ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

C A P. XXVIII.

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. [22d *July* 1848.]

WHEREAS it is expedient to limit the present Power of Arrest for Debts, Damages, Demands, or Costs under Process issuing from Courts of Law or Equity or Inferior Courts in *Ireland:* 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, That from and after the Day of the Commencement of this Act no Writ of Capias ad satisfaciendum, or other Writ, Process, or Warrant to arrest the Body of any Defendant in any Action or Suit, (Actions for malicious Prosecution, or for Deceit, Libel, Slander, Criminal Conversation, Seduction, or Breach of Promise of Marriage, only excepted,) shall be issued in *Ireland*, founded on a Judgment, Decree, or Order of any of the Superior Courts of Law or of any Inferior Courts in *Ireland*, when the Sum due or to be paid by or under such Judgment, Decree, or Order,

After Commencement of this Act, no Writ or Process for Arrest shall issue from certain Courts in Ireland for Debts or Sums not

exceeding 10*l.*, save as herein excepted.

Order, exclusive of the Costs, if any, thereby recovered or ordered to be paid, shall not exceed the Sum of Ten Pounds; nor shall any Writ, Process, or Warrant to arrest the Body of any Plaintiff, Defendant, or other Person in any Action or Suit be issued, founded on any Judgment, Decree, or Order for the Recovery of Costs only, when such Costs due or to be paid shall not exceed the Sum of Ten Pounds; nor shall any Writ, Process, or Warrant issue to arrest the Body of any Plaintiff, Defendant, or other Person, founded on any Decree or Order of any Court of Equity, Ecclesiastical Court, or Court of Admiralty in *Ireland*, for the Payment of Money, whether consisting wholly or partly of Costs or otherwise, when the Sum due or to be paid shall not exceed the said Sum of Ten Pounds.

Such Writs &c. for Sums not exceeding 10*l.* issued before Commencement of Act, but not executed, shall not be executed against the Person, save as herein excepted.

II. And be it enacted, That in case any such Writ, Process, or Warrant to arrest the Person (save in any of the Cases herein-before excepted) shall have issued before the said Day of the Commencement of this Act, founded on any such Judgment, Decree, or Order as aforesaid, when the Sum thereby due or to be recovered and paid shall not exceed the respective Sums specified in the several Cases herein-before mentioned, and such Writ, Process, or Warrant shall not have been executed before the said Day of the Commencement of this Act, such Writ, Process, or Warrant shall not, on or after the said last-mentioned Day, be executed against the Person of the Party against whom the same shall have issued.

Persons in Custody on or after the Commencement of the Act under any such Writs, &c. for Sums not exceeding 10*l.*, shall be discharged on Application to Sheriff, &c.

III. And be it enacted, That in any Case in which any Person shall, on or before the said Day of the Commencement of this Act, be in Execution or in Custody under and by virtue of any such Writ, Process, or Warrant to arrest the Person, founded on any such Judgment, Decree, or Order of any of such Courts as aforesaid, (save in any of the Cases herein-before excepted,) when the Sum thereby ordered to be paid, and for which such Person shall be held in Custody, shall not exceed the respective Sums specified in the several Cases herein-before mentioned, it shall be lawful for the Sheriff, Gaoler, or Officer of any of such Courts as aforesaid in whose Custody such Person shall be detained, and he is hereby required, on the Application of such Person, to discharge him or her forthwith out of Custody, as to such Execution, Writ, Decree, or Order respectively, without Prejudice nevertheless to any other Right to detain such Person in Custody for any Cause for which he may lawfully be so detained: Provided also, that for and notwithstanding the Discharge of any Debtor or Party in manner aforesaid the Judgment, Decree, or Order whereupon any such Debtor or Party was taken or charged in Execution or arrested shall nevertheless remain and continue in force to the Intent and Purpose that the Judgment Creditor or Person obtaining such Decree or Order may have and take Remedy and Execution upon every such Judgment, Decree, or Order against the Property and Effects of any such Debtor or Party in such Manner and Form as such Creditor or Person obtaining such Decree or Order otherwise could or might have done in case such Debtor or Party had never been taken or charged in Execution or arrested upon such Judgment, Decree, or Order, and it shall be lawful for such Creditor or Person obtaining such Decree or Order to have and take such Remedy and Execution: Provided also, that in any of the Cases herein-

Judgment, &c. to remain in force notwithstanding the Discharge of the Debtor.

herein-before mentioned, whenever by the Law, Usage, or Practice of any Court in *Ireland* before the passing of this Act Process against the Person of any Debtor for any such Sum not exceeding Ten Pounds as aforesaid is now the only Process issued from such Court for the Recovery of any such Debt or Sum, it shall be lawful for such Court after the passing of this Act, instead of such Process against the Person, to issue a Process in the Nature of an Execution, Writ, Process, or Warrant against the Goods and Chattels of the Defendant or Debtor, and for the Seizure and Sale of the same in like Manner as such Process against the Person has heretofore been issued in such Cases.

When a Defendant, &c. is exempted from Arrest or discharged from Custody by virtue of this Act, the Plaintiff may serve a Civil Bill Process, requiring the Defendant to show Cause why Process of Arrest or Committal should not issue.

IV. And be it enacted, That in all Cases in which any Judgment, Decree, or Order as aforesaid for any such Sum, not exceeding such respective Sums specified in the several Cases as aforesaid, shall have been or shall be had, under and by virtue of which the Defendant or Party against whom such Judgment, Decree, or Order shall have been or shall be had might if this Act had not been passed be charged in execution or arrested, or whenever any Defendant or Party shall have been or shall be discharged from Custody as to any such Execution, Decree, or Order under and by virtue of this Act, and the Plaintiff or Person having obtained such Execution, Decree, or Order shall not have recovered his Demand out of the Goods and Chattels of such Defendant or Party, it shall be lawful for the Plaintiff or Person having obtained such Judgment, Decree, or Order to cause a Civil Bill Process to be issued against the Defendant in such Judgment or the Party against whom such Decree or Order shall have been obtained, 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 or Party shall reside, and to show Cause why Execution or Process of Arrest or a Committal should not issue against his Person in respect of such Judgment, Decree, or Order, as the Case may be; and such Civil Bill Process shall be according to the Form (A.) in the Schedule 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 like Provisions and Regulations, so far as the same are applicable, as any Civil Bill in Cases of Debt or Assumpsit, save as herein otherwise provided.

Civil Bill Process to be according to Form (A.) in Schedule.

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

V. And be it enacted, That at the hearing of such Civil Bill it shall be lawful for the Assistant Barrister to cause the Plaintiff and the Defendant, or either of them, in such Civil Bill, (if they or either of them shall appear on such hearing,) to be examined on Oath, and upon such Examination, and upon such other Evidence as shall be offered, 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

Debt contracted fraudulently may commit him.

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, 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 the Defendant to satisfy the Plaintiff's Demand and Costs, or to issue such Decree with Stay of Execution for a Period thereby limited, which Decree may be according to the Form (B.) in the Schedule 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 before the passing of this Act, any thing herein to the contrary notwithstanding; 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, 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, or shall have charged, removed, 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 or Order according to the Form (B.) in the Schedule 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 always, that it shall not be necessary for the Plaintiff to appear in Person at the hearing of such Civil Bill: Provided also, that there shall be no Appeal from any such Decision of the Assistant Barrister; and in case of a Dismiss 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.

IV. And

Power to examine or commit at the original Hearing of a Civil Bill in certain Cases.

VI. And be it enacted, That in any Action brought in any Civil Bill Court in any Case where the Power of Arrest would otherwise be taken away under this Act, the Assistant Barrister at the original Hearing of the Cause, if he shall see Reason to make a Decree against the Defendant, shall have the same Power and Authority of examining the Defendant and the Plaintiff, or either of them, or other Persons, touching the several Matters in the last preceding Provision mentioned, and 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, any thing herein-before contained to the contrary thereof notwithstanding: Provided always, that in any such Case the Plaintiff shall cause a written or printed Notice to be annexed to or indorsed on the Civil Bill Process, stating that such Plaintiff will proceed in such Civil Bill under the Powers and Provisions of this Act, inserting the Title thereof.

Upon Affidavit that a Defendant is about to quit Ireland, he may by a Special Order be taken in Execution.

VII. Provided always, and be it enacted, That in any Action in any Court for any Sum not exceeding such respective Sums specified in such several Cases as aforesaid, or in any Case in which a Judgment, Decree, or Order for any such Sum or Sums shall have been or shall be had or obtained, where the Defendant or Party against whom such Action shall be brought, or such Judgment, Decree, or Order shall have been or shall be had or obtained, might, if this Act had not been passed, be or have been charged in Execution or arrested, if the Plaintiff or Person bringing such Action, or obtaining such Judgment, Decree, or Order, shall, by the Affidavit of himself or of some other Person, or other Proof, show, to the Satisfaction of the Court in which such Action shall be brought, or such Judgment, Decree, or Order shall have been had or obtained, that there is probable Cause for believing that the Defendant or any one of the Defendants, or the Person or Persons against whom any such Action shall be brought, or such Judgment, Decree, or Order shall have been obtained, is or are about to quit *Ireland* unless he or they be forthwith arrested or charged in Execution, it shall and may be lawful for any such Court, upon the hearing of the Case, in the first instance to grant an Execution, Order, or Civil Bill Decree, as the Case may be, against the Person of the Defendant, or (in the Case of an Execution, Decree, or Order having been theretofore had or obtained) by a Special Order to direct that such Defendant or Person so about to quit *Ireland* shall be arrested or charged in Execution under such Judgment, Decree, or Order as aforesaid; and thereupon it shall be lawful for the Plaintiff or Party obtaining such Judgment, Decree, or Order to arrest or charge in Execution the said Defendant or Person against whom such Judgment, Decree, or Order shall have been obtained, in like Manner as such Defendant or Person might have been arrested or charged in Execution if this Act had not been passed: Provided always, that in the Case of any such Special Order for Arrest in Execution as last aforesaid obtained in respect of a Judgment, Decree, or Order theretofore obtained, it shall be lawful for the Person so arrested or charged in Execution to apply, at any Time after such Arrest, to the Court in which such Judgment, Decree, or Order shall have been obtained, for

a Rule or Order on the Plaintiff or Person obtaining such Judgment, Decree, or Order, to show Cause why the Party arrested under such Special Order as aforesaid should not be discharged out of Custody, and it shall be lawful for such Court thereupon, and upon Consideration of any further Affidavits to be produced by or on behalf of either of the Parties, or upon Examination of the Parties or either of them, or of Witnesses, to make such other Order thereon as to such Court shall seem fit, or to direct the Costs of the Application to be paid by either Party, not exceeding in any Civil Bill Court the Costs of a Decree; but if thereupon the Party arrested shall be discharged, such Discharge shall be without Prejudice to any Remedies for the Recovery of the Plaintiff's or Party's Demand out of the Property or Effects of the Defendant or Person so discharged, and the Execution, Writ, Decree, or Process against the Person may be changed to an Execution, Writ, Decree, or Process against such Property or Effects.

Nothing herein to extend to Proceedings relating to Revenue of Excise, &c.

VIII. Provided always, and be it enacted, That nothing in the preceding Enactments contained shall extend or apply to or affect or prejudice any Informations or other Proceedings under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office.

Tools and actual Necessaries of Judgment Debtors not to be seized in Execution.

IX. And whereas it is expedient to protect the Tools and actual Necessaries of or belonging to Judgment Debtors from being seized in Execution; be it enacted, That from and after the passing of this Act the Wearing Apparel and Bedding of any Debtor in *Ireland* under a Judgment, Decree, or Order, or of his Family, and the Tools and Implements of his Trade, 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 Execution, Decree, or Order of any Court against his Goods and Chattels.

Power to Clerk of the Peace to issue Summonses to Witnesses.

X. And be it enacted, That for the Purposes of this Act as aforesaid it shall and may be lawful to and for the Clerks of the Peace of or acting for the several Counties, Cities, and Counties of Cities and Towns in *Ireland*, upon the Request of any Person a Party to any Proceedings under this Act as aforesaid, to issue a Summons in the Nature of a Subpœna ad testificandum or Duces tecum directed to any Person residing in *Ireland*, requiring him personally to appear and give Evidence before the Assistant Barrister by whom the Matter in dispute is to be heard and determined; and in case any Person or Persons so served with any such Summons shall not attend pursuant thereto, it shall and may be lawful for the said Assistant Barrister, upon Proof that proper Service thereof had been duly made Six Days before the Day of Appearance named therein, and that the reasonable and suitable Expenses of such Person or Persons had been paid or tendered to him or them at the Time of such Service, to award such Penalty against any such Person who shall not attend, not exceeding Five Pounds, as he the said Assistant Barrister shall deem fit and proper, he the said Assistant Barrister 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 Tender of such Expenses, to be made by

the Person proving the same; which said Penalty shall be paid or payable to the Party or Parties at whose Instance and Request the said Summons shall or may have been issued; and which said Penalty, together with such Expenses as may have been paid to such defaulting Witness, shall be recoverable in the Civil Bill Court of the County or Place where such Penalty was awarded, or where such defaulting Witness resides: Provided always, that the Certificate of the Clerk of the Peace of such County, County of a City or Town, duly signed by him, of such Penalty having been awarded, shall be deemed and taken as *primâ facie* Evidence thereof: Provided also, that it shall and may be lawful for the Assistant Barrister to tax and award against the unsuccessful Party in any Proceeding under this Act as aforesaid such Sum or Sums of Money as and for the Expenses of Witnesses as he may deem reasonable and proper, not exceeding Five Pounds in the Case of any One Witness; and the Costs so awarded as last aforesaid 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 such Decree or Order, and when payable by a Plaintiff shall be recoverable in like Manner as herein-before provided as to the Costs of a Dismiss.

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

XI. And be it enacted, That 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 Affidavit or Affidavits relating to or concerning any Action or other Matter or Proceeding in his Court of Civil Bill Jurisdiction under this Act, or any other Act or Acts in relation to the Assistant Barristers Courts in *Ireland*, 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, and the same Fees shall be payable thereon, as if such Affidavit was taken by or before such Assistant Barrister in the Civil Bill Court within his County: Provided always, that every such Affidavit 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 to be null and void.

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

XII. And be it enacted, That in every Proceeding before any Assistant Barrister in any Civil Bill Court in *Ireland* 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

the Person or Persons to whom such Probate or Letters of Administration shall have been granted: Provided always, that the Party producing such Office Copy shall give Notice thereof to the adverse Party in Writing Six Days before producing the same.

Official Copy of Judgment to be Evidence.

XIII. And be it enacted, That in every Proceeding before the Court of the Assistant Barrister 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.

Service of Process in Civil Bills.

XIV. And be it enacted, That in any Action in any Civil Bill Court in *Ireland* the Service of any Civil Bill Process on the Defendant, or the Wife, Child, or Servant of the Defendant, at his Shop, Office, Warehouse, or Place of Business, shall be as valid and effectual to all Intents and Purposes as the Service of such Process would have been at the Residence of the Defendant: Provided always, that no Process in any Civil Bill Action shall be served on *Good Friday* or *Christmas Day*.

Affidavits, when required to be made in GreatBritain, may be made before Extraordinary Commissioners of the Court of Chancery in Ireland. 3 & 4 Vict. c. 105.

XV. And whereas Doubts have arisen whether, under the Provisions of an Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in* Ireland, the Affidavits mentioned in the Eighth Section of the said Act as numbered in the printed Copies of the said Act printed by the Queen's Printers can be lawfully made before the Extraordinary Commissioners of the Court of Chancery in *Ireland* for taking Affidavits in *Great Britain*: And whereas it is expedient that such Doubt should be removed, and that the said Extraordinary Commissioners should have the Power to take such Affidavits; be it therefore enacted, That any such Affidavits when required to be made in *Great Britain* may lawfully be made before One of the said Extraordinary Commissioners of the Court of Chancery in *Ireland* appointed for taking Affidavits in *Great Britain*, in the same Manner as such Affidavits are now made and sworn before the Masters in Ordinary and Masters Extraordinary of the said Court in *Ireland*, and shall be of like Validity.

Possession of small Tenements may be recovered by Summons before Justices of the Peace.

XVI. And whereas certain Tenements and Parts of Tenements are frequently held in Cities and other Towns in *Ireland* at small Rents, payable monthly and weekly, or for other short Periods of Time, and it is but just and reasonable that where the Power to enforce the Payment of such Rents by Arrest of the Person is taken away greater Facility should be given for the Recovery of the Possession of such Premises; be it therefore enacted, That from and after the Commencement of this Act, when and so soon as the Term or Interest of the Tenant of any House, or any Part of a House, situate in any County of a City or County of a Town, or Borough, or Market Town, in *Ireland*, held by him for any Term not exceeding One Calendar

Calendar Month at a Rent not exceeding the Rate of One Pound Sterling by the Month, shall have ended, or shall have been duly determined by a legal Notice to quit, and such Tenant, or (if such Tenant do not actually occupy the Premises, or only a Part thereof,) any Person by whom the same or any Part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up Possession of the Premises or such Part thereof respectively, it shall be lawful for the Landlord of the said Premises, or his known Agent or Receiver of his Rents, to cause the Person or Persons so neglecting or refusing to quit and deliver up Possession to be served with a Summons in Writing, to be signed by a Justice of the Peace of or having Jurisdiction in the County of the City or County of the Town, or Borough, or Market Town, (as the Case may be,) in which the said Premises shall be situate, to appear before any Two or more Justices at any Court of Petty Sessions, Town Hall, Divisional Justice Room, or other Room or Office in which such Justices usually meet for the Despatch of public Business of such County of a City, County of a Town, or Borough, or Market Town, to show Cause why Possession of the said Premises should not be delivered up to such Landlord or his said Agent or Receiver as aforesaid; and if the Tenant or Occupier shall not appear at the Time and Place appointed, or if such Tenant or Occupier shall appear, and shall not show to the Satisfaction of such Justices reasonable Cause why Possession should not be given, and shall still neglect or refuse to deliver up the Possession of the said Premises, or such Part thereof as he was in possession of at the Time of the Service of such Summons, to the said Landlord or his said Agent or Receiver, it shall be lawful for the said Landlord or his Agent or Receiver to give to such Justices Proof of the Holding and of the End or Determination of the Tenancy, with the Time and Manner thereof, and where the Title of the Landlord hath accrued since the letting of the Premises, the Right by which he claims the Possession, and thereupon it shall be lawful for such Justice of the Peace of or having Jurisdiction in the County of the City, County of the Town, or Borough, or Market Town, as the Case may be, in which the said Premises are situate, or any Two of them, to issue a Warrant under their Hands and Seals to any Constable of or acting in the District within which such Premises shall be situate, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord or Agent; and such Warrant shall be a sufficient Warrant to the said Constable or Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon: Provided also, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant shall be sued out as aforesaid from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the said Premises.

The Manner in which such Summons shall be served.

XVII. And be it enacted, That such Summons as last aforesaid may be served either personally or by leaving the same with some Person being in occupation of such House or Part of a House, and where the Tenant of such House or Part of a House shall not reside therein, by serving the same personally or by leaving the same at the Place of Abode of the Tenant so holding over as aforesaid Four clear Days before the Day appointed for the hearing of the Matter of the said Summons: Provided always, that if the Person or Persons so holding over, or any or either of them, cannot be found, and Admission into the Premises so overheld for serving such Summons cannot be obtained, and the Place of Abode of such Person or Persons not residing as aforesaid shall either not be known or Admission thereto cannot be obtained for serving such Summons, the posting of the said Summons on some conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person or Persons respectively.

Interpretation of Act.

XVIII. And be it enacted, That in construing this Act and the Schedule thereto annexed, unless the Context or Nature of the Provision shall exclude such Construction, Words importing the Singular Number only shall extend to several Persons or Things as well as to one Person or Thing; and Words importing the Plural Number shall extend to one Person or Thing as well as to several Persons or Things; and Words importing the Masculine Gender only shall extend to a Female as well as a Male; and the Expression "Assistant Barrister" shall extend to and include the Recorder of *Dublin*, and the Chairman of the Sessions of the Peace for the County of *Dublin*, the Recorder of *Cork* or of *Derry*, or the Recorder of any other Corporation for the Time being acting and holding Courts pursuant to the Act for the Regulation of Municipal Corporations in *Ireland*; and the Word "Decree" shall extend to and include a Dismiss and a Renewal of a Civil Bill Decree; the Word "Plaintiff" shall include a Petitioner; the Word "Defendant" shall include a Respondent; and the Words "Action" or "Suit" shall include a Petition or Matter.

To extend to Ireland only.

XIX. And be it enacted, That this Act shall extend only to *Ireland*.

Commencement of Act.

XX. And be it enacted, That this Act shall commence and take effect on the First Day of *November* One thousand eight hundred and forty-eight.

Act may be amended, &c.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

FORM (A.)

Form of Civil Bill to be served pursuant to this Act.

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

A. B. of in the County of [*Residence and Addition of Plaintiff* [*s*] *or Complainant*[*s*],]
Plaintiff [*or* Complainant].

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

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 Judgment [*or* Decree *or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] [*or* Complainant[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 Pounds 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

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

FORM (B.)

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*] *or Complainant*[*s*],]
Plaintiff [s] [*or* Complainant[s]].

C. D. of in the County of [*Residence and Addition,*]
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 Judgment [*or* Decree or Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] [*or* Complainant[s],] against the said Defendant[s], for the Payment of the Sum of by the said Defendant

dant[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]; and the several Sheriffs of the respective Counties in this Kingdom 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

	£	s.	d.
Debt or Demand - - - - -			
Interest - - - - -			
Cost - - - - -	0	8	6
Warrant - - - - -	0	1	1

E.F., Attorney for Plaintiff.
G.H., Attorney for Defendant.
I.K., Assistant Barrister for said County.

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