

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XIV.

An Act for the Abolition of Manor Courts and the better Recovery of Small Debts in *Ireland*.

[19th *April* 1859.]

WHEREAS the continued Existence of Manor Courts in *Ireland* has been found prejudicial to the proper Administration of Justice: And whereas it is expedient that such Manor Courts should be abolished: 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:

Manor Courts abolished, but certain Manorial Rights preserved.

I. From and after the passing of this Act all the said several Manor Courts in *Ireland* shall be abolished, and from and after the passing of this Act no Action or Suit shall be commenced in any of the said Courts: Provided always, that the Abolition of such Manor Courts shall not alter or affect any other Franchise or Manorial Right, or any Right to Head Money, Leet Money, or Leet Silver, or any other Right appertaining to any Manor which now by Law may be exercised or exists, except where the Seneschal is the Returning Officer of any Borough within the said Manor, in which Case it is hereby enacted that the Sheriff for the Time being of the County in which such

Borough may be situated shall henceforth be the Returning Officer in lieu of the said Seneschal; provided also, that all Proceedings commenced in the said Manor Courts before the passing of this Act shall be continued until Decree or Dismissal pronounced, as if they had been commenced and finally determined before this Act passed.

Existing Judgments, Orders, and Decrees valid, to be enforced in County Courts by Chairman of Quarter Sessions.

II. All Judgments, Orders, or Decrees obtained in any of the Courts hereby abolished shall, notwithstanding the passing of this Act, be valid and effectual, and capable of being enforced by the Process of the several Courts in *Ireland* held by the Chairmen of Quarter Sessions, in the same Manner and by the same Process as the Decrees pronounced in the said Courts are now by Law enforced; and the Records, Muniments, and Writings of the several Courts abolished by this Act shall, as soon as conveniently may be after the passing of this Act, be placed under the Charge and Superintendence of the Clerk of the Peace, and be deposited and kept by him with the other Records of the County.

Powers to renew Decrees founded on Orders of Seneschals and Stewards.

III. It shall be lawful for the respective Chairman of Quarter Sessions of the several Counties in *Ireland*, and the Recorders of *Dublin*, *Cork*, *Galway*, and *Londonderry*, within the Limits of their respective Jurisdictions, to renew all Decrees and Dismisses made and pronounced by the several Seneschals or Stewards of the said Manor Courts hereby abolished prior to this Act receiving the Royal Assent, and every such renewed Decree or Dismiss shall be deemed a Renewal, Decree, or Dismiss of the said Chairman and Recorders, as the Case may be, and may be executed as such.

Power to award Compensation to existing Seneschals, Stewards, &c.

IV. Every Seneschal, Steward, or Registrar or Marshal of any Manor Court hereby abolished, in which Proceedings have been had according to the Course of the Court within One Year before the First Day of *January* One thousand eight hundred and fifty-nine, and who shall show that he is legally entitled to such Office, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office, and what was the Tenure thereof, and what were the lawful Fees actually received in respect of which such Compensation should be allowed, and the Commissioners shall in each Case award such gross or yearly Sum, and for such Time, as they shall think just, to be awarded, upon the Consideration of the special Circumstances of each Case, and all such Compensation shall be paid out of such Moneys as may be provided by Parliament for the Purpose.

V. And

V. And whereas it is enacted by the Fourteenth and Fifteenth *Victoria*, Chapter Ninety-two, that it shall be lawful for any Justice or Justices at Petty Sessions to hear and determine certain Disputes concerning any Sums due for Wages, or for Hire of any Horse, or for Tuition, and to make such Order as they shall see fit for Payment, provided the Sum shall not exceed Ten Pounds: And whereas by Seventeenth Section of the said Act Justices are authorized to make Awards as to Disputes at Sales in Fairs and Markets where the Value does not exceed Five Pounds: And whereas it might be useful and beneficial to extend the said Powers, and to authorize any Justice or Justices at Petty Sessions in like Manner to hear and determine Disputes concerning any Sums of Money which shall be due for Small Debts between Party and Party: Be it therefore enacted, That it shall be lawful for the Justice or Justices at Petty Sessions to hear and determine Causes for the Recovery of Debts between Party and Party under the Value of Two Pounds, where the Right to recover such Debts shall have accrued within Twelve Calendar Months before the Day of the Date of the Process herein-after mentioned, and having heard what each Party shall have had to say, and the Evidence adduced by each, shall either make an Order for the Payment of the Sum claimed, or shall dismiss the Complaint, either upon the Merits or without Prejudice, and with or without Costs, not exceeding Five Shillings, in the Form in Schedule A., and shall direct Execution by the Seizure and Sale of the Defendant's or Plaintiff's Goods: Provided always, that it shall be lawful for either Party to appeal from such Order or Decision of such Justice or Justices to the Chairman of the Quarter Sessions in the Civil Court at the next General Quarter Sessions held in the same Division and District of the County, the said Sessions being held next immediately after such Decision at Petty Sessions by such Justice or Justices when the Order shall be made by the Justice or Justices in any Petty Sessions Districts, or to the Recorder at his next Sessions when the Order shall be made by the Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town: Provided always, that no such Right of Appeal shall exist unless Three clear Days shall elapse between the Time when such Order shall be made and such Appeal can be heard; and if Three Days do not elapse the Appeal shall be made to and heard at the next succeeding Sessions for the Division and District, which Appeal the said Justice or Justices are hereby required to receive, and stop all Proceedings on such Order at Petty Sessions, the Party appealing, if a Defendant, first lodging with the Clerk at Petty Sessions the Amount ordered to be paid by the said Justice or Justices, or entering into a Recognizance of Appeal in manner prescribed by the Summary Jurisdiction

Power to Justices at Petty Sessions to hear and determine Cases for Recovery of Debts not exceeding Two Pounds.

Power to appeal to Quarter Sessions.

Jurisdiction (*Ireland*) Act 1851, Section Twenty-four, and if a Plaintiff, to deposit the Sum of Five Shillings as and for Costs on the Hearing of such Appeal; and such Chairmen and Recorders are hereby respectively required and empowered to hear such Appeal, and to issue a Decree and Execution thereon, in like Manner and Form as if such Appeal had been brought before such Chairman and Recorders as an original Civil Bill under the Fourteenth and Fifteenth *Victoria*, Chapter Fifty-seven, and with the like Costs, but without further Appeal.

Forms of Process as those in Schedule A.

VI. The Process to be served upon the Defendant in all Cases, requiring him to appear before the Justice or Justices at Petty Sessions, and the Orders made thereon, shall be in the Form One and Two in the Schedule A. to this Act annexed, or as near thereto as the Nature of the Case will permit, and it shall not be necessary that such Process shall be signed by any Attorney, but it shall be sufficient if the same be signed by the Complainant, or any Person on behalf of such Complainant; and the said Forms shall be severally subject to the following Stamp Duties payable to Her Majesty; that is to say,

	s.	*d.*
For every original Process - - -	0	6
For every Copy thereof served - - -	0	6
For every Certificate on Appeal - -	1	0

Stamps to be used in lieu of Fees at Petty Sessions, and to be accounted for as provided by 21 & 22 Vict. c. 100.

VII. Every Paper or Document in respect of which any Fee shall be payable at Petty Sessions, under the Provisions of this Act, shall bear an impressed or adhesive Stamp denoting the Amount or Value of such Fee, as the same is specified in Schedule (C.) of this Act; and such impressed or adhesive Stamps shall be supplied and accounted for in the like Manner, and shall be subject to the like Provisions, Rules, and Regulations, so far as the same are applicable, as are provided in respect of stamped Forms or adhesive Stamps by an Act passed in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter One hundred.

Duties granted by this Act to be deemed Stamp Duties, and the Provisions of the Stamp Acts to apply thereto.

VIII. The Duties by this Act 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 Powers, Provisions, Clauses, Regulations, and Directions, Fines and Penalties, contained in or imposed by the several Acts of Parliament relating to Duties of the same Kind or Description in force at the Time of the passing of this Act shall respectively be of full Force and Effect with respect to the Duties by this Act granted, so far as the same are or may be applicable, as fully and effectually to all Intents and Purposes as if the same had been herein repeated

repeated and specially enacted with reference to the Duties by this Act granted.

IX. The Process to appear shall in all Cases be served by a Process Server, duly authorized by the Justice or Justices at Petty Sessions to serve Summons, Three clear Days before the First Day of the Petty Sessions at which the Case shall be heard, and in no Case whatsoever shall any Process be served on *Sundays*, *Good Friday*, or *Christmas Day*, and Service on any of the said Days shall be absolutely void; and any such Summons Server shall be entitled to be paid by the Complainant or Person for whom he may be employed such Sum not exceeding the Sum of Sixpence for the Service of each Process upon each Party as the Justice or Justices shall fix and determine.

Process to be served by Process Server authorized by Justices at Petty Sessions.

X. No Defendant shall be liable to be sued or proceeded against at Petty Sessions under this Act, or obliged to appear in any Cause to be heard and determined at any Petty Sessions held in any other Part of the Country than at the Petty Sessions held within the County and within the Petty Sessions District of such County in which the Defendant or Defendants reside or resides: Provided always, that if any Defendant or Defendants shall have and occupy any House, Warehouse, Counting-house, Shop, Factory, or Office for the Sale of Goods, or for carrying on any Business, within the District of such Petty Sessions District, he shall be deemed to have a Residence within such Petty Sessions District. The several Fees as set forth in Schedules B. and C. shall be the proper Fees payable on any Proceedings under the Provisions of this Act.

Defendant not to be sued, or obliged to appear, except within District of Petty Sessions in which he resides.

Occupation of House, &c. deemed a Residence.

SCHEDULE A.

1.

Process.

Date.

Petty Sessions District of County of

A.B. Complainant. *C.D.* Defendant.

The Defendant is hereby required personally to appear before the Justice [*or* Justices] assembled at the Petty Sessions of on the Day of next, to answer the Plaintiff's Bill in an Action for the Sum of , for that the Defendant is indebted to the said Plaintiff in the said Sum for [*Goods sold, Money lent, settled Account, &c. &c.*], and in default of such Appearance the said Justices will be required to proceed as to Justice shall appertain.

(Signed) *A.B.* Plaintiff.

2.

Decree founded on Order.

Date.

A.B. Complainant. *C.D.* Defendant.

By the Justices assembled at Petty Sessions held for the District of : It appearing to the Court that Process to appear at this present Sessions was duly served on the Defendant [*or* Defendants], and that the Defendant [*or* Defendants] is [*or* are] justly indebted to the Plaintiff [*or* Plaintiffs] in the Sum of Pounds [*here state Cause of Action*], it is therefore ordered by the Court that the Plaintiff do recover the Sum of Pounds, with Costs, and that in default of Payment thereof, and the said Defendant not having appealed from such Order, we order that the Sum of Pounds and Pounds be levied of the Goods of the said

(Signed) *A.B.* } Justices.
C.D. }

or

E.F. Justice.

Form of Certificate of Appeal.

Petty Sessions District of County of

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

Whereas an Order having this Day been made that the Defendant shall pay to the Plaintiff the Sum of Pounds [*or* that the Plaintiff be dismissed, *as the Case may be*], and the said Plaintiff [*or* Defendant,

Defendant, *as the Case may be,*] has appealed from such Order, I certify that the said Plaintiff [*or* Defendant, *as the Case may be,*] paid into Court the Sum of Pounds [*the Sum ordered to be paid, or Five Shillings on the Dismiss*], in compliance with the said Act of

A.B. Clerk of Petty Sessions.

SCHEDULE B.

	s.	*d.*
To Plaintiff's Attorney, for attending and taking Instructions for and attending the Hearing - - -	2	6
To Defendant's Attorney, for attending Hearing - -	2	6
To Plaintiff's Attorney, for attending the Hearing of every Appeal under this Act - - - -	2	6
To Defendant's Attorney, for same - - - -	2	6
To Clerk of the Peace, upon the Entry of every Appeal -	0	6
For signing the Decree or Dismiss on such Appeal - -	0	6

SCHEDULE C.

On the Entry of every Process at Petty Sessions - -	0	6
On the Entry of every Order of the Magistrates in Petty Sessions Book - - - - - -	0	6
On every Certificate of Appeal - - - -	0	6

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1859.