ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

C A P. XXXIV.

An Act to amend an Act regulating the Justice of the Peace Small Debt Courts in *Scotland*.

[13th *July* 1849.]

6 G. 4. c. 48.

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to alter and amend an Act passed in the Thirty-ninth and Fortieth Year of King* George *the Third, for the Recovery of Small Debts in* Scotland, and it is expedient that the said recited Act should be amended: 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,

Form of Complaint and Mode of Execution, and One Citation to be good without a Second Citation.

That all Causes which Her Majesty's Justices of the Peace in *Scotland* may competently hear, try, and determine under the Authority of the said recited Act and this Act shall proceed upon Complaint, to be signed by the Clerk or Depute Clerk of the Peace agreeably to the Form in Schedule (A.) hereunto annexed; and a Copy of the Complaint with Citation thereon, and also a Copy of the Account, Document of Debt, or State of the Demand, being delivered by a Constable to the Defender personally, or left at the Dwelling Place of the Defender, or, in the Case of a Company, at the ordinary Place

of Business of the Company, Six Days at least before the Diet of Court mentioned in such Complaint, shall be good and effectual to all Intents and Purposes, anything in the said recited Act requiring a Second Citation where the First Citation had not been delivered personally, to the contrary notwithstanding.

Causes in which Decrees in Absence have been pronounced may be reheard on the like Service and Induciæ.

II. And be it enacted, That where a Decree has been pronounced in Absence of the Defender, or where Absolvitor has passed in Absence of the Pursuer, either before or after the passing of this Act, a Copy of the Warrant for rehearing being served upon the other Party personally, or left at the Dwelling Place of such Party, in the Manner and upon the Induciæ herein-before prescribed regarding the Service of a Complaint, shall be an Authority for rehearing the Cause.

Warrant or Decree issued in one County may be enforced in another, if indorsed, &c.

III. And be it enacted, That any Warrant or Decree to be obtained in any such Cause as aforesaid may be enforced by a Constable either in the County in which the same has been issued, or in any other County or Counties; provided that, when enforced in any other County, the Warrant or Decree or Extract thereof shall first be endorsed by the Clerk or Depute Clerk of the Peace of such other County, who is hereby required to make such Endorsement on Payment of a Fee not exceeding One Shilling.

Recited Act continued, except as hereby altered.

IV. And be it enacted, That the said recited Act shall continue in full Force and Effect, excepting in so far as the same is hereby altered and amended.

Act may be amended, &c.

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

SCHE-

SCHEDULE (A.)

No.

The Honourable Her Majesty's Justices of the Peace for the Shire [*or* Stewartry] of

To Officers of Court, jointly and severally.

WHEREAS it is humbly complained to us by *C.D.* [*Designation*] that *E.F.* [*Designation*], Defender, is owing to the Complainer the Sum of which the said Defender refuses or delays to pay; and therefore the said Defender ought to be decerned and ordained to make Payment to the Complainer with Expenses: Therefore it is our Will, that on Sight hereof ye lawfully summon the said Defender to compear before us, or any Two or more of us, in the at upon the Day of at of the Clock noon, to answer at the Complainer's Instance in the said Matter, with Certification, in case of Failure, of being held as confessed; requiring you also to deliver to the Defender a Copy of any Account, Document of Debt, or State of the Demand pursued for; and that ye cite Witnesses and Havers for both Parties to compear at the said Place and Date, to give Evidence in the said Matter as accords of Law.

Given under the Hand of the Clerk of Court, at the Day of Eighteen hundred and Years.

J. P., Clerk,
[*or* Depute Clerk.]

Citation for Defender.

E. F., Defender above designed, you are hereby summoned to appear and answer before the Justices in the Matter, and at the Time and Place, and under the Certification set forth in the above Copy of the Complaint against you.

This Notice served upon the Day of by me. *J. T.*, Constable.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.