ANNO SEPTIMO

GEORGII IV. REGIS.

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C A P. XLI.

An Act to amend the Laws for the Recovery of Small Debts, and the Proceedings for that Purpose, in the Manor Courts in *Ireland*.

[26th *May* 1826.]

WHEREAS an Act was passed in the Parliament of *Ireland*, in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more speedy and easy Recovery of Small Debts in the Manor Courts within this Kingdom, and for regulating the Costs of Proceedings for that Purpose therein:* And whereas an Act was passed in the Parliament of *Ireland*, in the Twenty-seventh Year of His said late Majesty's Reign, to render more effectual the said recited Act of the Twenty-fifth Year aforesaid; and it is expedient that the Provisions of the said Acts should be amended, and the Benefit thereof extended; 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 so much of the said recited Acts, or either of them, as excepts the Manor Courts in the County of *Dublin*, or in the County of the City of *Dublin*, from the Operation of the said Acts or either of them, shall be and is hereby repealed; and that from and after the passing of this Act the said recited Acts, and all the Provisions therein contained, as the same are amended or enlarged by this Act, shall extend and apply, and shall be construed to extend and shall be ap-

25 G. 3. (I.)

27 G. 3. (I.)

So much of recited Acts as excepts the Manor Courts of Dublin County and City from their Operation, repealed;

plied,

and the Acts extended to all Manor Courts in Ireland, to the Amount of their several Jurisdictions.

plied, to all Manor Courts within *Ireland*, and to the Recovery of all Sums of Money to the Amount mentioned in the said recited Act of the Twenty-fifth Year of His late Majesty, and to any Amount whatever within the Sums to which the Jurisdiction of such Manor Courts may be respectively limited, by the Grants or Charters or other Authority under which the said respective Courts may be held, where the Cause of Action shall arise within the Jurisdiction of such Courts respectively, although such Sums shall exceed the several Sums in the Cases respectively mentioned in the said recited Act.

Appeal from Decrees of Manor Courts in Dublin, may be made to Judges at Nisi Prius for Dublin, after Easter and Michaelmas Terms.

II. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall think himself or themselves aggrieved by any Decree of any Seneschal or Steward of any Manor Court within the County or County of the City of *Dublin*, to appeal from such Decree to the Chief Justice of His Majesty's Courts of King's Bench or Common Pleas, or to the Chief Baron of His Majesty's Court of Exchequer in *Ireland*, or to any other Justice of Nisi Prius in the said Courts, at their respective Sittings at Nisi Prius for the City of *Dublin*, after the *Easter* or *Michaelmas* Term next following the pronouncing of such Decree, in the same Manner as any Parties aggrieved are empowered and directed to do in any Cases of Civil Bills; and the said Chief Justices and Chief Baron, or other Justices of Nisi Prius for the said City, are hereby empowered and required at the said Sittings, which for this Purpose they may hold in their respective Courts, or in any other convenient Place in the said City or Liberties thereof, and may continue by Adjournments as to them shall seem expedient, to hear and determine the said Appeals, in the same Manner as they are empowered and directed to do in any Cases of Civil Bills, and to issue a Decree and Execution thereon in like Manner as Decrees and Executions may be awarded and issued by the next going Judges of Assize, under the said recited Act of the Twenty-fifth Year of King *George* the Second; and every such Seneschal or Steward is hereby required to stop further Proceedings on every such Decree, in like Manner and upon the like Conditions as by the said recited Act is directed and prescribed in any Cases of Appeal to the next going Judge of Assize.

Manner of issuing and serving Summons, &c. to attend Manor Courts.

III. And be it further enacted, That in all Cases where any Complaint or Application shall be made to the Seneschal or Steward of any Manor Court, such Steward or Seneschal shall and he is hereby authorized, empowered, and required to issue, or cause to be issued, a Summons or Process, in the Name of such Seneschal or Steward, to the Person or Persons complained against, requiring such Person or Persons to appear at the next Court to be holden by such Seneschal or Steward within such Manor, on any Day not less than Seven Days next after the Date of such Summons, and expressing the Names of the Parties, Plaintiffs, and Defendants, the Cause of Action, and the Day and Place of Appearance; and every such Summons shall be served upon the Person or Persons complained against on some Day not less than Three Days before the Day appointed for the Appearance of such Person or Persons, by the Delivery of such Summons to such Person or Persons, or by leaving such Summons at the usual Place of Abode of such Person or Persons;

and in case such Summons shall not be served or left as aforesaid on some Day not less than Three Days before such Days of Appearance, the same shall be and become null and void to all Intents and Purposes whatsoever.

Goods seized under Attachment shall not be sold before ensuing Court Day, nor if Bail be put in by Defendant.

IV. And be it further enacted, That the Goods or Chattels of any Defendant which shall or may be seized or taken under any Attachment issuing out of any Manor Court in *Ireland*, shall not be sold or exposed to Sale, but shall remain in Custody of the Marshal or other Officer, until after the Court Day next succeeding the Court Day at which any Defendant to whom such Goods or Chattels shall belong, shall have been summoned to appear as aforesaid; and that the Goods and Chattels of any Defendant shall not be sold under any Attachment in any Case where the Defendant shall appear, according to the Exigency of such Summons, and shall put in sufficient Bail for his future Appearance, and for abiding the Decision of the Court on the Matter in question.

Where Sum sued for or recovered does not exceed 40*s.* Costs may be withholden;

V. And be it further enacted, That whenever the Sum sued for, or for which a Verdict or Decree shall be made or given in any Manor Court, shall not exceed the Sum of Forty Shillings, it shall be lawful for the Seneschal or Steward of such Court to withhold any Costs or any Part thereof from the Plaintiff in such Action, and not to issue any Execution on the Verdict for the Costs allowed by the said recited Act of the Twenty-fifth Year of King *George* the Second, or to issue Execution only for such Part or Proportion of such Costs as to such Seneschal or Steward shall seem fitting and convenient, according to the Circumstances of the Case; and that in all such Cases when the Sum sued for, or for which a Verdict or Decree shall be made or given, shall not exceed the Amount aforesaid, it shall and may be lawful for any Seneschal or Steward of such Court, being a Barrister of at least Three Years standing, 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 Sums so decreed, with the Costs, by such weekly or monthly Instalments, or in such Proportions as the said Seneschal or Steward, upon a careful Enquiry and Examination into the Circumstances of the Defendant and his Ability to pay, shall direct; and the said 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 on the Foot of such Decree, with such Costs as the said Seneschal or Steward may think fitting.

and Seneschal may stay the issuing of the Decree for Three Months, if the Defendant will undertake to pay the Amount by Instalments.

Seneschals shall enter into Recognizances for Performance of their Duty, and to answer for Damages for Misconduct.

VI. And be it further enacted, That every Seneschal or Steward of any Manor in *Ireland*, not being a Barrister of at least Three Years standing, who shall hold such Office of Seneschal or Steward at the Time of the passing of this Act, shall before the Expiration of Six Calendar Months next after the passing of this Act, and every Seneschal or Steward of any Manor in *Ireland*, who shall be appointed at any Time after the passing of this Act, not being such Barrister as aforesaid, shall within Three Calendar Months next after any such Appointment shall take place, respectively enter into and give Security by Recognizance, with Two good and sufficient Sureties, before the Justices

Justices of the Peace and Assistant Barrister, at some Quarter Session or General Session of the Peace, or some Adjournment thereof, in the County, County of a City or Town in which the Manor shall be situate, or before the Judges or Justices of Oyer and Terminer and General Gaol Delivery, to be holden in and for such County, County of a City, or County of a Town, or before the Chairman of the Sessions of the Peace for the County of *Dublin*, where any such Manor shall be situate in the County of *Dublin*, or before the Recorder of the City of *Dublin*, where any such Manor shall be situate within the County of the City of *Dublin*, in such Sum and Sums respectively as to such Assistant Barrister, or Justices of Oyer and Terminer, or Chairman of the Sessions of the County of *Dublin*, or Recorder of *Dublin*, shall think sufficient, conditioned for the true and faithful Performance of the Duties of the Office of such Seneschal or Steward, and to pay and satisfy any Damages which may be given against him in any Action for Neglect or Misconduct, or Breach of Duty in his Office; and if any such Seneschal or Steward of any Manor, not being such Barrister as aforesaid, shall omit or neglect to enter into such Recognizance as aforesaid, within the Times aforesaid, he shall forfeit the Sum of Five hundred Pounds to His Majesty, His Heirs and Successors, to be recovered by Action of Debt in any of His Majesty's Courts of Record in *Dublin*, in which no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Penalty.

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