

ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lii.

An Act to restrict the vexatious Removal of certain Actions from the Borough Court of *Liverpool*.

[18th *June* 1842.]

WHEREAS there is in the Borough of *Liverpool* in the County Palatine of *Lancaster* an ancient Court of Record for the Trial of Civil Actions, called the Court of Passage: And whereas the Assessor of the said Borough Court is by Law required to be a Barrister of Seven Years standing, and appointed by the Crown: And whereas an Act was passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending the Proceedings and Practice of the Court of Passage of the Borough of* Liverpool *in the County of* Lancaster: And whereas an Act was passed in the Sixth and Seventh Years of the Reign of His said late Majesty, intituled *An Act to amend and render more effectual an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled* '*An Act for amending the Proceedings and Practice of the* '*Court of Passage of the Borough of* Liverpool *in the County Palatine* '*of* Lancaster;' *and to repeal an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King* George *the Second, intituled* '*An*

4 & 5 W. 4. c. 92.

6 & 7 W. 4. c. 135.

'*Act for the more easy and speedy Recovery of Small Debts in the Town* '*and Port of* Liverpool *and Liberties thereof in the County Palatine of* 'Lancaster;' *and to give further Power for the Recovery of Small Debts within the Borough of* Liverpool: And whereas an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for altering, amending, improving, and extending the Provisions of certain Acts of Parliament relating to the Town of* Liverpool *in the County Palatine of* Lancaster: And whereas an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for amending certain Acts relating to the Civil Court of Record of the Borough of* Liverpool, *and improving the Proceedings thereof:* And whereas it is expedient that the Provisions of the said Acts should be further amended, extended, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Clauses, Matters, and Things in the said Acts respectively contained (except such as may be altered or repealed by this Act) shall extend to this Act, and shall operate and be in force with respect to this Act, as fully and effectually as if the same Powers, Provisions, Clauses, Matters, and Things were repeated and re-enacted in this Act.

7 W. 4. & 1 Vict. c. 98.

1 & 2 Vict. c. 99.

Provisions of former Acts extended to this Act.

Causes under 50*l.* not to be removed except by Judge's Order or on Security.

II. And be it enacted, That no Causes depending in the said Borough Court, in which the Debt or Damages sought to be recovered shall not exceed Fifty Pounds, shall be removed by any Defendant, before Judgment therein, into any Superior Court, except in pursuance of a Judge's Order as herein-after mentioned, unless the Defendant, with Two sufficient Sureties, such as the said Borough Court shall allow, shall first be bound to the Plaintiff in the Cause, by Recognizance, to be acknowledged in the said Borough Court, in a sufficient Sum, for the Payment of the Debt or Damages and Costs in case Judgment shall pass against the Defendant in the Superior Court, or in case the Cause shall be brought back by Procedendo in the Borough Court: Provided always, that any Judge of any of the Superior Courts of Common Law at *Westminster* may, in the Exercise of his Discretion, order a Writ of Certiorari to issue to remove any such Cause depending in the said Borough Court into any Superior Court of Common Law, without such Recognizance as aforesaid, and that such Cause may be removed into such Superior Court accordingly.

Writs to remove Causes to be lodged within a Month after Declaration.

III. And be it enacted, That no Cause depending in the said Borough Court shall be removed before Judgment therein into any Superior Court, unless the Writ for removing such Cause shall have been lodged with the proper Officer of the said Borough Court within One Calendar Month next after the Delivery of the Declaration or the filing and giving Notice thereof, nor unless such Writ shall have been lodged with such Officer before such Action shall have been entered for Trial, according to the Practice of the said Borough Court.

IV. And

Interpretation of Act.

IV. And be it enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as to one Person, Matter, or Thing, and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things, unless there is something in the Context of this Act repugnant to such Construction.

Expences of Act.

V. And be it enacted, That the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act shall be paid by the Council out of the Borough Fund of the Borough of *Liverpool*.

Public Act.

VI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

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