiff shall appoint, first causing Notice in Writing entitled in the Cause of the Time and Place intended for such Sale to be posted up Four Days previous thereto in the next Market Town at the usual Place of posting up public Notices; and the Plaintiff in such Decree shall be entitled to receive and retain out of the Proceeds of such Sale a Sum of Money for the Expenses of Bailiffs in charge of the Property taken (if such Property shall remain in charge of Bailiffs), over and above the Amount of the Decree, at the Rate of One Shilling and Sixpence for each Bailiff for every Twenty-four Hours that he shall be so in charge: Provided always, that the Number of Bailiffs for whom the Plaintiff may so charge shall not exceed Two, and the Length of Time for which he shall charge shall not exceed Five Days; provided also, that the Plaintiff in such Decree, or the Person or Persons so driving or carrying away such Cattle or Goods, or selling them, otherwise than as herein directed, shall forfeit to the Person aggrieved by the same double the Value of the said Cattle, to be recovered by Civil Bill under this Act.

Penalty of double the Value of the Cattle on selling, &c. otherwise than as herein.

Persons driving or taking Cattle or Goods between Sunset and Sunrise, guilty of a Misdemeanor.

CXLVIII. If any Cattle or Goods shall be taken and carried away under any Decree or Dismiss, or under colour of any Decree or Dismiss obtained upon any Civil Bill, between the Hours of Sunset and Sunrise, the Person or Persons so taking and carrying away the same shall be deemed guilty of a Misdemeanor, and being convicted thereof shall suffer such Punishment by Fine or Imprisonment, or both, as to the Court who shall try the Case shall seem meet; and in any Indictment for this Offence it shall be sufficient to allege generally that the Party or Parties fraudulently, contrary to the Intent of this Act, carried away such Cattle or Goods between the Hours of Sunset and Sunrise, without describing more particularly the Circumstances of such Offence; and the Property in the Goods and Cattle so taken shall not be altered by any Sale thereof.

Property not altered by Sale.

Decree may be given in Evidence under General Issue.

CXLIX. In any Case where the Decree, Dismiss of any Civil Bill Court, or any Warrant thereon, may be set up as a Defence to any Action in any Superior Court, it shall not be incumbent on the Party to plead such Decree, Dismiss, or Warrant thereon specially, but it shall be lawful for him to plead the General Issue, and to give the Decree, Dismiss, or Warrant thereon respectively in Evidence as special Matter.

Where Goods of a Third Person are taken under a Decree, that Person,

CL. And whereas Difficulties may arise in the Execution of any Decree or Order made under this Act against Goods, by reason of Claims being made to the Property of such Goods by Persons not being the Parties against whom such Decree or Order has issued, and

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it is reasonable to afford a cheap and expeditious Mode of adjudicating on such Claims: Be it enacted, That when any Goods taken under any Decree, Order, or Process of any Civil Bill Court in *Ireland* shall be claimed by any Person who is not a Party to such Decree, Order, or Process, it shall and may be lawful for the said Person so claiming such Goods so taken as aforesaid, or his Agent, to make an Affidavit before any Justice of the Peace for the County wherein such Goods shall have been seized under such Decree, Order, or Process, (and which Affidavit such Justice is hereby empowered to take and receive,) to the Purport that the said Goods are the *bonâ fide* Property of the Person so claiming the same; and it shall and may be lawful for the Sheriff of the County where such Goods shall be so seized, upon the Lodgment with the said Sheriff of such Affidavit, and of the Amount of the Sum mentioned in such Decree, Order, or Process, where the Value of the Goods so seized shall exceed or be equal to the Amount of the Sum mentioned in such Decree, Order, or Process, or, in the event of the Value of the Goods so claimed being less than the Sum so mentioned, then such Sum as shall be equal to the Value of such Goods, (such Value to be ascertained by any Appraiser appointed by the said Sheriff for taking Replevins,) to issue an Order for the delivering up of such Goods to the said Person so claiming the same, or to cause the same to be delivered up accordingly; and the said Sheriff shall, within Eight Days from the Day of Lodgment of such Affidavit as aforesaid, transmit same to the Office of the Clerk of the Peace, to be there filed, and shall hold the said Money so deposited with him to abide the Order or Decree of the Assistant Barrister in respect of the same, as herein-after mentioned; and the Person so claiming the said Goods, and depositing the said Money with the Sheriff as aforesaid, shall cause a Civil Bill Process to be served on the Plaintiff or Party in such Decree, Order, or Process at whose Suit such Goods shall have been taken, stating that he claims the same as his Property, and the said Civil Bill shall be returnable to the Quarter Sessions for the Division of the County in which such Seizure was made next after such Deposit with the said Sheriff, provided that the same can be served on the Defendant in due Time for such next Quarter Session, and if not then to the Session for the Division next following, and not after; and the said Civil Bill as to the said Claim of Property shall be served, heard, and determined as any ordinary Civil Bill, and the said Assistant Barrister shall make a Decree or Dismiss thereon, as he shall think fit, with Costs; and if the said Claim of Property shall not be substantiated to the Satisfaction of the Assistant Barrister, then the said Sheriff shall and he is hereby required, upon the Production to him of a Dismiss in such Case, or, in case of the Non-production of a Decree for the Plaintiff therein, within

on making Affidavit, and lodging the Amount of the Civil Bill, or the Value of the Goods, with Sheriff, to have the Goods re-delivered to him.

Claimant to bring a Civil Bill at the next Session against Plaintiff in Decree, and Barrister to make a Decree or Dismiss thereon.

Sheriff to pay the Money over to Party entitled.

within Ten Days from the Termination of the Sessions at which such Civil Bill ought to have been brought, without further Order, pay over the Monies so deposited to the Defendant in such last-mentioned Civil Bill, and Credit shall be given by such Defendant for the same out of the Amount due on the original Decree, Order, or Process; and in like Manner, upon the Production to the Sheriff of a Decree in favour of the Claimant of the said Property, the said Sheriff shall pay back to the said Claimant the said Sum of Money so deposited with him as aforesaid: Provided always, that it shall and may be lawful for the Assistant Barrister before whom such Claim of Property shall be tried, if he shall think fit, and Damages shall be claimed in the Process, to give Damages, not exceeding in any Case Five Pounds, for the original Taking of the said Goods, as well as to make an Order for the Payment of the said Deposit to the Claimant; provided also, that if any Person or Persons shall decline or refuse to deliver up the Goods so taken upon any Decree, Order, or Process under this Act, after Production to him or them of the Order of the Sheriff for that Purpose, or shall retake such Goods under the same Decree or Order under which the same were so originally taken, such Person or Persons so offending shall be deemed guilty of a Misdemeanor, and liable to be punished accordingly; and in any Indictment for this Offence it shall be sufficient to allege generally that the Party knowingly and wilfully declined and refused to deliver up such Goods, or retook the same, (as the Case may be,) after Production to him of the said Order of the said Sheriff; and provided also, that nothing in this Provision contained shall debar the Party claiming the Goods as aforesaid from any Remedy to which he would have been entitled if this Act had not been passed, instead of proceeding under this Provision.

Damages may be given for original Taking.

Party refusing to deliver up the Goods on Sheriff's Order, or retaking them, guilty of a Misdemeanor.

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Power to Assistant Barristers to fine Clerks of Peace, Sheriffs, and Attornies guilty of any Breach of Duty.

And may fine or commit to Prison Persons for disturbing the Court, &c.

CLI. It shall and may be lawful for every Assistant Barrister, from Time to Time as there shall be Occasion, of his sole Authority, and at his Discretion, to fine the Clerk of the Peace, or his Deputy, of all Counties and Ridings respectively, and all Sheriffs of Counties and Counties of Cities and Counties of Towns respectively, where Courts for deciding Causes by Civil Bill shall be held, who shall respectively be guilty of any Breach of Duty in the Execution of this Act, in any Sum not exceeding Five Pounds, and, of his sole Authority, and at his Discretion, to fine in any Sum not exceeding Forty Shillings, or, at his Discretion, to commit to Prison for any Time not exceeding a Fortnight, any Person whomsoever who shall disturb the Court so to be held by him for the hearing and determining Causes by Civil Bill, or for any other Contempt of the said Court.

CLII. In

Fees specified in Schedule to be deemed lawful Fees.

CLII. In all Actions and Proceedings by Civil Bill the Fees specified in the Schedule (D.) to this Act annexed shall be established and be deemed and taken as the lawful Fees and Emoluments for the Discharge of the several Duties therein specified by the respective Officers therein mentioned, and no other Fees or Payments shall be recoverable for the Discharge of such Duties; and that every Clerk of the Peace, or his Deputy, Attorney, Sheriff, Bailiff, or Process Officer, who shall receive any greater Fee, Gratuity, or Emolument, or other Consideration, for any of the Services specified in the said Schedule, shall forfeit and pay the Sum of Ten Pounds Sterling for every such Offence, to be recovered by Civil Bill by any Person who may sue for the same.

Penalty for taking larger Fees.

Fees in Schedule chargeable against unsuccessful Party.

CLIII. The several Fees mentioned and set forth in the Schedule (D.) to this Act annexed in that Behalf shall be the Fees chargeable against any Party, Plaintiff or Defendant, as between Party and Party, upon any Civil Bill brought under the Provisions of this Act; and no other Fee or Charge shall be made in any Bill of Costs between Party and Party, or in any Decree or Dismiss, other than those set forth in said Schedule.

Fees payable to the Registrar of the City and County of Dublin.

CLIV. Such of the Fees specified and set forth in the said Schedule (D.) as are thereby made payable to Clerks of the Peace of the different Counties in *Ireland* for entering Civil Bills, and for signing Decrees or Dismisses, and signing and entering Renewals, shall be payable to the Registrar of the present Chairman of the County of *Dublin*, and the Clerk or Registrar of Civil Bills for the City of *Dublin* respectively, only in Ejectment, Replevin, and Legacy Cases, and in Cases over which an entirely new Jurisdiction is hereby created, and in all other Cases the Fees payable to the said respective Registrars at the Time of the Commencement of this Act shall remain unaltered, and continue payable to the Registrar of the Chairman of the County of *Dublin*, so long as the said Office of Registrar shall continue and no longer, and with respect to the Fees payable to the Registrar of the Recorder of the City of *Dublin* so long as the present Registrar shall continue in Office and no longer: Provided always, that upon the Death, Removal, or Resignation of the said Chairman of the County of *Dublin*, and upon the Death, Removal, or Resignation of the present Registrar of the Recorder of the City of *Dublin*, the Fees at present payable to them respectively shall cease to be so payable, and in lieu of same the respective Persons appointed to succeed said respective Registrars shall receive and be paid the several Fees by this Act appointed to be paid to the several Clerks of the Peace, and none other, and shall at the First Sessions

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Miscellaneous Provisions.

at which they shall respectively attend after their respective Appointments, and at the Commencement of such Sessions, take and sign the Affidavit hereby appointed to be made and subscribed by Clerks of the Peace upon their respective Appointments; provided also, that from and after the Time at which the Office of Chairman of the County of *Dublin* shall cease by reason of the Death, Resignation, or Removal of the Person now holding said Office, and so soon as the Appointment of an Assistant Barrister for the said County shall be made in the Manner provided by this Act, the Office of Registrar of the County of *Dublin* shall cease and determine; and all Acts, Duties, and Functions which now by Law belong and appertain to the said Office of Registrar, or which are done or performed, or ought to be done or performed, by the said Registrar, shall belong and appertain to the Office of Clerk of the Peace for the County of *Dublin*, and shall be done and performed by the said Clerk of the Peace or his Deputy: Provided also, that the Practice of the said Courts of the Chairman of the County of *Dublin* and the Recorder of the City of *Dublin* in respect to the Registrars of their respective Courts shall continue during the Continuance of the Office of Chairman of the County of *Dublin* and of the present Registrar of the Recorder of the City of *Dublin* respectively, anything in this Act contained to the contrary notwithstanding.

On the Appointment of an Assistant Barrister for the County of Dublin the Office of Registrar shall cease, and the Duties be transferred to the Clerk of the Peace or his Deputy.

CLV. Every such Registrar and every Clerk of the Peace shall and he is hereby required to cause to be constantly exposed, as well in his Office as also in some particular Place accessible to the Public in every Court of General or Quarter Sessions within his County, a fair and legible Table, painted or printed in Letters and Figures not less than One Half Inch in Length, of the Fees payable upon all Proceedings upon all Civil Bills, and likewise the Penalty to which any Person may become liable for receiving any greater Fee than is set forth in the said Schedule (D.) to this Act annexed for any of the Services therein specified; and that on Proof made on summary Application to the Court of any Neglect or Omission of such Exposure the Registrar or Clerk of the Peace so neglecting shall forfeit any Sum not exceeding Five Pounds, to be paid to the Treasurer of the County within which such Penalty shall be incurred, and accounted for and applied by such Treasurer to the Aid of the Expenditure of such County; and it shall be lawful for the Grand Jury of every County, and they are hereby required, at any Assizes to be held in and for such County, to present the reasonable and actual Expense of preparing and exposing such Tables to be raised by Presentment upon such County, and to be paid to such Registrar or Clerk of the Peace.

Table of Fees to be exposed in some conspicuous Parts of the Office of the Clerks of Peace and Court of Quarter Sessions.

CLVI. It

Miscellaneous Provisions.

General Orders to be made for regulating the Forms and Manner of proceeding in Civil Bill Courts.

CLVI. It shall and may be lawful for the Assistant Barristers, or for any Five of them, to be selected at a Meeting of the said Assistant Barristers to be convened for the Purpose, and they are hereby required, within Six Months after the Commencement of this Act, to make and issue such General Orders, Rules, and Regulations as they shall think fit for regulating the Forms and Manner of proceeding in the Civil Bill Courts, and for carrying the Provisions of this Act into execution, and for simplifying, establishing, and settling the Course of Practice in the said Courts, and afterwards from Time to Time to annul, alter, or vary any Order or Orders so as aforesaid made, and to make any new General Orders, Rules, and Regulations for the like Purpose; provided that any such Rules, Orders, or Regulations shall not be inconsistent with this Act, or with the Law of *Ireland;* such Orders, Rules, and Regulations to be submitted to the Lord Chief Justice of the Court of Queen's Bench in *Ireland*, for his Approval; and Copies of all such Orders, Rules, and Regulations, when so approved, shall be transmitted to the Clerks of the Peace of the respective Counties in *Ireland*, to be by them kept and preserved in their Offices, and there to remain open at all Times to the public Inspection; and such Orders, Rules, and Regulations shall have the same Effect and be as binding as if they were contained in this Act.

Perjury.

CLVII. If any Person taking an Oath or making a Declaration or Affirmation in any Action, Examination, or other Proceeding under the Provisions of this Act shall wilfully and corruptly swear, declare, and affirm falsely, he shall be deemed guilty of Perjury, and shall be liable to be prosecuted and punished accordingly; and if in any such Action, Examination, or other Proceeding the Assistant Barrister shall deem any Witness or Party to have so far wilfully and corruptly sworn, declared, or affirmed falsely as that in his Opinion such Witness or Party ought to be prosecuted at the Expense of the County within which the Witness or Party shall have so sworn, or affirmed, or declared, and shall certify such Opinion in Writing, then and in every such Case, if any Prosecution be instituted, the Court in which such Prosecution shall take place shall make an Order for Payment of the Expenses of such Prosecution by the Treasurer of the County.

All Powers of Assistant Barristers, &c. under this Act conferred upon Chairman of Sessions and Recorders of

CLVIII. All Jurisdictions, Powers, and Authorities by this Act conferred upon the Assistant Barristers of Counties in relation to Proceedings by Civil Bill are hereby conferred upon the Chairman of the Sessions of the Peace for the County of *Dublin* and the Recorder of the City of *Dublin*, and the Recorder of the Borough of *Cork:* Provided always, that, so far as regards the Recorder of the City of

Dublin and of Cork.

of *Dublin*, and the Recorder of the Borough of *Cork*, nothing in this Act contained shall be deemed or taken to abridge or in any Manner affect the Jurisdiction conferred on the said respective Recorders by the Acts of the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, and of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Seventy-three, where such Jurisdiction shall exceed the Jurisdiction conferred by this Act; and that nothing herein contained shall be taken to alter the Mode of Appointment of a Deputy by said Recorders, or of Officers of the Court of the said Recorders, or the existing Power of such respective Recorders to appoint the proper Officers of such Courts for the Service or Execution of the Process of the same under this Act; and if any Doubt shall arise in the Application of this Act as to what Officers of such Courts shall correspond with those named in this Act under Proceedings by Civil Bill, it shall be lawful for such Courts respectively to determine the same.

Proceedings by Civil Bill under 3 & 4 Vict. c. 108., &c. to be had or taken before Recorders of Boroughs, shall be, as near as may be, in the Forms, &c. as by this Act is provided.

CLIX. And whereas by the Act of the Third and Fourth Years of Her Majesty's Reign, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, Provision is made relating to Proceedings by Civil Bill before Recorders of Boroughs or Towns in *Ireland;* and it is thereby, amongst other things, enacted, that such Proceedings by Civil Bill shall be, as nearly as Circumstances will admit, in the Forms and according to the Course, and with such Right of Appeal to a Judge of Assize or at Nisi Prius, as is by Law provided in Cases of Civil Bills determinable before any Assistant Barrister, Chairman, or Recorder, as the Case may be: And whereas, by reason of the Repeal of former Statutes relating to Civil Bills, it is necessary to substitute another Provision in lieu thereof: Be it enacted, therefore, That from and after the Commencement of this Act all Proceedings by way of Civil Bill under said recited Act, or under any other Act not hereby repealed, to be had or taken before any Recorder of a Borough or Town in *Ireland* other than the Recorders of the City of *Dublin* and Borough of *Cork*, shall be, as nearly as the Circumstances of the Case will admit, in the Forms, and subject to the like Provisions as to Stamps and Fees, and according to such Course, and with such Right of Appeal to a Judge of Assize or at Nisi Prius of the County or City in which for such Purpose such Borough or any Part thereof shall be situate, and subject to such other Rules and Regulations, as by this Act is provided in Cases of Civil Bills determinable before any Assistant Barrister or Chairman, and with the same Amount and Limits of Jurisdiction: Provided always, that nothing herein contained shall be construed to affect the Manner or Times of holding the Courts of such Recorders for the Hearing of such Civil Bill Proceedings, or to abridge any existing

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existing Power of such respective Recorders to appoint the proper Officers of such Courts for the Service or Execution of the Process of the same; and if any Doubt shall arise, in the Application of this Act, as to what Officers of such Courts shall correspond to those named in this Act for the Service or Execution of Process, it shall be lawful for such Courts to determine the same.

As to Compensation to Recorders for Loss of Fees.

CLX. And whereas, by reason of the Repeal of former Acts relating to Civil Bills, the said Recorders, other than the Recorder of the City of *Dublin* and the Recorder of the Borough of *Cork*, will be deprived of certain Fees to which they were heretofore entitled upon Proceedings by Civil Bill before them: Be it enacted, That every such Recorder, save the Recorder of the City of *Dublin*, shall be entitled within Twelve Calendar Months after the passing of this Act to make a Claim before the Commissioners of Her Majesty's Treasury, for Compensation in respect of the Loss of Fees upon Civil Bill Proceedings to be sustained by him under this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the average Amount of Fees upon Civil Bill Proceedings duly received by such Recorder respectively during the Seven Years next preceding the Date of such Claim, or such other Period as they may in the particular Case think fit, and what were the Fees in respect of which such Compensation should be allowed; and the said Commissioners shall award to the Persons making such Claims such Compensations as they shall think just; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of all such Compensations shall, within One Month after the same shall be so granted, be laid before the House of Commons, if Parliament be then sitting, and if Parliament be not then sitting, then within One Month after the then next Meeting of Parliament.

Nothing in this Act to affect Duty of Chairman of County Dublin in registering Voters by a Deputy.

CLXI. Nothing herein contained shall be construed to repeal or affect the Provision made by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Ireland, enabling the Chairman of the Sessions of the Peace for the County of *Dublin* to discharge the Duties imposed upon him by that Act with regard to the Registry of Voters in and for the City of *Dublin* by Deputy, as therein mentioned: Provided always, that upon the Death or Resignation of the present Chairman as aforesaid it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to nominate and appoint a practising Barrister-

Upon Death, &c. of present Chairman, Lord Lieutenant to appoint a Barrister to

perform the Duties with respect to Registration of Voters.

Barrister-at-Law of Ten Years standing at the least, during good Behaviour, who shall have actually practised Ten Years in Her Majesty's Superior Courts in *Dublin*, and who shall not at the Time of his Appointment to such Office have retired from such Practice, to discharge the said Duties with regard to the Registry of Voters in and for the City of *Dublin*, as fully and effectually as if he had been appointed by a Chairman of the Sessions of the Peace of the County of *Dublin* under the said Act, and subject to like Provisions, and with the like Powers, and to be remunerated in like Manner, as if he had been so appointed.

Interpretation of Terms.

CLXII. In the Construction of this Act the several Proceedings and Duties hereby directed to be had and done in the Office of and by the Clerk of the Peace shall (as regards the County of *Dublin*) be had and done in the Office of and by the Registrar of the Chairman of the Sessions of the Peace of the County of *Dublin*, so long as such Registrar shall continue in Office, and afterwards in the Office of and by the Clerk of the Peace of the said County of *Dublin*, and (as regards the City of *Dublin*) in the Office of and by the Registrar of Civil Bills for the City of *Dublin;* and the Provisions of this Act in relation thereto shall extend to such Registrar of the Chairman of the Sessions of the Peace of the County of *Dublin*, and to such Registrar of Civil Bills; and the Expression "Assistant Barrister" or "Assistant Barristers" shall extend to and include the Chairman of the Sessions of the Peace of the County of *Dublin*, and the Recorder of the City of *Dublin* and the Borough of *Cork*, and the several Recorders herein mentioned, in Civil Bill Proceedings, save and except so far as relates to the Appointment, Salary, retiring Pension, and Continuance in Office of the said Recorders, or so far as it is by this Act in other respects otherwise specially provided; and wherever the Clerk of the Peace is named in this Act the Provision shall extend to the Acting or Deputy Clerk of the Peace, or other Officer discharging the Duties of a Clerk of the Peace; and whenever the Sheriff is named the Provision shall extend to the Sub-Sheriff; and that the Words "Party" and "Person," whenever used in this Act, shall extend to and include any Corporation or public Company; and that all Words importing the Singular Number or Masculine Gender shall be construed to extend to and include many Persons as well as One Person, and Females as well as Males; and the Word "County" or "Counties" shall extend to and include "Counties of Cities and Counties of Towns," and "Riding" or "Ridings" of Counties appointed for Civil Bill Purposes and for all or any Matters relating to General or Quarter Sessions; unless in any of such Cases there be something in the Context or Provision repugnant to or inconsistent with such Construction.

CLXIII. The

CLXIII. The Schedules to this Act annexed shall be deemed and understood as Part of this Act. Schedules deemed Part of this Act.

CLXIV. This Act shall commence and take effect from and after the Thirty-first Day of *August* One thousand eight hundred and fifty-one. Commencement of Act.

CLXV. This Act shall extend to *Ireland* only, save where the contrary is hereby expressed. Act to extend only to Ireland.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

ACTS TO BE REPEALED.

Date of Act.	Title.	Extent of Repeal.
9 Wm. III. c. 15. -	For the more easy and speedy securing and Recovery of Small Debts.	The whole.
2 Geo. I. c. 11. -	For reviving and amending an Act, entitled "An Act for Recovery of Small Debts in "a summary Way before the Judges of "Assize."	The whole of this Act, except that Part of same which relates to the Amount of Costs in Actions of Trespass and Actions for Battery and Actions for Assault and Slander, where Damages under 40*s.*, viz. Sections 16 and 17.
8 Geo. I. c. 6. -	For the further Amendment of the Law; and for continuing and amending several Acts nearly expiring.	Section 4 of this Act.
1 Geo. II. c. 14. -	For explaining and amending an Act, entitled "An Act for reviving and amending an Act, "entitled 'An Act for Recovery of Small "'Debts in a summary Way before the "'Judges of Assize.'"	The whole.
31 Geo. II. c. 16. -	For the Recovery of Small Debts in a summary Way in the City of Dublin and the Liberties thereof.	The whole.
7 Geo. III. c. 21. -	To continue and amend an Act passed in the Third Year of His Majesty's Reign, entitled "An Act to amend and explain an Act made "in the Thirty-third Year of the Reign of "Henry the Eighth, entitled 'An Act for "'Tythes;'" and for other Purposes therein mentioned.	Sections 6, 7, 8, and 9.
19 & 20 Geo. III. c. 26.	For amending the Acts of the Second and Eighth Years of the Reign of His late Majesty King George the First, and of the First Year of His late Majesty King George the Second, for Recovery of Small Debts, in a summary Way, by Civil Bill, as far as they relate to the County of Dublin.	The whole.
27 Geo. III. c. 40. -	For the better Execution of the Law and Preservation of the Peace within Counties at large.	So much of said Act as relates to the appointing of Sessions; also the Appointment of Towns for holding Sessions; the Appointment of Assistant Barristers, and their Salary, and the Duties of same; viz. Sections 14, 15, 16.

Civil Bills, &c. (Ireland.)

Date of Act.	Title.	Extent of Repeal.
31 Geo. III. c. 31. -	For the preventing of Frauds in the Execution of Decrees obtained on Civil Bills.	The whole.
36 Geo. III. c. 25. -	For the better and more convenient Administration of Justice, and for the Recovery of Small Debts, in a summary Way, at the Sessions of the Peace of the several Counties at large within this Kingdom, except the County of Dublin, and for continuing and amending an Act, entitled " An Act for the better Execu- " tion of the Law and Preservation of the " Peace within Counties at large."	The whole.
38 Geo. III. c. 25. -	To amend an Act passed in the Thirty-sixth Year of the Reign of His Majesty King George the Third, entitled " An Act for the " better and more convenient Administration " of Justice, and for the Recovery of Small " Debts in a summary Way, at the Sessions " of the Peace of the several Counties at large " within this Kingdom, except the County of " Dublin," and for continuing and amending an Act, entitled " An Act for the better Exe- " cution of the Law and Preservation of the " Peace within Counties at large," save and except Section 2, and so much of Section 6 as relates to the Barony of Ballinacor.	The whole.
38 Geo. III. c. 65. -	Appointing Chairman of the Sessions of the Peace in the County of Dublin.	The whole to be repealed from and after the Death, Resignation, or Removal of the present Chairman.
39 Geo. III. c. 16. -	For the further Amendment of an Act passed in the Thirty-sixth Year of the Reign of His Majesty King George the Third, entitled " An " Act for the better and more convenient Ad- " ministration of Justice, and for the Recovery " of Small Debts in a summary Way, at the " Sessions of the Peace of the several Coun- " ties at large within this Kingdom, except " the County of Dublin, and for continuing " and amending an Act, entitled 'An Act for " 'the better Execution of the Law and Pre- " 'servation of the Peace within Counties at " 'large.'"	The whole.
40 Geo. III. c. 69. -	To enable His Majesty to grant Annuities to the Chairman of the Quarter Sessions of the County of Dublin, and Assistant Barristers of the several other Counties on the Resignation of their respective Offices.	So much of said Act as relates to the retiring Pensions of the Chairman of Kilmainham, and the Assistant Barristers in Ireland, save as to any retiring Pensions heretofore granted to any such Persons now living. Sections 1, 2.
49 Geo. III. c. 101. -	To regulate the Fees payable by Persons charged with Treason, Felony, and all other Offences at Assizes and Quarter Sessions in Ireland; and for amending an Act of the Parliament of Ireland made in the Thirty-sixth Year of His present Majesty relating thereto.	So much thereof as relates to the Division of Counties. Section 5.

Civil Bills, &c. (Ireland.)

Date of Act.	Title.	Extent of Repeal.
54 Geo. III. c. 68. -	For the better Regulation of Ecclesiastical Courts in Ireland; and for the more easy Recovery of Church Rates and Tithes.	So much of said Act as relates to Proceedings for Recovery of Monies under Monitions before Chairman of the County of Dublin and Assistant Barristers. Section 8.
54 Geo. III. c. 131. -	To provide for the better Execution of the Laws in Ireland, by appointing Superintending Magistrates and additional Constables in Counties in certain Cases.	So much of said Act as relates to the Division of Counties into Districts for Civil Bill Courts. Section 20.
54 Geo. III. c. 181. -	To render more easy and effectual Redress for Assaults in Ireland.	So far as same gives a Jurisdiction to Assistant Barristers by Civil Bill, in case of Assaults, to the Extent of Five Guineas.
56 Geo. III. c. 88. -	To amend the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants, and for the Protection of the Tenant from undue Distress.	The whole, save Section 14.
58 Geo. III. c. 39. -	To explain and amend an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, for amending the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants; and for the Protection of the Tenant from undue Distress.	The whole.
1 Geo. IV. c. 41. -	To extend the Benefit of Two Acts made in the Fifty-sixth and Fifty-eighth Years of the Reign of His late Majesty King George the Third, for amending the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants.	The whole, except Section 2.
4 Geo. IV. c. 93. -	To divide the County of Cork, for the Purpose of holding additional General Sessions therein.	The whole.
7 Geo. IV. c. 36. -	To regulate the Service of the Process of the several Courts for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
1 & 2 Wm. IV. c. 31.	To improve the Administration of Justice in Ireland.	So much of said Act as relates to the Times for holding Quarter Sessions and the Time for fixing same. Sections 9. 11.
6 & 7 Wm. IV. c. 75.	To extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in Ireland.	The whole.

Civil Bills, &c. (Ireland.)

Date of Act.	Title.	Extent of Repeal.
1 Vict. c. 43. -	To amend the Laws for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
5 Vict. c. 33. -	An Act to amend and explain so much of Two Acts of the Sixth and Seventh Years of His late Majesty, and of the First Year of Her present Majesty, as relates to the Execution of Civil Bill Decrees for the Possession of Land in Ireland.	The whole.
6 & 7 Vict. c. 81. -	An Act to make better Provision for the Appointment of a Deputy for the Chairman for the Sessions of the Peace for the County of Dublin, and to provide for the taking of an Oath by the said Chairman or Deputy; and to amend an Act of the First Year of Her present Majesty to amend the Law for the Recovery of Small Debts by Civil Bill in Ireland.	The whole.
9 & 10 Vict. c. 111. -	An Act to amend the Law in Ireland as to Ejectments and Distresses, and as to the Occupation of Land.	So much of said Act as relates to Proceedings by Civil Bill, but so, nevertheless, that the 8th and the 10th Sections of the said Act shall not be hereby affected or repealed.
11 & 12 Vict. c. 28. -	An Act to amend the Law of Imprisonment for Debt in Ireland, and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns in certain Cases.	So much of the said Act as relates to any Civil Bill Court, or to any Action, Civil Bill, or Decree, Process, Evidence, Execution, or Proceeding in or relating to any such Civil Bill Court, save in so far as the said Act limits the Power of Arrest for all Sums not exceeding Ten Pounds; save also in so far as the said Act exempts from its Operation Proceedings relating to Revenue of Excise, or Customs, Stamps, Taxes, or Post Office.
11 & 12 Vict. c. 34. -	An Act to amend certain Acts in force in Ireland in relation to Appeals from Decrees and Dismisses on Civil Bills in the County of Dublin and County of the City of Dublin.	The whole.

SCHEDULE B.

	Counties.	*Salaries of Assistant Barristers.*
Class I. - -	Antrim, Armagh, Clare, Donegal, Down, Galway, Kerry, Kilkenny, Limerick, Londonderry, Mayo, Monaghan, Tyrone,	£1,000 per Annum.
Class II. - -	Cavan, Cork, West Riding, Fermanagh, Leitrim, Queen's County, Roscommon, Sligo, Waterford, Wexford,	£800 per Annum.
Class III. - -	Carlow, Kildare, King's County, Longford, Louth, Meath, Westmeath, Wicklow,	£600 per Annum.

Henry Kemmis, Esq., while Chairman of the Sessions of the Peace of the County of Dublin - - - - - £900 per Annum.

His Successors, being Assistant Barristers for the County of Dublin - £800 per Annum.

The present Assistant Barrister of the County of Tipperary - - £1,600 per Annum

His Successors (as long as the said County shall not be divided into Ridings under this Act) - - - - - - £1,000 per Annum.

The present Assistant Barrister to the East Riding of the County of Cork £1,200 per Annum.

His Successors - - - - - - £1,000 per Annum.

SCHE-

SCHEDULE C.

(1.)

Civil Bill Process in Replevin.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

A.B., of in the County of [*Addition of Plaintiff*], Plaintiff.
C.D., of in the County of [*Addition of Defendant*], Defendant.

The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of next, to answer the Plaintiff's Bill in an Action for the Sum of for that the Defendant, upon the Day of in the Year One thousand eight hundred and at in the said County and Division, wrongfully and unjustly seized, took, and distrained the Goods and Chattels of the said Plaintiff, to wit, Cows, Horses [*as the Case may be*], and wrongfully detained same in and upon the Plaintiff's House [*or Lands, or as the Case may be*], situate at aforesaid, for £ alleged to be due and owing for Years Rent for said House [*or Lands, as the Case may be*] ending on the Day of to the said Defendant *C.D.*, as Landlord of the said House [*or Lands, as the Case may be*], to the Plaintiff's Damage, in the said Sum of or in default thereof the Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and .

Signed by [*or* on behalf] of the Plaintiff.

(2.)

Order of Replevin.

The Sheriff of the County of is hereby required, without Delay, to cause to be replevied to *A.B.* (if he shall give sufficient Security), the Goods and Chattels which *C.D.* unjustly detains.

Signed the Day of in the Year One thousand eight hundred and .

Y.Z., Clerk of the Peace for the said County of .

(3.)

Form of Replevin Bond.

County of
Division of
to wit.

Know all Men by these Presents, that we, *A.B.* of [*Tenant*] and *C.D.* and *E.F.* [*Sureties*], are and each of us is jointly and severally held and firmly bound to *Y.Z.*, Sheriff of the County of in the Sum of of lawful British Money,

Money, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which Payment well and truly to be made we bind ourselves, our Heirs, Executors, and Administrators, and each and every of us binds himself, his Heirs, Executors, and Administrators, firmly by these Presents.

Sealed with our Seals and dated this Day of in the Year One thousand eight hundred and .

The Condition of the above-written Obligation is such, that if the above-bounden *A.B.* do prosecute his Suit against *G.H.* of in the Court of the Assistant Barrister for the said County of at the Sessions which will be held for the said County and Division in the Month of next, for the taking and unjustly detaining of his Goods and Chattels, to wit [*specify the Goods and Chattels*] or do return all the said Goods and Chattels to the said *G.H.*, his Executors or Administrators, then the above-written Obligation shall be void, otherwise the same shall be and remain in full force and virtue.

(4.)

Form of a Decree for Defendant in case of Distress.

County of
Division of
to wit.
} By the Assistant Barrister at the Sessions for the said County.

Plaintiff.
Defendant.
} It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained, and it appearing to the Court that the Distress in dispute was not improperly made, it is therefore ordered and decreed by the Court that the Defendant do recover from the Plaintiff the Sum of for Rent due, and for Costs; and the several Sheriffs of the respective Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Plaintiff to satisfy the same.

Dated this Day of in the Year One thousand eight hundred and .

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Defendant.

[*Sheriff's Warrant to be added.*]

(5.)

Form of a Decree for Payment of Damages for improper Distress.

County of
Division of
to wit.
} By the Assistant Barrister at the Sessions for said County.

Plaintiff.
Defendant.
} It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained by the Defendant, and it appearing to the Court that the Distress in dispute was improperly made, or that the Amount due at the Time of the Distress, with

with reasonable Costs of Distress, had been duly tendered [*as the Fact may be*], it is therefore ordered and decreed by the Court that the Plaintiff do recover from Defendant the Sum of for Damages and Costs; and the several Sheriffs of the respective Counties of Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the same.

Dated this Day of in the Year One thousand eight hundred and .

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Plaintiff.

[*Sheriff's Warrant to be added.*]

(6.)

Civil Bill Process for Legacy or distributive Share of Assets.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

A.B. of in the County of [*Addition of Plaintiff*], Plaintiff.
C.D., of in the County of [*Addition of Defendant*], Defendant.

The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of next, to answer the Plaintiff's Bill in an Action for the Sum of for that the Defendant, as Executor [*or* Administrator, *as the Case may be*] of *A.B.* deceased, is justly liable to pay the Plaintiff the Sum of as a Legacy [*or* distributive Share of Assets, *or other Cause of Action, as the Case may be*] due and payable to the Plaintiff under the Will of the said *A.B.*, [*or* upon the Distribution of the Assets of the said *A.B.*, *as the Case may be*], to the Plaintiff's Damages in the said Sum of or in default thereof the Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and .

Signed by [*or* on behalf of] the Plaintiff.

(7.)

Form of a Decree for Payment of a Legacy.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for said County.

A.B.
Plaintiff.
C.D.
Defendant.

It appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant, as Executor of *A.B.*, for Recovery of the Sum of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that is due to the Plaintiff for his Legacy, and that the Defendant ought to pay the same, and the Costs of this Civil Bill [*or Part of the same, as the Case may be*], it is therefore ordered and decreed by the

the Court, that the Plaintiff do recover from Defendant the said Sum of together with Costs; and the Sheriffs of the several Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and

Legacy, £
Costs
Warrant

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

[*Sheriff's Warrant to be added.*]

(8.)

Form of a Decree for Payment of a distributive Portion of the Assets of an Intestate.

County of
Division of } By the Assistant Barrister at the Session for said County.
to wit.

Plaintiff
} It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of the Sum of for his distributive Portion as One of the
Defendant.

next of Kin of the Assets of of who died intestate, and it appearing to the Court that the Plaintiff is one of the next of Kin of the said and entitled to and that the Defendant is the Administrator of the said and that the Defendant has in his Hands of the Assets of the said a Sum sufficient to pay the Plaintiff's Demand [*or Part of same, as the Case may be*], it is therefore ordered and decreed by the Court, that the Plaintiff do recover from Defendant the said Sum of together with Costs; and the Sheriffs of the several Counties in Ireland are hereby commanded to take in execution the [Body *or* Goods] of the said Defendant to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and

Distributive Share, £
Costs
Warrant

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for Plaintiff.

[*Sheriff's Warrant to be added.*]

(9.)

Form of Civil Bill to be served upon the Defendant in ordinary Cases.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

A.B. of
in the County of
[*Residence and Addition of Plaintiff*],
Plaintiff.
C.D. of
in the County of
[*Residence and Addition of Defendant*],
Defendant.

The Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of to answer the Plaintiff's Bill for [*state the Cause of Action*], or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf of] the Plaintiff.

(10.)

Form of the Certificate of the Clerk of the Peace, as to the Lodgment of Money by a Defendant for Rent and Costs in a Civil Bill Ejectment Case.

County of
Division of

I hereby certify, That *A.B.*, of Defendant in this Cause, has [*or* have] this Day deposited with me the Sum of for Rent, and for Costs.

Plaintiff [*to be here stated and described as in the Civil Bill*].
Defendant [*to be here stated and described as in the Civil Bill*].

Given under my Hand, this Day of in the Year One thousand eight hundred and

F.G., Clerk of the Peace for the County of
or Deputy.

(11.)

Form of Acknowledgment by Occupiers of Lands recovered in Ejectment upon the Execution of a Civil Bill Decree for Delivery of Possession, where the Parties do not agree to an Attornment as Tenants.

Whereas *A.B.* of hath lately obtained a Civil Bill Decree for the Lands and Tenements in the respective Tenancy or Occupation of the Persons under-named respectively amongst other Lands and Tenements.

Now we, whose Names are hereunder subscribed, upon the Execution of the Decree in the said Cause, with the Assent of the said *A.B.* [*or the Attorney for the Plaintiff*] in the said

said Cause, testified by the said Attorney for the Plaintiff signing these Presents, do hereby severally and respectively acknowledge that we respectively hold or occupy the Lands and Tenements now in our respective Occupation, as hereunder specified, by the Leave and Licence, and for and on behalf of, and at the Will of the said *A.B.*, and that we will severally and respectively, when required by the said *A.B.*, or his authorized Agent or Receiver, deliver up to the said *A.B.*, or his authorized Agent or Receiver, the Possession of the said Lands and Premises in our respective Occupation, as set opposite to our respective Names in the Schedule hereunder written. (Provided always, that if the said Lands and Premises shall, in due Course of Law be redeemed, these Presents shall henceforth be void.)

As witness our Hands this Day of in the Year One thousand eight hundred and .

Occupiers Names.	Farm or Lands.
C. D. - - -	Blackacre.
E. F. - - -	Whiteacre.
G. H. - - -	House and Garden in Whiteacre [*or as the Case may be*].

Witness,

I. K., Attorney for the Plaintiff.
L. M., Sheriff *or* Sheriff's Officer.

(12.)

Form of a Civil Bill to be used where the Tenant has deserted the Premises.

County of
Division of
} By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.
Defendant.
} Whereas the Defendant holds all that and those in the Parish of and Barony of and in the said Division of in the said County, as Tenant to the Plaintiff under a Demise thereof made the Day of the Year of our Lord One thousand eight hundred and for the Term of which is still in being, at the yearly Rent of : And whereas the Sum of for Rent of the said Premises, ending on the Day of last past, became and was due by the said Defendant to the said Plaintiff, and still remains so due after all fair and just Allowances whatsoever: And whereas the said Defendant, on the Day of in the Year of our Lord One thousand eight hundred and deserted the said Premises and abandoned the same, and did not leave sufficient Distress thereon to countervail the Rent so due for the same, and such sufficient Distress cannot be had to countervail the Rent so due The Defendant is therefore hereby required personally to be and appear before the said Assistant Barrister at in the Division aforesaid, in the said County, on the Day of next at a Quarter Sessions to be then and there holden

holden for said Division of said County, to answer the Plaintiff's Bill brought by him for Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and .

Signed on behalf of the Plaintiff.

E. F., Attorney.

To the Defendant. [*Residence of Attorney.*]

(13.)

Form of a Civil Bill to be used where the Tenant's Interest is determined, and Possession has been demanded by the Landlord in Person.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendants.

Whereas One of the Defendants, lately held all that and those in the Parish of and Barony of and in the Division of aforesaid, in the said County, as Tenant to the Plaintiff, under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of at the yearly Rent of which Demise determined on the Day of last, by : And whereas the said Plaintiff, after the Determination of the said Demise, to wit, on the Day of now last past, duly demanded the possession of the said Premises, and a Delivery of the said Possession to him; and the said Possession and the Delivery thereof have and hath been withheld, and the several Defendants are respectively in possession of the Premises, and no other Person is in possession of any Part thereof. The Defendant, therefore, and all Persons claiming to have any Interest in the said Premises, are hereby required personally to be and appear before the said Assistant Barrister at in the said Division of aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of said County, to answer the Plaintiff's Bill brought by him for the Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and .

Signed on behalf of the Plaintiff.

E. F., Attorney.

To the Defendant. [*Residence of Attorney.*]

(14.)

Form of a Civil Bill where the Tenant's Interest is determined, and Possession has been demanded by a Bailiff or Receiver.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendants.

Whereas that and those One of the Defendants lately held all in the Parish of and Barony of and in the Division of aforesaid, in the said County, as Tenant to the Plaintiff, under a Demise made thereof the Day of in the Year of our Lord One thousand eight hundred and for the Term of at the yearly Rent of which Demise determined on the Day of last past by : And whereas the Bailiff and Receiver of the said Plaintiff, after the Determination of the said Demise, to wit, on the Day of now last past, duly demanded the Possession of the said Premises, and a Delivery of the said Possession to him as such Bailiff and Receiver of the said Plaintiff, and the said Possession and the Delivery thereof have and hath been withheld, and the several Defendants are respectively in possession of the Premises, and no other Person is in possession of any Part thereof. The Defendants therefore, and all Persons having or claiming any Interest in the Premises in question, are hereby required personally to be and appear before the said Assistant Barrister at in the Division of aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of the said County, to answer the Plaintiff's Bill brought by him for the Recovery of the Possession of the Premises, by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E. F., Attorney,
[*Residence of Attorney.*]

(15.)

Form of a Civil Bill to be used where a Year's Rent is in arrear.

County of
Division of } By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of said County.

Plaintiff.

Defendants.

Whereas that and those One of the Defendants, holds with the Appurtenances, situate, lying, and being in the Parish of and Barony of and in the Division of aforesaid in the said County, as Tenant to the Plaintiff under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of which is not yet expired, at the yearly Rent of payable in equal Gales, on every during the said Term [*or*

as

as Tenant from Year to Year, at the yearly Rent of £ payable on every Day of and Day of in each and every Year]: And whereas the Sum of for Rent of the said Premises, ending on the Day of last past, became and was due by the said Defendant to the said Plaintiff, and thereof, being One full Year's Rent still remains due thereon: [And whereas the several other Defendants respectively are in actual Possession of the Premises, or have respectively Interests therein, under Deeds and Instruments duly registered, and creating such Interests respectively, and no other Person, save the Defendants, or some of them, is in such Possession, or appear to have any such Interest:]

Note.—In Cases of Tenancy from Year to Year omit the Words within Brackets.

The Defendants, therefore, and all Persons having or claiming any Interest in the said Premises, are hereby required personally to be and appear before the said Assistant Barrister, at in the Division of aforesaid in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of said County, to answer the Plaintiff's Bill, brought by him for Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed on behalf of the Plaintiff.

E.F., Attorney,

To the Defendant, [*Residence of Attorney.*]

(16.)

Form of Ejectment against a permissive Occupant.

County of
Division of
} By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of the said County.

Plaintiff.

Defendant.

Whereas the said Plaintiff, on the Day of in the Year One thousand eight hundred and delivered to the said Defendant all that and those [Premises, *stating Locality, &c.*] to be by him the said Defendant occupied or taken care of as Servant [*or* Caretaker *or* permissive Occupant, *or* strictly at the Will of the Plaintiff, *or* at sufferance, *as the Case may be, or in Words of Act*] for the said Plaintiff at [*state Wages, if any*]: And whereas the said Plaintiff, on the Day of required the said Defendant to depart from the said Premises, and deliver up same to the said Plaintiff, but the said Defendant refused or omitted so to do, and hath since the said Day kept the Possession of said Premises from said Plaintiff, and continues so to do. The Defendant therefore is hereby required personally to appear before the said Assistant Barrister at in the Division of aforesaid, in the said County, to answer the Plaintiff's Bill brought by him for the withholding of the Possession of the said Premises in manner aforesaid, or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf of] the Plaintiff.

E.F., Attorney,

To the Defendant. [*Residence of Attorney.*]

(17.)

Form of Civil Bill to redeem.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for said County.

A.B. of
Plaintiff.
C.D. of
Defendant.

Whereas the Defendant did, on the Day of last, prefer a Civil Bill before the said Assistant Barrister of the said County against the said Plaintiff, to obtain the Possession of all that and those [*here describe the Premises sought to be redeemed accurately*] which said Premises are situate, lying, and being in [*describe the Locality*] held by the Plaintiff as Tenant to the said Defendant, under a Demise thereof made the Day of in the Year of our Lord One thousand eight hundred and for the Term of from the Day of then next, at the yearly Rent of Sterling [*or*, as Tenant from Year to Year to the Defendant at the yearly Rent of Sterling, *as the Case may be*]: And whereas by the Decree of the said Assistant Barrister, at a Sessions of the Peace held at in and for the said County of it was decreed that the said Defendant should be put into Possession of the said Premises: And whereas the said Defendant, on the Day of last, duly obtained Possession of the said Premises, under and by virtue of the said Decree: And whereas the said Plaintiff did, on the Day of last, tender to the said Defendant, for the Purpose of redeeming said Premises, the full Rent and Costs due out of said Premises under said Decree, amounting to the Sum of for Rent and for Costs, amounting in the whole to the Sum of which Sums, at all Times, and ever since said Tender, the said Plaintiff has had ready, and is now ready to pay to him the said Defendant. Therefore the said Defendant is hereby required personally to be and appear before the said Assistant Barrister at in the Division aforesaid, in the said County, on the Day of next, at a Quarter Sessions to be then and there holden for the said Division of the said County, to answer this the said Plaintiff's Bill, preferred for the Purpose of being restored to the Possession of the said Premises by reason of the Matters aforesaid, or in default thereof the said Assistant Barrister [*or* Chairman, *as the Case may be*] will proceed as to Justice will appertain.

Dated this Day of in the Year One thousand eight hundred and

Signed by [*or* on behalf of] the Plaintiff.

(18.)

Form of a Decree where the Civil Bill is grounded on the Desertion of the Premises.

County of
Division of
} By the Assistant Barrister at the Sessions for the County of

Plaintiff
Defendants
} It appearing to the Court that the Plaintiff caused a Civil Bill to be filed against the Defendant, praying to be put into Possession of situate, lying, and being in the Parish of and in the Barony of and County of containing or thereabouts, in the possession of the Defendant, which Civil

Civil Bill was brought on the ground that the Tenant had deserted the said Premises; and it appearing by the Certificate of and Esquires, Two of Her Majesty's Justices of the Peace for said County, that they had together gone to and viewed said Premises, and that the same were deserted and left unoccupied by the Defendant, and that there was not any Distress thereon sufficient to countervail the Arrear of Rent then due thereout; upon due Proof thereof, and that Process on said Civil Bill, and also a Copy of said Certificate, was duly served, requiring the Defendant to appear at these present Sessions, to answer said Bill; and it appearing that being Year's Rent of said Premises, was justly due and owing by Defendant to Plaintiff, after all fair and just Allowances, and that said Premises were deserted and left unoccupied by the Defendant, and that there was not any Distress on the same to satisfy said Rent; it is therefore ordered and decreed by the Court that the Plaintiff be put into the Possession of said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court that the Plaintiff do recover from the Defendant Pounds Shillings and pence Costs; and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant, to satisfy the said Costs.

Dated at this Day of in the Year One thousand eight hundred and

Witness present,

E. F., Assistant Barrister for said County.
G. H., Clerk of the Peace for said County.
I. K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the above Decree to a Special Bailiff of the Plaintiff's Nomination.

County of } I authorize and empower and or either of
to wit. } them, and their Assistants, Special Bailiffs, at the Plaintiff's Peril to execute the above Decree.

Given under my Hand and Seal, this Day of in the Year One thousand eight hundred and

L. M., Sheriff for the said County.

(Seal.)

(19.)

Form of a Decree where the Civil Bill is grounded on the overholding of the Tenant.

County of } By the Assistant Barrister at the Sessions for the County
Division } of
Plaintiff } It appearing to the Court that the Plaintiff caused a Civil Bill to
Defendants } be filed against the Defendant, praying to be put into the Possession of situate in the Parish of and Barony of and County of containing or thereabouts, in the Possession of the Defendant, which Civil Bill was brought on the ground that the Tenant overheld the said

 Premises;

Premises; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendants and all others having or claiming to have Interest in the Premises in the said Bill mentioned to appear at these present Sessions to answer said Bill; and it appearing that said Premises were held by Defendant from Plaintiff at the yearly Rent of and that Defendant's Interest determined on the Day of last, by a Notice to quit, heretofore served on the Defendant, requiring him to deliver up the Possession thereof to Plaintiff on the said Day of last, [*or setting forth any other Mode of Determination, as the Case may be,*] notwithstanding which the Defendant refused to deliver up the Possession thereof to Plaintiff, though demanded; it is therefore ordered and decreed by the Court, that the Plaintiff be put into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the Defendant Pounds Shillings and pence Costs, and the several Sheriffs of the respective Counties within the Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant to satisfy the said Costs.

Dated at this Day of in the Year One thousand eight hundred and .

Witness present,

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

Form of Sheriff's Warrant on the above Decree to a special Bailiff of the Plaintiff's Nomination.

County of } I authorize and empower and or
to wit. } either of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and .

(*Seal.*)

L.M., Sheriff for the said County

(20.)

No. *Form of a Decree where the Civil Bill is grounded on Nonpayment of Rent.*

County of } By the Assistant Barrister at the Sessions for the County
Division of } of .

Plaintiff } It appearing to the Court that the Plaintiff caused a Civil
Defendant } Bill to be filed against the Defendant, praying to be put into
Possession of situate, lying, and being in the Parish of and Barony of and County of containing by Estimation or thereabouts, in the Possession of the Defendant, which Civil Bill was brought on the ground that a Year's Rent was in arrear and unpaid; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendant and all others having or claiming to have Interest in the Premises in said Bill mentioned to appear at these present Sessions to answer said Bill; upon due Proof thereof, and that said Premises were held by Defendant from Plaintiff at the yearly Rent of and that the Defendant was indebted

indebted to the Plaintiff in the Sum of being for One whole Year's Rent and Arrear of Rent of said Premises, due and ending the Day of last, after all just and fair Allowances; it is therefore ordered by the Court, that the Plaintiff be put into the Possession of said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the Defendant Pounds Shillings and Pence Costs; and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be,*] of the Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and .

Witness present,

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the above Decree to a special Bailiff of the Plaintiff's Nomination.

County of } I authorize and empower and or
to wit. } either of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and .

(*Seal.*)

L.M., Sheriff for the said County.

(21.)

Form of a Decree for Recovery of Lands.

County of
Division of } By the Assistant Barrister at the Sessions for said County.
to wit.

A.B. Plaintiff.
C.D. Defendant.
} It appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant for Recovery of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that the Plaintiff is entitled to the said it is therefore ordered and decreed by the Court, that the Plaintiff do recover from the Defendant the said together with Costs; and the Sheriff for the said County of is hereby commanded to take possession of the said and deliver up the same to the Plaintiff; and the said Sheriff is also hereby commanded to take in Execution the [Body *or* Goods] of the said Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and .

E.F., Assistant Barrister.
G.H., Clerk of the Peace.
I.K., Attorney of the Plaintiff.

[*Sheriff's Warrant to be added.*]

Form

Form of Warrant for Costs in Ejectment Cases.

C.D. Plaintiff.
E.F. Defendant.

Whereas a Decree for Possession has been pronounced in this Cause; I do hereby authorize the Sheriff of this County to levy the Sum of being the Amount of the Costs given in said Action.

(22.)

Form of Decree against a permissive Occupant.

County of
Division of

By the Assistant Barrister at the Sessions of the County of

Plaintiff.
Defendant.

It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant, praying to be put into the Possession of [*Premises*] situate, lying, and being in the Parish of Barony of and County of which were occupied by the said Defendant by Permission of the Plaintiff, as Caretaker or Servant to the Plaintiff [*or* as permissive Occupant, *or* strictly at the Will of the Plaintiff, *or* at sufferance, *as the Case may be, or in Words of Act, &c.*] and hath refused to depart from same on Demand by the said Plaintiff to that Effect, but continues to hold the Possession thereof from the said Plaintiff; and it appearing to the Court that the said Defendant was so appointed Caretaker [*or* Servant, *or* permissive Occupant, *&c., as before,*] as aforesaid, and refused to depart from said Premises, on Demand by said Plaintiff to that Effect, but continues to hold the Possession thereof from said Plaintiff; it is therefore ordered and decreed by the Court, that the Plaintiff be put into Possession of the said Premises, and the Sheriff of the County of is hereby commanded to put the Plaintiff into the Possession thereof; and it is further ordered and decreed by the Court, that the Plaintiff do recover from the said Defendant Costs, and the several Sheriffs of the respective Counties within this Kingdom of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to execute the same, and take in Execution the [Body *or* Goods, *as the Case may be*] of the Defendant to satisfy the said Costs.

Dated this Day of in the Year One thousand eight hundred and .

Witness present,

A.B., Assistant Barrister.
C.D., Clerk of the Peace.
E.F., Attorney for Plaintiff.

(23.)

Form of Civil Bill Decree for restoring Possession to a Tenant who has been ejected, and has tendered Rent and Costs, &c.

County of
Division of

By the Assistant Barrister at the Quarter Sessions of the Peace for the said Division of said County.

Plaintiff.
Defendant.

It appearing to the Court that the Plaintiff caused a Civil Bill to be brought against the Defendant, praying to be restored to the Possession of all that and those [*describe Premises, Barony, Parish, &c. from the*

the Civil Bill] now in possession of said Defendant under and by virtue of a Decree in Ejectment against said Plaintiff, dated the Day of and which said Decree in Ejectment was had and obtained against the said Plaintiff for Nonpayment of [*state Rent, &c., as in Decree in Ejectment, and Period of Time for which it occurred due*]; and it appearing further to the Court, that the said Plaintiff tendered to the said Defendant the aforesaid Sum of for said Rent, and also the Sum of for Costs of said Decree in Ejectment and Proceedings thereon, on the Day of being within the Period for paying same, so as to entitle the said Plaintiff to be restored to his Interest theretofore subsisting in said Lands and Premises in said Decree in Ejectment mentioned, and also to be restored to the Possession of same; and it appearing to the Court that Process on said Civil Bill was duly served, requiring the Defendant to appear at these present Sessions to answer said Civil Bill, where upon due Proof thereof, and the said Plaintiff having duly lodged in Court the Sum of aforesaid, it is therefore ordered by the Court, that the Decree for Possession, bearing Date the Day of is hereby vacated; and it is further decreed, that the said Plaintiff in this Case be restored to his former Interest in the said Lands and Premises, and also be put into Possession of the same; and the Sheriff of the said County is hereby commanded to put the Plaintiff into Possession thereof.

Dated this Day of in the Year One thousand eight hundred and

A.B., Assistant Barrister.
C.D., Clerk of the Peace.
E.F., Attorney for Plaintiff.

(24.)

Magistrate's Certificate.

County of } We and Two of Her Majesty's Justices of
to wit. } the Peace for said County, having been called upon by and at his Request having together gone to and viewed all that Part of the Lands of situate, lying, and being in the Parish of and Barony of and County of in the Possession of as Tenant thereof, containing Acres Roods and Perches, or thereabouts, on the Day of between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of the said Day, do certify that the Premises aforesaid then appeared to us to be deserted and left unoccupied by the said and that there is not any Distress on the same sufficient to countervail the Arrear of Rent, being [One Half Year's] Rent, ascertained by the Affidavit of *A.B.*, the Landlord thereof [*or* the Bailiff of the Landlord thereof, *as the Case may be*], now due thereout after all just and fair Allowances.

Given under our Hands and Seals, this Day of in the Year One thousand eight hundred and

To the Assistant Barrister
for the County of (*Seal.*)
(*Seal.*)

Witness present,

(25.)

Affidavit of Rent to enable the Magistrates to grant the above Certificate.

County of
to wit. } Landlord [*or* Bailiff to the Landlord, *as the Case may be*] of the Lands and Tenements herein-after mentioned, maketh Oath and saith, that of in the County of is justly and fairly indebted to in the Sum of being for [a Year's] Rent of his Holding in all that Part of the Lands of [*describing it as in Civil Bill*] held by him under due and ending the Day of last, after all just and fair Allowances; and Deponent saith, that the said Sum or any Part thereof hath not been tendered or paid to by the said , or by any Person or Persons on his Behalf.

Sworn before me this Day of in the Year One thousand eight hundred and .

(26.)

Form of a Decree in ordinary Cases.

No.
County of
Division of } By the Assistant Barrister at the Sessions for the County of .

A. B. of
in the County of
[*here insert the Addition or Occupation of Plaintiff or Plaintiffs*] Plaintiff[s]
C. D. of
in the County of
[*here insert the Addition or Occupation of Defendant or Defendants*] Defendant[s]

It appearing to the Court that Process to appear at this present Session was duly served on the Defendant[s], and that the Defendant[s] is [*or* are] justly indebted to the Plaintiff[s] in the Sum of Pounds Shillings and Pence for [*here state the Cause of Action from the Process*], it is therefore ordered and decreed by the Court, that the Plaintiff[s] do recover from the Defendant[s] the said Sum, together with Shillings and pence Costs; and the several Sheriffs of the respective Counties of Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to enter the same, and take in Execution the [Body *or* Goods, *as the Case may be*,] of the Defendant[s] to satisfy the said Debt and Costs.

Dated this Day of in the Year One thousand eight hundred and .

Debt - - -	£
Interest - -	
Costs - - -	
Warrant - - -	

E. F., Assistant Barrister for said County.
G. H., Clerk of the Peace for the said County.
I. K., Attorney for the Plaintiff.

Form of the Sheriff's Warrant on the Decree to a special Bailiff of Plaintiff's Nomination.

County of } I authorize and empower *A. B.* of and *C.D.*
to wit. } of or either of them, and their Assistants, special Bailiffs, at the Plaintiff's Peril, to execute the above Decree.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and

(*Seal.*) *L.M.*, Sheriff of the said County.

(27.)

Form of a Dismiss.

No.
County of } By the Assistant Barrister at the Sessions for the said
Division of } County.

A. B. of
in the County of
[*here insert the Addition or Occupation of the Plaintiff or Plaintiffs*],
Plaintiff.

C. D. of
in the County of
[*here insert the Addition or Occupation of the Defendant or Defendants*],
Defendant.

Whereas it appeared to the Court that the Plaintiff[s] caused the Defendant[s] to be served with Process to appear here this present Session for the Recovery of the Sum of alleged to be due for [*here state the Cause of Action from the Copy of the Process served*], and that the Plaintiff[s] hath or have failed to prove [his, her, their] said Debt, or any Part thereof, it is therefore decreed by the Court, that the Plaintiff's Bill be and the same is hereby dismissed, and that the Defendant[s] do recover against the Plaintiff[s] the Sum of Costs of this Dismiss. And the several Sheriffs in Ireland are hereby commanded, notwithstanding any Liberty within their respective Bailiwicks, to enter the same, and take in Execution the Plaintiff's [Body *or* Goods] to satisfy and pay the Defendant[s] the said Cost of obtaining this Dismiss.

Dated at this Day of in the Year One thousand eight hundred and

E. F., Assistant Barrister of said County.
G. H., Clerk of the Peace of said County.
I. K., Attorney for the Defendant[s].

Form of the Sheriff's Warrant on such Dismiss.

County of } I authorize and empower *A.B.* of and *C.D.*
to wit. } of or either of them, and their Assistants, special Bailiffs, at the Defendant's Peril, to execute the above Dismiss.

Given under my Hand and Seal this Day of in the Year One thousand eight hundred and

L. M., Sheriff of the said County.

(*Seal.*)

(28.)

Form of a Decree against Defendant when the Debt or Damages are made payable by Instalments.

County of
Division of
to wit.
A.B. of in the County of Plaintiff.
C.D. of in the County of Defendant.

Upon the hearing of this Cause at a Civil Bill Court holden at on the Day of it is decreed that the said Plaintiff do recover against the said Defendant the Sum of for his Debt [*or Damages by him sustained*] together with the Costs of Suit amounting to the Sum of by Instalments of £ for each Instalment, the First Instalment to be made upon the Day of next; the Second Instalment to be made on the Day of next; and the Third Instalment, &c. [*as the Case may be, following the Direction of this Form, in proportion to the Number of Instalments decreed*], such Payments to be made by the said Defendant to the said Plaintiff.

Dated this Day of in the Year One thousand eight hundred and .

E.F., Assistant Barrister.
G.H., Clerk of the Peace.
J.K., Attorney for Plaintiff.

(29.)

Form of Civil Bill for the Arrest of Defendant for a Debt under £10.

County of
Division of
A.B. of in the County of [*Residence and Addition of Plaintiff*[*s*]], Plaintiff.
C.D. of in the County of [*Residence and Addition of Defendant*[*s*]], Defendant[s.]

By the Assistant Barrister at the Sessions of the said County.

The Defendant[s] is [*or* are] hereby required personally to appear before the said Assistant Barrister at on the Day of to answer the Plaintiff's Bill, and to show Cause why Execution or Process of Arrest [*or* a Committal] should not issue against the Person of the Defendant, under or in respect of a certain Decree [*or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] against the said Defendant[s] for the Payment of the Sum of by the said Defendant[s] in a certain Action [*or* Suit], for [*state the former Cause of Action, or Nature of the former Action, or that the Claim is for Costs, as the Case may be*]; and which said Sum of the said Plaintiff[s] has [*or* have] been unable to recover from the said Defendant, or out of the Goods and Chattels of the Defendant.

Or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of in the Year One thousand eight hundred and .

Signed by *or* on [behalf of] the Plaintiff[s].

(30.)

Form of a Decree for Arrest or Execution against the Person or a Committal.

County of
Division of
to wit.

By the Assistant Barrister at the Sessions for the said County.

A.B. of in the County of [*Residence and Addition of Plaintiff*[*s*],
Plaintiff[s].
C.D. of
in the County of
[*Residence and Addition of Defendant*[*s*],
Defendant[s].

It appearing to the Court that the Plaintiff[s] caused a Civil Bill to be brought against the Defendant[s] requiring him [*or* them] to show Cause why Execution or Process of Arrest [*or* a Committal] should not issue against the Person of the Defendant[s], under and in respect of a certain Decree [*or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] against the said Defendant[s], for the Payment of the Sum of by the said Defendant[s], in a certain Action [*or* Suit] for [*state the former Cause of Action or Claim*], and which said Sum of the said Plaintiff[s] had been unable to recover from the said Defendant[s] or out of the Goods and Chattels of the Defendant[s].

And it appearing to the Court that the said Plaintiff[s] is [*or* are] entitled to the said Execution [*or* Decree *or* Order] to be executed against the Person of the Defendant[s], [*or* to have the said Defendant[s] committed for].

It is therefore ordered and decreed by the Court here, that the said Plaintiff[s] have Execution against the Person of the said Defendant[s] for the said Sum of together with Shillings and Pence Costs [*or* that the said Defendant[s] be committed to the Gaol of for the Period of *as the Case may be*]; and the several Sheriffs of the respective Counties in Ireland are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to enter the same, and take in Execution the Body [*or* Bodies] of the Defendant[s], to satisfy the said Sum of Pounds and Costs [*or* take the Body *or* Bodies] of the said Defendant[s], and commit the said Defendant[s] to Custody in the Gaol of for the Period of unless the said Sum of and Costs be sooner paid.

Dated at this Day of in the Year One thousand eight hundred and .

	£	s.	d.
Debt or Demand - - -			
Interests - - - -			
Costs - - - -			
Warrant - - - -			

E. F., Assistant Barrister for said County.
G. H., Clerk of the Peace.
I. K., Attorney for Plaintiff.

(31.)

Form of a Recognizance on the Defendant's appealing from a Decree.

No.
County of
to wit.

A.B. of
[*here describe the Plaintiff as in the Cause*],
Plaintiff.
C.D. of
[*here describe the Defendant as in the Cause*],
Defendant.

£ s. d.

L.M. of in the County of acknowledges self to be indebted to the Plaintiff[s] in the Sum of and *N.O.* of *P.Q.* of acknowledge themselves to be jointly and severally indebted to the Plaintiff in the Sum of .

The Condition of the foregoing Recognizance is such, that if the Defendant[s] do prosecute [his, her, their] Appeal to the Decree in this Cause at the next General Assizes to be held in and for the County of and pay such Debt and Costs as shall be awarded against the said Defendant[s], then the above Recognizances to be void, otherwise to remain in full force and virtue.

E.F., Clerk of the Peace for said County.

Taken and acknowledged before me this Day of in the Year One thousand eight hundred and .

G.H., Assistant Barrister for said County.

The Form of the Recognizance when the Plaintiff shall appeal from a Dismiss to be the same, mutatis mutandis, as the above.

(32.)

Form of Affidavit of Attorney on Appeal, and Form of a Recognizance on appealing from a Decree or Dismiss made or pronounced by an Assistant Barrister, pursuant to this Act, to be acknowledged before such Assistant Barrister.

No.
County of
Division of

A.B. of
[*here describe the Plaintiffs as in the Cause*],
Plaintiff.
C.D. of
[*here describe the Defendant in like Manner*],
Defendant.

E.F., Attorney for the [Defendant, Plaintiff,] in this Cause, maketh Oath and saith, that he believes that the Appeal intended to be lodged in this Cause is not made or to be made for the Purpose of Delay, but that there is, as he believes, probable Cause of reversing the [Decree, Dismiss,] made in this Cause.

Sworn before me this Day of in the Year One thousand eight hundred and .

G.H., Assistant Barrister for the said County.

(33.)

Form of Affidavit or Affirmation for a Renewal of a Decree, and of a Dismiss.

No. / County of / Division of } I *A.B.* of in the County of [*here state the Addition or Occupation of the Person swearing or affirming*], One of the Parties [*or* Personal Representative of *C.D.*, One of the Parties] in a Cause in which the annexed [Decree *or* Dismiss] was pronounced, and the Sum of thereby ordered to be recovered, and in which Cause of was [*or* were] Plaintiff [s] and of Defendant[s] do swear [*or if a Quaker*, do solemnly affirm] that there is still remaining due and unpaid of the said Sum so ordered to be recovered the Sum of after all just Allowances [*and if the Person swearing or affirming be a Party, as a Personal Representative of any other Person, or if he makes this Affidavit or Affirmation as Personal Representative to One of the Parties in the original Cause, add these Words*], as he [*or* she] doth verily believe.

A. B. Sworn before me in open Court, this Day of in the Year One thousand eight hundred and .

E.F., Assistant Barrister for said County.

Form of a Renewal to be printed or written on the same Sheet with the above Affidavit, and when the Affidavit shall be sworn to, and the same and Renewal signed by the Assistant Barrister, the said Affidavit or Affirmation is to be cut off and delivered to the Clerk of the Peace, and the Renewal to the Party entitled to it.

No. / County of / Division of } By the Assistant Barrister for the County of at the Session of the Peace held at in the said County.

A.B. of in the County of [*here insert the Addition or Occupation of the Plaintiffs*], Plaintiff[s].

C.D. of in the County of [*here insert the Addition or Occupation of the Defendants*], Defendant[s].

Oath being made in open Court that there remains still due by the annexed [Decree *or* Dismiss] the Sum of it is therefore ordered and decreed by the Court, that the same be and the same is hereby renewed for the said Sum, together with Costs of this Renewal, and that the [Plaintiff *or* Defendant] shall have and recover from the [Defendant *or* Plaintiff] the same, and the several Sheriffs of the Counties and Cities of Ireland are hereby required, notwithstanding any Liberty within their Bailiwicks, that they enter the same, and take in Execution the [Defendant's *or* Plaintiff's] [Body, Goods] to satisfy and pay the said Sum and Costs.

Dated at the Day of in the Year One thousand eight hundred and .

E.F., Assistant Barrister for said County.
G.H., Clerk of the Peace for said County.
I.K., Attorney for the

Form of the Sheriff's Warrant on such Renewal to be the same as that above-mentioned on a Decree, changing the Word Decree into Renewal, and in case it be the Renewal of a Dismiss, then changing the Words Plaintiff's Peril in the Warrant into Defendant's Peril.

(34.)

Form of Notice to renew a Decree, &c.

County of
Division of
[*All the Plaintiffs in original Decree to be inserted*],
Plaintiffs.
[*All Defendants in original Decree to be inserted*],
Defendants.

} By the Chairman or Assistant Barrister for the County of

Whereas the said Plaintiff[s] at the Quarter Sessions for the said County held at on the Day of One thousand eight hundred and obtained a Decree against the said Defendant[s] for the Sum of and also the Sum of as and for Costs. And whereas [*state Facts as to Death, or other Circumstances affecting Parties in original Decree*]. And whereas there is still due and owing to the said Plaintiff[s] on foot of the said Decree the Sum of The said Defendant [*A. B. or C. D., as the Case may be*] is hereby required personally to appear before the said Assistant Barrister at aforesaid, in the said County, on the Day of as an Application will then and there be made to renew the said Decree for the said Sum of

Signed by [*or* on behalf of] the Plaintiff.

SCHEDULE D.

FEES IN ORDINARY CASES.

Counsel's Fees.

	£	s.	d.
To Plaintiff's Counsel in each Case of ordinary Civil Bill, when the Sum decreed shall exceed 5*l.* and shall not exceed 20*l.* - - - -	0	10	6
Provided, that in all such Cases, when defended, no Fee to Counsel shall be charged as between Party and Party, if the Assistant Barrister shall certify that it was not a fit Case for Counsel; and in all such Cases, when undefended, no such Fee shall be charged as between Party and Party, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.			
And in all Cases where the Sum decreed shall exceed 20*l.* - - -	1	1	0
To Defendant's Counsel, like Fees on Sum sued for: Provided, that in all Cases where the Sum sued for shall exceed 5*l.* and shall not exceed 20*l.*, and the Plaintiff shall enter his Process, and same shall be dismissed, no Fee shall be charged as between Party and Party if the Assistant Barrister shall certify that it was not a fit Case for Counsel; and in all such Cases where the Plaintiff shall not enter his Process for Hearing, but the Defendant shall enter the Case for a Dismiss, and same shall be dismissed accordingly, no such Fee shall be charged, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.			

Clerk of Peace's Fees.

To Clerk of Peace, upon the Entry of every Civil Bill - - -	0	0	3	
,, ,, for signing the Decree or Dismiss - - -	0	0	3	
,, ,, on entering and signing Renewal - - - -	0	0	4	
,, ,, for Recognizance of Bail and Certificate of Appeal lodged, and entering Appeal with Judge's Register - -	0	1	0	
,, ,, for every Subpœna ad test. issued - - -	0	0	4	
,, ,, for entering a Verdict - - - - -	0	1	0	

Attorney's Fees.	£	s.	d.
To the Plaintiff's Attorney, for drawing or signing Civil Bill - - -	0	0	6
„ „ for taking Instructions and attending Hearing, and all Charges in Penalty Cases when Counsel not employed	0	8	0
„ „ preparing Instructions for Counsel in like Cases -	0	2	6
„ „ in all other Cases, for attending and taking Instructions for Hearing, directing the necessary Proofs, entering the Civil Bill, for attending the Hearing (except in Ejectment, Replevin, and Legacy Cases), and preparing any Summons required for Witnesses, and every Notice to produce Documents, to require the Attendance of any Party, or for any other Purpose, and for all Charges in every Case when the Amount of Sum decreed shall not exceed 10*l.* -	0	2	6
„ „ for same, where the Sum decreed shall exceed 10*l.* and shall not exceed 20*l.* - - -	0	5	0
„ „ when the Sum decreed shall exceed 20*l.* - -	1	0	0
„ „ for drawing and signing Decree, or Renewal -	0	1	0
„ „ drawing Instructions for Counsel, when employed, when the Sum decreed shall not exceed 20*l.* -	0	2	6
and when the Sum decreed shall exceed 20*l.* -	0	5	0
„ „ for drawing and signing the Affidavit to obtain a Decree pro confesso, and filing the same -	0	2	6
Defendant's Attorney, like Fees on Sum sued for.			
To Defendant's Attorney for drawing up and signing a Dismiss - -	0	1	0

Fees on Appeals.

To Clerk of the Peace, upon the Hearing of each Appeal at Assizes - -	0	1	0
To Attorneys for the Parties respectively, the same Fees as allowed on Civil Bills in the Barrister's Court.			
To Counsel - - - - - - - - -	1	1	0

FEES IN CASES OF REPLEVIN.

To Counsel, where the Rent distrained for shall exceed 5*l.* and shall not exceed 20*l.*	0	10	6
„ where the Sum distrained for shall exceed 20*l.* - - -	1	1	0
To Clerk of the Peace, for Entry of Civil Bill for Hearing or Dismiss - -	0	0	6
„ „ for signing Decree or Dismiss - - -	0	0	6
„ „ for signing Renewal - - - - -	0	0	6
„ „ for Recognizance of Bail, and Certificate of Appeal lodged, and entering Appeal in the Judge's Register -	0	1	0
„ „ for issuing Order to replevy, and entering Civil Bill thereon - - - - -	0	1	6

Attorney's Fees in Replevin.

To Plaintiff's Attorney, for preparing and signing the Process and Copies -	0	2	6
„ „ for attending and taking Instructions in Replevin Cases, attending the Hearing, and all Charges, exclusive of Instructions for Counsel, when employed, when Amount of Rent distrained for does not exceed 20*l.* -	0	8	0
„ „ when it does exceed 20*l.* - - - -	1	0	0

	£	s.	d.
To Plaintiff's Attorney, preparing Instructions for Counsel, when employed, and when Sum distrained for shall not exceed 20*l.* -	0	2	6
„ „ when Sum distrained for shall exceed 20*l.* - -	0	5	0
„ „ for drawing up and signing Decree - - -	0	1	0
To Defendant's Attorney, like Fees in both Cases.			
„ „ for drawing up and signing Dismiss - -	0	1	0

Appeals.

To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - - -	1	1	0

FEES IN LEGACY CASES.

To Plaintiff's Counsel, where Sum decreed shall exceed 5*l.* and shall not exceed 20*l.*	0	10	6
„ „ where the Sum decreed shall exceed 20*l.* - - -	1	1	0
To Defendant's Counsel, like Fees on Sum sued for.			

Fees to Clerk of the Peace.

To Clerk of the Peace, for Entry of Civil Bill - - - -	0	0	6
„ „ for signing Decree or Dismiss - - - -	0	0	6
„ „ for signing and entering any Renewal - - -	0	0	6
„ „ for any Recognizance of Bail and Certificate of Appeal lodged, and entering the Appeal in Judge's Register -	0	1	0
„ „ for Copy of any Inventory of Assets lodged with him, and attesting same, per Folio of Ninety Words - -	0	0	4
„ „ entering Verdict of a Jury - - - -	0	1	0

Attorney's Fees.

For taking Instructions, drawing or signing the Civil Bill, reading Will, Probate, Administration, Deeds, or Documents, drawing all Notices or Summonses -	0	2	6
To Plaintiff's Attorney, for advising the Proofs and attending the Hearing, when the Sum decreed does not exceed 20*l.* - - - - -	0	10	6
„ when Amount decreed exceeds 20*l.* - - -	1	0	0
Preparing Instructions for Counsel, when employed, and when Sum decreed shall not exceed 20*l.* - - - - -	0	2	6
when Sum decreed shall exceed 20*l.* - - - -	0	5	0
Drawing up and signing Decree - - - - -	0	1	0
To Defendant's Attorney, for taking Instructions, drawing all Notices, advising the Proofs, and attending the Hearing, when the Sum sued for shall not exceed 20*l.*	0	10	6
To Defendant's Attorney, when Sum sued for shall exceed 20*l.* - -	1	0	0
To Defendant's Attorney, for preparing Instructions for Counsel, when employed, and Sum sued for shall not exceed 20*l.* - - - -	0	2	6
where Sum sued for shall exceed 20*l.* - - -	0	5	0
To Defendant's Attorney, for drawing and signing any Dismiss - -	0	1	0

Appeals.

To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - - -	1	1	0

FEES IN EJECTMENT CASES.

	£	s.	d.
Counsel's Fees.			
To Plaintiff's Counsel, where Rent reserved shall exceed 5*l.* and shall not exceed 20*l.*	0	10	6
when Rent reserved shall exceed 20*l.* - - -	1	1	0
To Defendant's Counsel, like Fees.			
Fees to Clerk of the Peace.			
To Clerk of Peace, upon the Entry of every Civil Bill Ejectment - -	0	1	6
„ „ for signing, entering, and recording every Decree or Dismiss -	0	1	0
„ „ for signing and entering every Renewal - - -	0	0	6
„ „ for entering the Verdict of a Jury - - -	0	1	0
„ „ for Recognizance of Bail and Certificate of Appeal - -	0	1	0
„ „ for each Inspection of the Book kept for the Purpose of recording Decrees and Dismisses - - -	0	1	6
Attorney's Fees in Ejectments.			
To the Plaintiff's Attorney, for attending taking Instruction in all Ejectment Cases, reading over Leases, Deeds, Wills, or other Documents - - - -	0	6	8
„ „ for attending, drawing, and obtaining the Magistrate's Certificate where the Proceeding is for the Recovery of Lands or Premises abandoned - -	0	10	0
Drawing the Civil Bill, including Bill of Particulars of Rent due, and all Notices or Summonses - - - - - - -	0	2	6
To Plaintiff's Attorney, for every Copy thereof actually served or posted, for the First Copy - - - - - - -	0	2	6
For every additional Copy - - - - - -	0	1	0
To Plaintiff's Attorney, for drawing Affidavit to verify the Ejectment, advising the Proofs, entering the Cause, and attending the Hearing - -	1	1	0
To Defendant's Attorney, for taking Instructions, advising the Proofs, drawing all Notices or Summonses, and attending the Hearing - - -	1	1	0
To the Plaintiff's Attorney, for drawing any Decree and Affidavit, verifying the same, attending the Assistant Barrister to sign the same, and signing, drawing Costs between Party and Party, and attending the Barrister for Taxation thereof - - - - - - - -	0	3	4
To Defendant's Attorney, for drawing any Dismiss, drawing Costs between Party and Party, and attending to get same compared, signed, and taxed - -	0	3	4
To preparing Instructions for Counsel, whenever Counsel is employed - -	0	5	0
Appeals.			
To Attorneys for the Parties respectively, the same Fees on Appeals as on the Hearing before the Assistant Barrister.			
To Counsel - - - - - - -	1	1	0
Clerk of the Peace in Cases of Insolvents.			
On each Petition in Cases of Insolvent Debtors heard before Assistant Barrister - - - - - - -	0	2	6

Process Server's Fees.

	£	s.	d.
Serving Civil Bill where there is but One Defendant, or several Defendants residing in the same House - - - - - -	0	0	6
For serving Two or more Defendants not residing in the same Dwelling House -	0	1	0

Sheriff's Fees.

For every special Warrant, save in Ejectment Cases, granted at the Peril of the Party requiring the same - - - - - -	0	1	0
For returning a Jury in any Case - - - - -	0	1	0
For giving Possession to any Party under a Civil Bill Ejectment or Redemption Decree, when he shall do so in Person - - - -	1	1	0
For every special Warrant to give Possession as above, when he does not attend in Person - - - - - - -	0	2	6
To the Sheriff or special Bailiff to be appointed pursuant to this Act, for executing any Decree, Dismiss, or Order for any Sum not exceeding 1*l.* - - and 3*d.* in the Pound on the Amount recovered under such Execution.	0	1	0
To the Sheriff or special Bailiff, in all Cases, for executing any Decree, Dismiss, or Order, by Arrest of the Person, upon lodging him in Gaol - -	0	5	0
To Sheriff or his Replevinger in drawing Affidavit of Value of Goods distrained in Replevin Cases, and in full of all Charges in relation to such Cases - -	0	3	0
To Keepers of Seizure under any Decree or Dismiss, the Fees specified in Section 145 of this Act.			

Provided that in all Cases of Ejectment, Replevin, and Distribution of Assets, where the Rent reserved, Rent distrained for, or Sum decreed, or (in case of Dismiss) the Sum sued for, respectively, shall exceed 5*l.* and shall not exceed 20*l.*, and such Case shall be defended, no Fee to Counsel shall be charged as between Party and Party, if the Assistant Barrister shall certify that it is not a fit Case for Counsel; and in all such Cases, where undefended, no such Fee shall be charged unless the Assistant Barrister shall certify that it was a fit Case for Counsel; and in all such Cases where the Plaintiff shall not enter his Process for Hearing, but the Defendant shall enter the Case for a Dismiss, and same shall be dismissed accordingly, no such Fee shall be charged, unless the Assistant Barrister shall certify that it was a fit Case for Counsel.

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