

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

CAP. LIX.

An Act for further amending the Laws for the Recovery of Small Debts, and the Proceedings for that Purpose, in the Manor Courts in *Ireland*. [2d *July* 1827.]

WHEREAS an Act was made in the last Session of Parliament, intituled *An Act to amend the Laws for the Recovery of Small Debts, and the Proceedings for that Purpose, in the Manor Courts of* Ireland; and it is expedient that the said Act should be amended and rendered more effectual: Be it therefore enacted by the King'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 in all Cases where the Sum sought to be recovered under the said Act shall exceed Ten Pounds, and shall not exceed the Sum of One hundred Pounds, the Summons or Process which shall be issued in the Name of the Steward or Seneschal of the Manor Court, to the Person or Persons complained against, shall be served upon such Person or Persons upon some Day not less than Seven Days before the Day appointed for the Appearance of such Person or Persons; and that in all Cases where the Sum sought to be recovered shall exceed One hundred Pounds, every such Summons or Process shall be served upon the Person or Persons complained against, upon some Day not less than Fourteen Days

7 G. 4. c. 41.

Where the Debt exceeds 10*l.* but does not exceed 100*l.* the Summons shall be served Seven Days before the Day of Appearance, and Fourteen Days if the Debt exceeds 100*l.*

Appearance.

Days before the Day appointed for the Appearance of such Person or Persons; and that in either of such Cases any Person or Persons so complained against shall and may be required by such Summons to appear at any Court to be holden by such Seneschal or Steward within such Manor on any such Day, to be named in such Summons, as shall be at a sufficient Distance from the Date of such Summons as to allow for such Service; and every such Summons shall be served by the Deliverer of such Summons to the Person or Persons summoned, or by leaving such Summons at the usual Place of Abode of such Person or Persons; and if any such Summons shall not in the several Cases be served according to the Directions of this Act, the same shall be and become null and void to all Intents and Purposes.

Service of Summons.

Where Sum recovered shall not exceed 40s. Jury may examine the Parties, and apportion the Payment by Instalments.

II. And be it further enacted, That in all Cases where the Sum sued for, or for which a Verdict shall be given in any Manor Court, shall not exceed the Sum of Forty Shillings, it shall and may be lawful for the Court and Jury to examine the Plaintiff and Defendant, or either of them, upon Oath, if they shall think proper so to do; and it shall also be lawful for the Jury in and by their Verdict to direct that Payment of the Sum for which their Verdict shall be given shall be made by the Defendant with or without the Costs, by such weekly or monthly Instalments, or in such Proportions, and within such Time, not exceeding Three Calendar Months, as such Jury shall think fitting and convenient; and in such Cases it shall be lawful for the Seneschal or Steward of any such Court to stay the issuing of the Decree for any Space of Time not more than Three Calendar Months, provided the Defendant shall undertake to pay the Amount of the Sum for which such Verdict shall be given, with the Costs (if any), by such Instalments or in such Proportions as shall be directed by the Verdict of such Jury; and such Decree shall be stayed accordingly, until Default be made by the Defendant in the Payment of some One Instalment, and shall then only issue for the Balance due, with such Costs as such Seneschal or Steward shall think fitting.

Execution may be issued on Verdict, returnable on any Court Day, and may be renewed if requisite.

III. And whereas by an Act made in the Parliament of *Ireland*, in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Third, for the more speedy and easy Recovery of Small Debts in the Manor Courts in *Ireland*, it is among other things enacted, that the Seneschal or Steward of any such Court shall issue Execution on Verdicts and Decrees in such Courts returnable on the next Court Day; and that no Renewal of any Execution shall be granted in any Case where an Execution shall be obtained, and not executed, unless it shall first appear to such Seneschal or Steward, on Oath, that the Party applying for such Renewal had really and truly used legal and necessary Diligence in order to have such former Execution executed: Be it enacted, That from and after the passing of this Act it shall be lawful for the Seneschal or Steward of any such Court to issue Execution on any Verdict or Decree, returnable at any Court Day after the Verdict or Decree given or made;

and also to issue or grant any Renewal of any Execution, in any Case where such Renewal shall appear to such Seneschal or Steward to be requisite for obtaining Justice to the Party on whose Behalf such Renewal shall be applied for.

Trial may be deferred.

IV. And be it further enacted, That it shall and may be lawful for the Seneschal or Steward of any Manor Court, upon Application of either of the Parties in any Action, to postpone or defer the Trial of the Cause until the next or any subsequent Court Day after such Application shall be made, if he shall think fit in his Discretion so to do; and that in all Cases where the Sum sued for shall exceed Ten Pounds the Trial shall not take place until the Court Day next after the Court Day appointed for the Appearance of the Defendant upon the original Summons in such Action.

Trial in Cases above 10*l.*

Fees to Registrar on Summons;

V. And be it further enacted, That from and after the passing of this Act the several Fees and Sums following shall and may be paid by and taken from any Person suing or being sued in any Manor Court in *Ireland* having Jurisdiction to hold Pleas to the Amount of Thirty Pounds or upwards, in addition to the Fees specified in the said recited Act of the Twenty-fifth Year of His late Majesty; that is to say, To the Registrar of any Manor Court, where such Officer is created by the Charter of such Manors respectively, on the taking out of any Summons, where the Sum in demand shall not exceed Ten Pounds, the Sum of One Shilling; where such Sum shall exceed Ten Pounds and shall not exceed One hundred Pounds, the Sum of Two Shillings; and where such Sum shall exceed One hundred Pounds, the Sum of Three Shillings, and no more: To the Seneschal or Steward of any Manor Court, upon the making of any Decree, where the Sum recovered shall not exceed Ten Pounds, the Sum of Two Shillings; where such Sum shall exceed Ten Pounds and shall not exceed One hundred Pounds, the Sum of Three Shillings; and where such Sum shall exceed One hundred Pounds, the Sum of Four Shillings, and no more.

and to Steward on Decree.

Manor Courts having unlimited Jurisdiction as to Debts, may proceed in Cases exceeding 10*l.* as under their ancient Jurisdiction.

VI. Provided always, and be it further enacted, That in Cases where the Jurisdiction of any Manor Court or Courts, with respect to the Recovery of any Sum or Sums of Money, shall not be limited to any specific Amount by the Grants or Charters or other Authority under which any such Court or Courts may be respectively held, it shall and may be lawful for such Court or Courts, and for the Seneschal, Steward, and Registrar of any such Court or Courts, to proceed for the Recovery of any Sum or Sums of Money exceeding Ten Pounds, in such Manner and Method, and by such Process, as such Court, or the Seneschal or Steward or Registrar and other Officers of such Court, might have done at any Time before the passing of the said recited Act of the last Session of Parliament; and in such Case it shall be lawful for the Seneschal or Steward and for the Registrar of such Court to receive and take such Fees as were lawfully payable under such Grants or Charters, or otherwise, at any Time before the passing of the said Act; any thing in the said Act to the contrary in anywise notwithstanding.

VII. And

Weekly Payments, not exceeding 2s. 6d., to be paid to Debtors in Custody for less than 10l.

VII. And be it further enacted, That in all Cases where any Person shall be confined or detained in any Prison at the Suit of any Creditor or Creditors in any Manor Court for any Debt less than the Sum of Ten Pounds, it shall be lawful for the Seneschal or Steward of such Court, on the Application of such Debtor, in case such Seneschal or Steward shall think right under the Circumstances of the Case so to do, to order that the Creditor or Creditors at whose Suit such Debtor shall be confined or imprisoned shall pay to such Debtor such Sum or Sums, not exceeding the Rate of Two Shillings and Sixpence by the Week in the whole, at such Times and in such Manner as such Seneschal or Steward shall direct; and that on failure of Payment thereof, as directed by such Seneschal or Steward, such Debtor shall be forthwith discharged from Custody at the Suit of the Creditor or Creditors failing to pay the same.

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