

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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certain other Alterations in the Practice of such Courts in manner in the now-reciting Act mentioned; and it is expedient that the Provisions of such Acts should be amended, and that One Rule and Manner of proceeding for the Recovery of Small Debts and Demands should prevail throughout *England*: And whereas the County Court is a Court of ancient Jurisdiction having Cognizance of all Pleas of Personal Actions to any Amount by virtue of a Writ of Justicies issued in that Behalf: And whereas the Proceedings in the County Court are dilatory and expensive, and it is expedient to alter and regulate the Manner of proceeding in the said Courts for the Recovery of Small Debts and Demands, and that the Courts established under the recited Acts of Parliament, or such of them as ought to be continued, should be holden after the passing of this Act as Branches of the County Court under the Provisions of this Act, and that Power should be given to Her Majesty to effect these Changes at such Times and in such Manner as may be deemed expedient by Her Majesty, with the Advice of Her Privy Council: 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 it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to order that this Act shall be put in force in such County or Counties as to Her Majesty, with the Advice aforesaid, from Time to Time shall seem fit; and this Act shall extend to those Counties concerning which any such Order shall have been made, and not otherwise or elsewhere: Provided always, that no Court shall be established under this Act in the City of *London*.

Her Majesty may order this Act to be put in execution.

II. And be it enacted, That it shall be lawful for Her Majesty, with the Advice aforesaid, to divide the whole or Part of any such County, including all Counties of Cities and Counties of Towns, Cities, Boroughs, Towns, Ports, and Places, Liberties and Franchises therein contained, or thereunto adjoining, into Districts, and to order that the County Court shall be holden for the Recovery of Debts and Demands under this Act in each of such Districts, and from Time to Time to alter such Districts as to Her Majesty, with the Advice aforesaid, shall seem fit, and to order from Time to Time that the Number of Districts in and for which the Court shall be holden shall be increased until the whole of such County shall be within the Provisions of this Act, and with the Advice aforesaid to alter the Place of holding any such Court, or to order that the holding of any such Court be discontinued, or to consolidate any Two or more of such Districts, and from Time to Time, with the Advice aforesaid, to declare by what Name and in what Towns and Places the County Court shall be holden in each District; and if it shall appear to Her Majesty that any Part of any County, Liberty, City, Borough, or District may conveniently be declared within the Jurisdiction of the County Court of an adjoining County, it shall be lawful for Her Majesty, with the Advice aforesaid, to order that such Part shall be taken to be within the Jurisdiction of the County Court holden for the Purposes of this Act for such adjoining County in and for such District as Her Majesty shall

Counties to be divided into Districts.

shall order, in like Manner as if it were Part of such adjoining County.

Courts held under this Act to have the same Jurisdiction as County Courts, and to be Courts of Record.

III. And be it enacted, That every Court to be holden under this Act shall have all the Jurisdiction and Powers of the County Court for the Recovery of Debts and Demands, as altered by this Act, throughout the whole District for which it is holden, and there shall be a Judge for each District to be created under this Act, and the County Court may be holden simultaneously in all or any of such Districts; and every Court holden under this Act shall be a Court of Record.

Preserving the Jurisdiction of County Courts.

IV. And be it enacted, That for all Purposes, except those which shall be within the Jurisdiction of the Courts holden under this Act, the County Court shall be holden as if this Act had not been passed; and all Proceedings commenced in the County Court of any County before the Time when any Court shall be holden under this Act in such County may be continued, executed, and enforced against all Persons liable thereunto, in the same Manner as if they had been commenced under the Authority of this Act.

Her Majesty may order any Court under Acts in Schedules (A.) and (B.) to be held as a County Court, and may assign a District to the same.

V. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that any Court holden for the Recovery of Small Debts or Demands within the Provisions of any Act cited in either of the Schedules annexed to this Act, and marked (A.) and (B.) respectively, shall be holden as a County Court; and it shall be lawful for Her Majesty, with the Advice aforesaid, to assign a District to every such Court, either greater or less than the District in which the Court holden under the Provisions of any such Act now has Jurisdiction, and to alter the Place of holding any such Court, or to order that any such Court be abolished; and every such Court shall continue to be holden under the Act according to which it is now constituted or regulated until the Time mentioned in any such Order which shall be made with reference to such Court; and from and after the Time mentioned in any such Order the Act or Acts under which such Court is now constituted, so far as the same relate to the Establishment or Jurisdiction or Practice of a Court for the Recovery of Small Debts or Demands, shall be repealed, but not so as to revive any Act thereby repealed; and such Court so ordered to be holden as a County Court shall thenceforth be holden as a County Court under this Act, and in all respects as if it had been originally constituted under the Provisions of this Act.

When a Court shall be established under this Act, recited Acts and all other Acts affecting its Jurisdiction, repealed.

VI. And be it enacted, That as soon as a Court shall have been established in any District under this Act, and also at the Time mentioned in any such Order which shall have been made as aforesaid for holding any of the Courts mentioned in either of the said Schedules as a County Court under this Act, the several Provisions and Enactments of the said Acts of Parliament of the Eighth and of the Ninth Year of the Reign of Her Majesty, and of every other Act of Parliament heretofore passed, so far as the same respectively relate to or affect the Jurisdiction and Practice of the Court so established

or

or ordered to be holden as a County Court, or give Jurisdiction to any Court, or to any Commissioner of the Court of Bankruptcy, with respect to Judgments or Orders obtained in the Court so established or ordered to be holden as a County Court, shall be repealed.

Proceedings under former Acts to be valid.

VII. Provided always, and be it enacted, That all Proceedings in execution of the said Acts or any of them commenced before the passing of this Act, or before the Days severally appointed for the Alteration of the Constitution of the said Courts, shall be as valid to all Intents and Purposes as if this Act had not been passed, or as if the said Courts had not been altered, and may be continued, executed, and enforced against all Persons liable thereto in the same Manner as if they had been commenced under the Authority of this Act.

Orders in Council to be published in the London Gazette.

VIII. And be it enacted, That any Order in Council made for the Purposes of this Act shall be published in the *London Gazette*; and Notice of the Intention of Her Majesty to take into consideration the Propriety of making any such Order shall be published in the *London Gazette* One Calendar Month at least before any such Order shall be made.

Appointment and Qualification of Judges.

IX. And be it enacted, That the Lord Chancellor shall appoint as many fit Persons as are needed to be Judges of the County Court under this Act, each of whom shall be a Barrister at Law who shall be of Seven Years standing, or who shall have practised as a Barrister and Special Pleader for at least Seven Years, or a Barrister or Attorney at Law who, under the Provisions of any of the Acts cited in the said Schedules (A.) and (B.), or under the Provisions of either of the said Acts of the Eighth Year and of the Ninth Year of the Reign of Her Majesty, shall have been nominated or appointed to preside in or hold any Court constituted or held under any of the Acts cited in either of the said Schedules (A.) and (B.), whether by the Title of Judge or Barrister, or County Clerk, Assessor, or Steward, or Deputy Steward, or by any other Title or Style whatsoever, or a Person filling the Office of Judge of the County Court, or County Clerk, in the same County, at the Time of the passing of this Act: Provided always, that every Attorney at Law who shall be appointed a Judge of the County Court under this Act, and who shall be the Partner of any other Attorney at Law, shall, within Twelve Calendar Months next after entering on the said Office of Judge of the County Court, dissolve such Partnership or vacate the said Office of Judge, and shall not during his Continuance as such Judge enter into any new Partnership; and that no Attorney at Law who shall be appointed a Judge of any County Court under this Act shall be, either by himself or his Partner, employed or act as Town Clerk, or Clerk of the Peace of any County, City, or Borough, or as Clerk to any Bench of Justices, or as Clerk or Secretary to any Board of Guardians or Governors or Directors of the Poor, or of any Vestry or local or parochial Board of Trustees or Commissioners, or of any public Company or Corporation whatsoever, or directly or indirectly concerned as Attorney or Agent for any Party in any Court regulated by this Act, or, after the Expiration of

Proviso as to Attorneys acting as Judges under Acts cited in Schedules (A.) and (B.)

the said Term of Twelve Calendar Months, in any other Court of Law or Equity.

Judges at present acting in the Courts of Bath, Bristol, Liverpool, and Manchester entitled to the first Appointment under this Act for those Places.

X. And whereas, under the Provisions of the several Acts cited in the Schedule marked (A.) annexed to this Act, Barristers have been appointed and now act as salaried Commissioner or as Assessor or Assistant to the Commissioners appointed to hold the several Courts of Request constituted or regulated by the said several Acts in the Cities of *Bath* and *Bristol* and in the Boroughs of *Liverpool* and *Manchester*; be it enacted, That when any Order shall be made for holding a Court under this Act within the said Cities and Boroughs respectively, Districts shall be constituted which shall comprise at least the whole of the said Cities and Boroughs respectively, and every such Barrister who shall have been on the First Day of *June* in this Year the salaried Commissioner or Assessor or Assistant to the Commissioners appointed to hold the said several Courts of Request, and who shall continue to hold the same Office at the Time when such Order as last aforesaid shall be made respecting their City or Borough respectively, shall be entitled to be appointed the first Judge under this Act of the Court to be holden in and for the said Cities and Boroughs respectively.

Stewards of the Manors of Sheffield and Ecclesall appointed under 48 G. 3. c. 103. to be the first Judges under this Act for those Districts.

XI. And whereas an Act was passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the Proceedings in the Courts Baron of the Manors of* Sheffield *and* Ecclesall *in the County of* York, under the Provisions of which Act *John Parker* Esquire has been appointed and is Steward of the Manor of *Sheffield*, and *Daniel Maude* Esquire has been appointed and is Steward of the Manor of *Ecclesall*; be it enacted, That if the said *John Parker* shall continue Steward of the Manor of *Sheffield* when any Order shall be made for holding a Court under this Act within the Liberty of *Hallamshire*, a District shall be constituted which shall comprise at least the whole Liberty of *Hallamshire*, except the Hamlet or Bierlow of *Ecclesall*, and if the said *Daniel Maude* shall continue Steward of the Manor of *Ecclesall* when any Order shall be made for holding a Court under this Act in the Manor of *Ecclesall*, another District shall be constituted under the Provisions of this Act, which shall comprise at least the whole Hamlet or Bierlow of *Ecclesall*; and in such Cases respectively the said *John Parker* shall be entitled to be appointed the first Judge under this Act of the Court to be holden in the District comprising the Liberty of *Hallamshire*, except the Bierlow of *Ecclesall*, and the said *Daniel Maude* shall be entitled to be appointed the first Judge under this Act of the Court to be holden in the District comprising the Bierlow of *Ecclesall*, and the Districts of the said Two Courts shall not be reduced within the said Limits respectively so long as the said *John Parker* and *Daniel Maude* respectively shall continue Judges of the said Courts; and the present Deputy Stewards of the said Two Courts Baron shall be entitled to be appointed the first Clerks of the said Two Courts respectively, or in case of the Consolidation of the said Two Courts, to act jointly as Clerks of the consolidated Court, under such Regulations as to the Division of Duties and Emoluments

of the Office as shall be made by Order of Court, with reference to the Duties and Emoluments of their Offices in the said Two Courts, before such Consolidation, in case of Difference between them; and the said *John Parker* and *Daniel Maude* shall have the same Privilege of holding the said Courts by Deputy which they now have of holding the said Courts Baron by Deputy, provided only that the Appointment of every such Deputy shall be subject to the Approval of One of Her Majesty's Principal Secretaries of State; and the said *John Parker* and *Daniel Maude* shall hold the said Courts in all other respects according to the Provisions of this Act.

The present County Clerk of Middlesex, appointed under 23 G. 2. c. 33. to be the first Judge under this Act, and may continue to appoint a Deputy, subject to Approval of Seretary of State.

XII. And whereas the County Court of *Middlesex* is regulated under the Provisions of an Act passed in the Twenty-third Year of the Reign of King *George* the Second, intituled *An Act for preventing Delays and Expences in the Proceedings in the County Court of* Middlesex, *and for the more easy and speedy Recovery of Small Debts in the said County Court*, under which the County Clerk is empowered to appoint a Deputy to act for him in his said Office of County Clerk: And whereas the said County of *Middlesex* within the Jurisdiction of the said Court is so populous that it will be expedient that several Districts should be constituted therein under this Act; be it enacted, That if the present County Clerk of *Middlesex* shall continue County Clerk of *Middlesex* when any Order shall be made for holding a Court under this Act within the Jurisdiction of the said Court, he shall be entitled to be appointed the first Judge under this Act of such of the said Districts as he shall select, and shall hold the said Court in all respects according to the Provisions of this Act, except that he shall be removable from the said Office of Judge only in the same Manner as he is now by Law removable from the Office of County Clerk, and that he shall have Power to hold the Court by his present Deputy, and on Vacancy of the Office of Deputy to appoint a Deputy to hold the said Court for him, provided such Deputy be a Barrister of not less than Three Years standing, and shall be approved by One of Her Majesty's Principal Secretaries of State; and the present Registrar of the said County Court shall be entitled to be the first Clerk of the Court holden in the District so selected by the County Clerk; and all Suits and Proceedings commenced in the County Court of *Middlesex* before the Division of the said County into Districts shall be continued, and may be executed and enforced, as if they had commenced under this Act before the said County Clerk in the District so selected by him.

Present Registrar to be the first Clerk.

Provisions for certain Lords of Manors having Rights of Appointment under the Acts hereby repealed.

XIII. And be it enacted, That whenever any Order shall be made for holding a Court under this Act within the several Towns mentioned in the First Column of the Schedule marked (C.) annexed to this Act, then, upon the next Vacancy which shall happen after the passing of this Act in the several Offices mentioned in the Second Column of the said Schedule (C.) in conjunction with such Courts, the several Lords for the Time being of the Manors and Liberties mentioned in the Third Column of the said Schedule (C.) in conjunction with the said Courts shall be entitled to appoint Persons, properly

properly qualified according to the Provisions of this Act, to fill the said Offices respectively, subject nevertheless in each Case to the Approval of One of Her Majesty's Principal Secretaries of State.

Lords of Manors, &c. may surrender Courts, with Consent of Persons interested.

XIV. And be it enacted, That it shall be lawful for the Lord of any Hundred, or of any Honor, Manor, or Liberty, having any Court in right thereof in which Debts or Demands may be recovered, to surrender to Her Majesty the Right of holding such Court (for any such Purpose, with the Consent of any Steward or other Officer, if any, having a Freehold Office in such Court,) or upon the next Vacancy in any such Freehold Office; and from and after such Surrender such Court shall be discontinued, and the Right of holding such Court shall cease, and all Proceedings commenced in such Court may thereafter be continued, and shall be enforced and executed, as if they had been commenced under the Authority of this Act in a County Court holden for the District in which the Cause of Action arose; but no Person shall be entitled to claim any Compensation under this Act by reason of any such Surrender: Provided always, that the Surrender of the Right of holding any such Court for the Recovery of Debts and Demands shall not be deemed to infer the Surrender or Loss of any other Franchise incident to the Lordship of such Hundred, Honor, Manor, or Liberty, and that the Court thereof may be holden for all other Purposes, if any, incident thereunto, as now by Law it may.

Appointments of Judges who have previously officiated in any County Court, not subject to 5 & 6 Vict. c. 122.

XV. And be it declared and enacted, That the Appointment of any Person who at the passing of this Act shall by any of the Titles herein-before specified preside in or hold any Court constituted or held under any of the Acts cited in either of the said Schedules (A). and (B.), to be the Judge of any County Court, shall not be deemed an Appointment to hold a public Office or Employment within the Meaning of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Bankruptcy*, so as to deprive him of any Compensation to which he may be entitled under the said Act.

For supplying Vacancies among the Judges of the County Court.

XVI. And be it enacted, That from Time to Time when any Judge appointed under this Act shall die, resign, or be removed, and the District for which he was appointed shall not be consolidated with any other District, another Judge shall be appointed who shall be a Barrister at Law who shall be of Seven Years standing, or who shall have practised as a Barrister and Special Pleader for at least Seven Years, or who shall have been the County Clerk of the same County at the Time of the passing of this Act; and every such Appointment shall be made by the Lord Chancellor, or, where the whole of the District is within the Duchy of *Lancaster*, by the Chancellor of the Duchy of *Lancaster*.

Judges not to practise as Barristers in their Districts, except in certain Cases.

XVII. And be it enacted, That no Judge appointed under this Act shall during his Continuance as such Judge practise as a Barrister within the District for which his Court is holden under this Act, except those Barristers already appointed to preside in or hold the said Courts in *Bath*, *Bristol*, *Liverpool*, *Manchester*, *Sheffield*, *Ecclesall*,

Ecclesall, and *Middlesex*, and now practising in Chambers as Conveyancing Counsel, who may continue such Practice.

Judges of the County Court removable for Inability, &c.

XVIII. And be it enacted, That it shall be lawful for the said Lord Chancellor, or, where the whole of the District is within the Duchy of *Lancaster*, for the Chancellor of the said Duchy, if he shall think fit, to remove for Inability or Misbehaviour any such Judge already appointed or hereafter to be appointed.

Districts of Judges may be changed.

XIX. Provided always, and be it enacted, That it shall be lawful for the Lord Chancellor or Chancellor of the said Duchy, within their several Jurisdictions, to remove any Judge from any District to which he shall have been appointed, for the Purpose of appointing him to any other District in which the Salary of such Judge shall not be less than in the District from which he shall be so removed.

As to the Appointment of a Deputy to a Judge.

XX. And be it enacted, That in case of Illness or unavoidable Absence, the Cause whereof shall be entered on the Minutes of the Court, it shall be lawful for the Judge appointed to hold any Court under this Act, or, in case of the Inability of the Judge to make such Appointment, for the Lord Chancellor, or, where the whole of the District is within the Duchy of *Lancaster*, for the Chancellor of the Duchy, to appoint some other Person, who shall be a Judge appointed under this Act, or who shall have practised as a Barrister at Law for at least Three Years, or as an Attorney of One of Her Majesty's Superior Courts of Common Law for Ten Years, but not then residing or practising as an Attorney in the District for which the Court is holden, to act as the Deputy of such Judge during such Illness or unavoidable Absence; and it shall also be lawful for the Judge, with the Approval of the said Lord Chancellor or Chancellor of the Duchy, to appoint a Deputy, who shall be a Judge appointed under this Act, or who shall have practised as a Barrister at Law for at least Three Years, to act for him for any Time or Times not exceeding in the whole Two Calendar Months in any consecutive Period of Twelve Calendar Months; and every Deputy so appointed, during the Time for which he shall be so appointed, shall have all the Powers and Privileges and perform all the Duties of the Judge for whom he shall have been so appointed.

Judges may act as Justices if in the Commission of the Peace.

XXI. And be it enacted, That every Judge of the County Court whose Name shall be inserted by Her Majesty in any Commission of the Peace for the County, Riding, or Division of a County for which he is appointed Judge of the County Court may and shall act in the Execution of the Office of Justice of the Peace for the said County, Riding, or Division although he may not have such Qualification by Estate or Interest in Lands, Tenements, and Hereditaments as is required by Law in the Case of other Persons being Justices of the Peace for a County, provided that he be not disqualified by Law to act as a Justice of the Peace for any other Cause or upon any other Occasion than in respect of the Want of such an Estate or Interest as aforesaid.

Judges, &c. appointed

XXII. And be it enacted, That the Judges and other Officers to be appointed under this Act shall be authorized and required to perform

form all such Duties in or relating to any Causes or Matters depending in the High Court of Chancery, or before any Judge thereof, or before the Lord Chancellor in the Exercise of any Authority belonging to him, necessary or proper to be done in their respective Districts, as the Lord Chancellor shall from Time to Time by any General Order direct, and for this Purpose, and subject to the General Rules and Orders of the said Court, shall have and exercise all such Authorities as may be duly exercised by the Commissioners or other Officers of the said Court by whom such Duties are now usually performed, and shall be entitled to receive the same Fees and Sums of Money as are now payable in respect thereof, to be accounted for and applied by them as the other Fees authorized by this Act to be received are directed to be accounted for and applied: Provided always, that the future Amount of such Fees shall continue subject to the same Authority for revising the same to which it is now subject.

under this Act authorized to perform certain Duties relating to Matters depending in the Court of Chancery.

XXIII. And be it enacted, That the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall appoint so many Persons as they shall think fit to be Treasurers of the Courts holden under this Act, and may remove any such Treasurer, if they shall see Occasion so to do, and appoint another Person in his Room; and every such Treasurer shall be paid by Salary in such Manner and to such Amount as the said Commissioners from Time to Time shall order; and the Salary of every such Treasurer shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that the Person appointed or acting as Treasurer before the passing of this Act to any Court holden under any Act cited in either of the said Schedules (A.) and (B.), if not disqualified under this Act, shall be entitled to be the first Treasurer of the same Court respectively, when holden as a County Court under this Act, in every Case in which a separate Treasurer shall be appointed exclusively for such Court, and shall in such Case continue to exercise his Office, subject to the Power of Removal provided in this Act.

Treasury to appoint Treasurers of Courts holden under this Act.

XXIV. And be it enacted, That for every Court under the Authority of this Act there shall be a Clerk, who shall be an Attorney of One of Her Majesty's Superior Courts of Common Law, and whom the Judge shall be empowered to appoint, subject to the Approval of the Lord Chancellor, and, in case of Inability or Misbehaviour, to remove, subject to the like Approval; and, until otherwise directed by Her Majesty, with the Advice of Her Privy Council, every such Clerk shall be paid by Fees as herein-after provided; and in Cases requiring the same such Assistant Clerks as may be necessary shall be provided and paid by the Clerk of the Court.

Appointment of Clerks vested in Judges, subject to Approval of Lord Chancellor.

XXV. And be it enacted, That it shall be lawful for the Lord Chancellor, in populous Districts in which it shall appear to him expedient, to direct that Two Persons shall be appointed to execute jointly the Office of Clerk, under such Regulations as to the Division of the Duties and Emoluments of the said Office as shall be from Time to Time made by Order of Court in case of Difference between them, each of such Persons being qualified as is herein-before

In populous Districts Lord Chancellor may direct Two Clerks to be appointed.

provided in the Case of a single Clerk; and where under the Provisions of any Act cited in either of the said Schedules (A.) and (B.) more than One Clerk is now acting in and for the Court holden under such Act, the same Number of Clerks shall be continued, unless it shall seem expedient to the Lord Chancellor to order that such Number be reduced.

In case of Illness, &c. of Clerk a Deputy may be appointed.

XXVI. And be it enacted, That it shall be lawful for the Clerk of any such Court with the Approval of the Judge, or, in case of Inability of the Clerk to make such Appointment, for the Judge to appoint from Time to Time a Deputy, qualified to be appointed Clerk of the said Court, to act for the Clerk of the said Court at any Time when he shall be prevented by Illness or unavoidable Absence from acting in such Office, and to remove such Deputy at his Pleasure; and such Deputy while acting under such Appointment shall have the like Powers and Privileges, and be subject to the like Provisions, Duties, and Penalties for Misbehaviour, as if he were the Clerk of the said Court for the Time being.

Duties of Clerks.

XXVII. And be it enacted, That the Clerk of each Court, with such Assistant Clerks as aforesaid in Cases requiring the same, shall issue all Summonses, Warrants, Precepts, and Writs of Execution, and register all Orders and Judgments of the said Court, and keep an Account of all Proceedings of the Court, and shall take charge of and keep an Account of all Court Fees and Fines payable or paid into Court, and of all Monies paid into and out of Court, and shall enter an Account of all such Fees, Fines, and Monies in a Book belonging to the Court, to be kept by him for that Purpose, and shall from Time to Time, at such Times as shall be directed by Order of the Court, submit his Accounts to be audited or settled by the Treasurer.

Offices of Clerk, Treasurer, and Bailiff not to be conjoined.

XXVIII. And be it enacted, That it shall not be lawful for the Clerk of any Court holden under this Act, or the Partner of any such Clerk, or any Person in the Service or Employment of such Clerk or his Partner, to act as Treasurer or High Bailiff of the Court; or for the Treasurer, his Partner or Clerk, or any Person in the Service or Employment of such Treasurer or his Partner, to act as Clerk or High Bailiff; or for the High Bailiff, his Partner or Clerk, or any Person in the Service or Employment of such High Bailiff or his Partner, to act as Clerk or Treasurer of the Court.

Officers not to act as Attornies in the Court.

XXIX. And be it enacted, That no Clerk, Treasurer, High Bailiff, or other Officer of the Court shall, either by himself or his Partner, be directly or indirectly engaged as Attorney or Agent for any Party in any Proceeding in the said Court.

Penalty of 50*l.* on Non-observance of the Two previous Enactments.

XXX. And be it enacted, That every Person who, being the Clerk of any such Court, or the Partner of such Clerk, or a Person in the Service or Employment of any such Clerk or of his Partner, shall accept the Office of Treasurer or High Bailiff of such Court, or

who, being the Treasurer of any such Court, or the Partner of any such Treasurer, or a Person in the Service or Employment of any such Treasurer or of his Partner, shall accept the Office of Clerk or High Bailiff in the Execution of this Act, or who being the High Bailiff of such Court, or the Partner of any such High Bailiff, or a Person in the Service or Employment of any such High Bailiff or of his Partner, shall accept the Officer of Clerk or Treasurer in the Execution of this Act, and also every Clerk, Treasurer, High Bailiff, or other Officer of any such Court who shall be, by himself or his Partner, or in any way, directly or indirectly, concerned as Attorney or Agent for any Party in any Proceeding in the said Court, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same in any of Her Majesty's Superior Courts of Record, by Action of Debt or on the Case.

Appointment of Bailiffs.

XXXI. And be it enacted, That for every such Court there shall be One or more High Bailiffs, whom the Judge shall be empowered by Order of Court to appoint, and, in case of Inability or Misbehaviour, to remove by a like Order; and every such High Bailiff shall be empowered, subject to the Restrictions herein-after contained, by any Writing under his Hand to appoint a sufficient Number of able and fit Persons, not exceeding such Number as shall be from Time to Time allowed by the Judge, to be Bailiffs, to assist the said High Bailiff, and at his Pleasure to dismiss all or any of them, and appoint others in their Stead; and every Bailiff so appointed may also be suspended or dismissed by the Judge.

Provision for the High Bailiffs of Westminster and Southwark.

XXXII. Provided always, and be it enacted, That, until Parliament shall otherwise direct, the High Bailiff of *Westminster* shall have the Execution of all Process issuing out of any of the said Courts the Jurisdiction of which shall include the City and Liberty of *Westminster* or any Part thereof, and shall be deemed the High Bailiff of such Courts; and the High Bailiff of *Southwark* shall have the Execution of all Process issuing out of any of the said Courts the Jurisdiction of which shall include the Borough of *Southwark* or any Part thereof, and shall be deemed the High Bailiff of such last-mentioned Courts, and no other High Bailiff shall be appointed for such Courts.

Duties of the High Bailiffs, &c.

XXXIII. And be it enacted, That the said High Bailiffs or One of them shall attend every Sitting of the Court, for such Time as shall be required by the Judge, unless when their Absence shall be allowed for reasonable Cause by the Judge, and shall, by themselves or by the Bailiffs appointed to assist them as aforesaid, serve all the Summonses and Orders, and execute all the Warrants, Precepts, and Writs, issued out of the Court; and the said High Bailiffs and Bailiffs shall in the Execution of their Duties conform to all such general Rules as shall be from Time to Time made for regulating the Proceedings of the Court, as herein-after provided, and, subject thereunto, to the Order and Direction of the Judge; and the said High Bailiffs shall be entitled to receive all Fees and Sums of Money allowed by this Act in the Name of Fees payable to the Bailiff, out of which they shall

shall provide for the Execution of the Duties for which such Fees are allowed, and for the Payment of the Bailiffs and Officers appointed to assist them, according to such Scale of Remuneration as shall be from Time to Time approved by the Judge; and every such High Bailiff shall be responsible for all the Acts and Defaults of himself and of the Bailiffs appointed to assist him, in like Manner as the Sheriff of any County in *England* is responsible for the Acts and Defaults of himself and his Officers.

Provision respecting Clerks and High Bailiffs of Courts under Act, cited in Schedules (A.) and (B.)

XXXIV. Provided always, and be it enacted, That the Persons *holding* the Offices or performing the Duties of Clerks and High Bailiffs in any Court holden under any Act cited in either of the said Schedules (A.) and (B.) on the First Day of *June* in this Year, and who shall continue respectively to hold the same Offices or to perform the same Duties at the Time when such Act shall be repealed under the Provisions of this Act, whether or not qualified as herein-before provided, shall be entitled, if not disqualified under this Act, to be the first Clerks and High Bailiffs of the same Court when holden as a County Court under this Act, and shall continue to execute their several Offices, subject to the Power of Removal provided in this Act, except that the Clerks and High Bailiffs already appointed to any Court named in the said Schedule (A.) shall be removable only for such Cause as would have warranted their Removal under the Acts according to which their Court is now holden; and where, under the Provisions of any of the said Acts, more than One Clerk was on the said First Day of *June*, and shall be, when such Act shall be repealed, under the Provisions of this Act, acting in and for any of the said Courts, or in and for any District or Division of any Court, the same Persons shall jointly execute the Office of Clerk of the same Courts as aforesaid, under such Regulations as to the Division of the Duties and Emoluments of the said Office as shall be from Time to Time made by Order of Court, in case of Difference between them: Provided always, that if the Clerk of any Court cited in the said Schedule (A.) shall, within One Calendar Month next after the Repeal of the Act under which it is now holden, decline to accept the Office of Clerk to the same Court as holden under this Act, it shall be lawful to the Commissioners of Her Majesty's Treasury, if they shall think fit, to take into consideration the special Circumstances of each Case, and to award such Compensation to be paid to such Clerk as under the Circumstances they shall think reasonable, in the Manner herein provided in the Case of Persons whose Emoluments will be diminished or taken away by this Act.

Provision respecting the Officers of the Two Courts at Bristol.

XXXV. And whereas the Jurisdiction of the Court of Conscience in the City of *Bristol*, under the Provisions of an Act passed in the First Year of the Reign of Her Majesty, and cited in the Schedule (A.) to this Act annexed, extends to the Recovery of Debts and Demands not exceeding Forty Shillings; and the Jurisdiction of the Court of Requests in the said City, under the Provisions of an Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, and also cited in the said Schedule (A.), extends to the Recovery of Debts and Demands above Forty Shillings and not exceeding Fifteen Pounds;

Pounds; be it enacted, That in case the Persons now holding the Offices of Registrar and Clerk and Deputy Registrar of the said Court of Conscience shall continue to hold the same Offices respectively when a Court shall be established in the said City of *Bristol* under the Provisions of this Act, they shall be entitled to hold the Office and execute the Duties of Clerks of any such Court in all Causes and Matters relating to Debts, Claims, and Demands not exceeding Forty Shillings, under such Regulations as to the Division of the Duties and Emoluments of the said Office as shall be from Time to Time made by Order of Court, in case of Difference between them; and in case the Person now holding the Office of Clerk of the said Court of Requests shall continue to hold the same Office at the Time when such Court shall be established, he shall be entitled to hold the Office and execute the Duties of Clerk of any such Court in all Causes and Matters relating to Debts, Claims, and Demands exceeding Forty Shillings; and the said Persons severally shall be removable only for such Cause as would have warranted their Removal under the several Acts according to which the said Courts are now holden.

Treasurers, Clerks, and High Bailiffs to give Security.

XXXVI. And be it enacted, That the Treasurer, Clerk, and High Bailiff of every Court holden under this Act who may receive any Monies in the Execution of his Duty shall give Security, for such Sum and in such Manner and Form as the Commissioners of Her Majesty's Treasury from Time to Time shall order, for the due Performance of their several Offices, and for the due accounting for and Payment of all Monies received by them under this Act, (or which they may become liable to pay for any Misbehaviour in their Office.)

Fees to be taken according to Schedule (D.), and Tables to be exhibited in conspicuous Places.

XXXVII. And be it enacted, That there shall be payable on every Proceeding in the Courts holden under this Act, to the Judges, Clerks, and High Bailiffs of the several Courts, such Fees as are set down in the Schedule marked (D.) to this Act annexed, or which shall be set down in any Schedule of Fees reduced or altered under the Power herein-after contained for that Purpose, and none other; and a Table of such Fees shall be put up in some conspicuous Place in the Court House and in the Clerk's Office; and the Fees on every Proceeding shall be paid in the first instance by the Plaintiff or Party on whose Behalf such Proceeding is to be had, on or before such Proceeding, and in default Payment thereof shall be enforced by Order of the Judge by such Ways and Means as any Debt or Damage ordered to be paid by the Court can be recovered; and the Fees upon Executions shall be paid into Court at the Time of the Issue of the Warrant of Execution, and shall be paid by the Clerk of the Court to the Bailiff upon the Return of the Warrant of Execution, and not before: Provided always, that it shall be lawful for One of Her Majesty's Principal Secretaries of State, with the Consent of the Commissioners of Her Majesty's Treasury, to lessen the Amount of the Fees to be taken in the Courts holden under this Act in such Manner as to him shall seem fit, and again to increase such Fees, so that the Scale of Fees given in the Schedule to this Act be not in any Case surpassed; and in every Court holden under this Act in which the Fees allowed to be taken by the Judges, Clerks,

Fees may be reduced.

Appropriation of surplus Fees.

or Bailiffs of the Court shall appear to be more than sufficient, it shall be lawful for the said Secretary of State to order that a certain Part only of their Fees shall be paid to them respectively, not exceeding, in the Case of Judges and Clerks, the Sums herein-after mentioned as the greatest Salaries to be by them respectively received; and in such Case, and so long as such Direction shall be in force, the Amount of the Residue of the Fees shall be accounted for and paid to the Treasurer of the Court, and shall form Part of the General Fund of the Court; but no such Order shall be made to reduce the Fees of any of the Judges, Clerks, and Officers of any Court mentioned in the said Schedule (A.) (so long as they shall be paid by Fees) below the average Amount of their Fees or Emoluments during the Seven Years next before the passing of this Act, with a reasonable Increase for any Increase of Business which they may severally have to perform by reason of this Act.

Compensation for Persons whose Rights or Emoluments will be diminished.

XXXVIII. And be it enacted, That every Person who is entitled to any Franchise, Right of Appointment, or Office, under any of the Acts under which any Court mentioned in the said Schedule (A.) is holden, and every Person who shall have been entitled to any Fees or Salary for his Services in the Execution of any of the same Acts, or for the Issue of any Writs to the Sheriff out of the High Court of Chancery, and also every Person who is entitled to any Franchise or Right of Appointment to hold Office in any Court in any District in which the County Court had not Jurisdiction before the passing of this Act, and in which District a Court shall be established under the Provisions of this Act, and also every Person holding any Office in any such last-mentioned Court whose Franchise or Right of Appointment or Office shall be affected, abolished, or taken away, or whose Emoluments shall be diminished or taken away under the Operation of this Act, 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, or after the Alteration of such Court; and it shall be lawful for the said Commissioners, in such Manner as they shall think proper, to inquire what was the Nature of the Franchise or Right of Appointment, and what was the Tenure of any such Office, and what were the lawful Fees and Emoluments in respect of which such Compensation should be allowed; and the Commissioners in each Case shall award such gross or yearly Sum and for such Time as they shall think just to be awarded upon consideration of the special Circumstances of each Case; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that if any Person holding any Office in any of the said Courts shall be appointed after the passing of this Act to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended if the Amount of such Salary or Emoluments is greater than the Amount of such Compensation, or if not, shall be diminished by the Amount of such Salary or Emoluments: Provided also, that nothing in this Act contained shall be deemed to entitle any Person to Compensation for the

the Loss or Diminution of the Profits of any Office to which he shall have been appointed under any Act containing a Provision, either that he is not to be entitled to Compensation for the Loss or Diminution of the Profits of his Office, or that such Act should cease on or within a limited Time after the passing of any general Act for the Recovery of Small Debts, or under the Provisions of either of the said Acts of the Eighth Year of Her Majesty and of the Ninth Year of Her Majesty.

Officers of Courts may be paid by Salaries instead of Fees.

If Court abolished, no Compensation allowed, except in certain Cases.

XXXIX. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that the Judges, Clerks, Bailiffs, and Officers of the Courts holden under this Act, or any of them, shall be paid by Salaries instead of Fees, or in any Manner other than is provided by this Act; and if Her Majesty shall be pleased, with the Advice aforesaid, to make such Order, or to order that any such Court shall be abolished, or that the District for which any such Court is holden shall be consolidated with any other District, or if any Act shall be passed whereby it shall be provided that the said Courts or any of them shall be abolished, or otherwise constituted than is provided by this Act, no such Clerk or Bailiff, nor any Judge, County Clerk, Treasurer, or other Officer of any such Court, shall be entitled to any Compensation on account of ceasing to hold his Office, or to receive the Fees allowed by this Act, or on account of his Emoluments being affected by such Abolition or Alteration, unless he shall have presided or acted as Judge, Assessor, County Clerk, Treasurer, Clerk, Bailiff, or other Officer, before the passing of this Act, in any of the Courts mentioned in the Schedule (A.) to this Act annexed, in which Case he shall be entitled to Compensation for the Loss of his Fees or Emoluments, in like Manner and subject to the same Regulations as he would have been entitled thereto under the Provisions herein contained in case he had been deprived of any Fees or Emoluments by reason of the passing of this Act; and in such Case all Sums payable in the Name of Fees to such Officers of the Court as shall be paid by Salaries shall be paid from Time to Time to the Treasurer of the Court, who shall pay the said several Salaries out of the Proceeds of such Fees, and the Surplus shall form Part of the General Fund of the Court; and whenever the net Amount of the Fees shall not be sufficient to pay the said several Salaries, the Deficiency shall be made good and paid out of the Consolidated Fund of *Great Britain* and *Ireland*.

Limiting Amount of Salaries to be paid under this Act.

XL. And be it enacted, That the greatest Salaries to be received in any Case by the Judges and Clerks of the Courts holden under this Act shall be Twelve hundred Pounds by a Judge and Six hundred Pounds by a Clerk, exclusive of all Salaries to his Clerks employed in the Business of the Court, and other Expences incidental to his Office, unless in the Case of any Judge or Clerk of any such Court acting in the same Capacity before the passing of this Act in any Court mentioned in the said Schedule (A.), whose Salaries shall not be limited to any Sum less than the average Amount of the Fees and Emoluments of their respective Offices during the Seven Years next before the passing of this Act: Provided always, that it shall be lawful

lawful for the Commissioners of Her Majesty's Treasury to allow in each Case such Sum as they shall in each Case deem reasonable to defray travelling Expences, with reference to the Size and Circumstances of each District.

Fees and Fines to be accounted for to Treasurer.

XLI. And be it enacted, That the Clerk of every Court holden under this Act, from Time to Time as often as he shall be required so to do by the Treasurer or Judge of the Court, and in such Form as the Treasurer or Judge shall require, shall deliver to the Treasurer a full Account in Writing of the Fees received in that Court under the Authority of this Act, and a like Account of all Fines levied by the Court, and of the Expences of levying the same, and shall pay over to the Treasurer, quarterly or oftener in every Year, by Order of the Court, the Monies remaining in his Hands over and above his own Fees, and such Balance as he shall be allowed by Order of the Court to retain for the current Expenditure of the Court.

Clerk's Accounts to be audited and settled by Treasurers.

XLII. And be it enacted, That the Treasurer of every Court holden under this Act shall from Time to Time, quarterly or oftener, as shall be directed by Order of the Court, audit and settle the Accounts of the Clerk and other Officers of the Court, and shall receive the Balance of the various Monies which such Clerk and other Officers shall have received under this Act, and shall pay over to the Judge of the Court the Amount of his Fees, and make all such other Payments as it shall be requisite to make thereout in accordance with the Provisions of this Act, and shall from Time to Time pay the Balance remaining in his Hands, or so much thereof as he shall be directed to pay, into such Bank, or otherwise as shall be directed by the Commissioners of Her Majesty's Treasury.

Treasurer of the Court to render Accounts to Audit Board.

XLIII. And be it enacted, That the Treasurer of every Court holden under this Act shall once in every Year, and oftener if required, on such Day as the Commissioners of Her Majesty's Treasury from Time to Time shall appoint, render to the Commissioners for auditing the Public Accounts of *Great Britain* a true Account in Writing of all Monies received and of all Monies disbursed by him on account of every Court holden under this Act of which he is Treasurer, during the Period comprised in such Account, in such Form, and with such Particulars of Receipt and Disbursement, or otherwise, as the said Commissioners of Audit shall from Time to Time require.

Commissioners of Treasury to direct how Balances shall be applied.

XLIV. And be it enacted, That the Commissioners of Her Majesty's Treasury shall from Time to Time make such Rules as to them shall seem meet for securing the Balances and other Sums of Money in the Hands of any Officers of every Court holden under this Act, and for the due accounting for and Application of all such Balances and other Sums of Money.

Accounts of Treasurers to be audited under

XLV. And be it enacted, That the Accounts to be kept by the several Treasurers on account of the said Courts shall be examined and audited by the Commissioners for auditing the Public Accounts of

of *Great Britain*, under the Powers vested in them under an Act of the Twenty-fifth Year of the Reign of King *George* the Third, intituled *An Act for the better examining and auditing the Public Accounts of this Kingdom*, and under any Act now in force, or otherwise howsoever, except so far as the same are varied by this Act. Powers of 25 G. 3. c. 52.

XLVI. And be it enacted, That the Clerk of every such Court shall once in every Year, and oftener if required, on such Day as shall be appointed by the Commissioners of Her Majesty's Treasury, make out and send to the said Commissioners of Audit an Account of all Sums paid over by him to the Treasurer of the Court, including all unclaimed Balances carried to the Account of the General Fund, as herein-after provided; and every such Account, duly vouched by Receipts given under the Hand of the Treasurer, shall be a Voucher to charge the Treasurer in his Account before the said Commissioners of Audit. Clerk to send to Commissioners of Audit an Account of all Sums paid by him to Treasurer.

XLVII. And be it enacted, That it shall not be necessary to declare the Accounts of the said Treasurers before the Chancellor of the Exchequer, but the said Commissioners of Audit shall transmit a Statement of every Account examined and audited by them under the Authority of this Act to the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, who, having considered such Statement, shall return the same to the Commissioners of Audit, together with his or their Warrant, directing them to make up and pass the Account, either conformably to the Statement, or with such Variations as he or they may deem just and reasonable; and the Account having been made up pursuant to such Directions, and signed by Two or more of the said Commissioners for auditing the Public Accounts, shall remain deposited in the Audit Office, and shall have the same Force and Validity, and be as efficient in Law for all Purposes whatsoever, as if the same had been declared according to the usual Course by the Chancellor of the Exchequer; and the said Commissioners shall thereupon, as soon as conveniently may be, cause such or the like Certificate thereof, in the Nature of a Quietus, to be made out and delivered, as is now practised by them with regard to declared Accounts, and which shall be equally valid and effectual to discharge the Accountants, and to all other Intents and Purposes. Accounts when audited to be sent to Treasury.

XLVIII. And be it enacted, That the Treasurer of any Court holden under this Act for which a Court House and Offices, with necessary Appurtenances, shall not have been already provided, or where such Court House and Offices are inconvenient or insufficient, shall, as soon as conveniently may be, with the Approval of One of Her Majesty's Principal Secretaries of State, build, purchase, hire, or otherwise provide Messuages and Lands, with all necessary Appurtenances, fit for holding the Court therein, and for the Offices necessary for carrying on the Business of the said Court, or, instead of providing separate Buildings, may, with the like Approval, contract with any Person, being the Owner of or having the Control and Management of any County or Town Hall or other Building, for the Treasurers, with Approval of Secretary of State, to provide Court Houses, Offices, &c.

Use and Occupation thereof, or of so much thereof as may be needed for the Purposes of this Act, and subject to such annual Rent, and to such Conditions as to the Repairs, Alterations, or Improvements of such Hall or Building, as may be agreed upon; and all Lands, Messuages, and other Real and Personal Estates and Effects belonging to the Court shall vest in the Treasurer for the Time being, and in his Successors in that Office, in trust for the Purposes of this Act.

Where Common Goals are inconvenient, Prisons belonging to Courts under Acts cited in Schedules (A.) and (B.) may be used.

XLIX. And be it enacted, That it shall be lawful for any Court holden under this Act, with the Approval of One of Her Majesty's Principal Secretaries of State, to use as a Prison for the Purposes of this Act any Prison now belonging to any Court holden under any of the Acts cited in the said Schedules (A.) and (B.), in all Cases where it shall appear to the said Secretary of State that the Common Gaol or House of Correction of the County, District, or Place in which the Court is established is inconveniently situated, or is not applicable for the Use of the said Courts; and whenever any such Prison shall be so allowed to be used it shall be deemed One of the Common Gaols of the County for which it shall be used, as if it had been provided, after Presentment of the Insufficiency of One Common Gaol for such County, under the Provisions of an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws concerning Prisons*, or where such Prison shall be situated within a Borough having a separate Court of Sessions of the Peace, it shall be deemed a House of Correction for such Borough.

5 & 6 Vict. c. 98.

Power for purchasing Land.

L. And be it declared and enacted, That the Provisions of the Lands Clauses Consolidation Act, 1845, shall apply to the Purchase of Lands by the Treasurer of any such Court for the Purposes of this Act, except so much thereof as relates to the Purchase and taking of Lands otherwise than by Agreement; and in construing the said Act the Treasurer acting with the Approval of One of Her Majesty's Principal Secretaries of State shall be deemed the Promoter of the Undertaking for which such Lands are required.

Treasurer empowered to borrow Money for the Purposes of this Act.

LI. And be it enacted, That for the Purpose of defraying the Expences of building, purchasing, or providing any Messuages and Lands for the Purposes aforesaid, it shall be lawful for the said Treasurer to borrow and take up at Interest so much Money as he shall find to be necessary, the Amount thereof, and the Rate of Interest in each Case, being first allowed by the said Commissioners of Her Majesty's Treasury; and the Treasurer may enter into and execute such Securities as may be required, and the Securities so entered into shall be binding on him and his Successors in the Office of Treasurer for securing Repayment of the Monies borrowed, with Interest for the same, out of the General Fund herein-after mentioned, and shall enter in a Book belonging to the Court, to be kept by him for that Purpose, the Names of the several Persons by whom any Money shall be advanced for the Purpose aforesaid, in the Order in which the same shall be advanced, and the Monies so borrowed shall be paid off in the same Order.

LII. And

A General Fund to be raised for paying off Money borrowed.

LII. And be it enacted, That for raising a Fund for providing a Court House and Offices, and for paying off any Monies which may be borrowed as aforesaid, and the Interest due in respect thereof, the Clerk of every Court holden under the Authority of this Act, in which and while it shall be necessary to raise such Fund, shall demand and receive from the Plaintiff in any Suit brought in that Court the Sum of Sixpence when the Debt or Damage claimed shall exceed Twenty Shillings and shall not exceed Forty Shillings, and for every Claim exceeding Forty Shillings One Twentieth Part thereof, neglecting any Sum less than Sixpence in estimating such Twentieth Part, or such other Sum in either Case, not exceeding the Rates herein-before mentioned, as One of Her Majesty's Principal Secretaries of State, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time shall order, which Sum, if not paid in the first instance by the Plaintiff upon Suit brought in the Court, may be deducted from the Sum recovered for the Plaintiff, and shall be considered as Costs in the Cause; and the Clerk of the Court shall keep an Account of all Monies so paid to him, and shall pay over the Amount from Time to Time to the Treasurer of the Court, and the Amount thereof shall accumulate, to form a Fund to be called "The General Fund of the County Court of at ," and shall be applied in the first place toward paying the Interest of the several Sums so borrowed, and in the second place toward paying the Rent and other Expences necessarily incurred in holding the Court, and in the third place toward paying off the several Principal Sums borrowed, in the Order in which they were borrowed, and in the fourth place toward defraying the other Expences herein charged on the said General Fund, in such Manner as the Judge, with the Approval of One of Her Majesty's Principal Secretaries of State, shall direct; and the Surplus which shall from Time to Time accumulate, after providing for all the said Expences, shall be paid over to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; subject, nevertheless, to any Charge which may arise from any future Deficiency of the same Fund.

Property of Courts in Schedules (A.) and (B.) to vest in the Treasurer of the County Court.

LIII. And be it enacted, That, as soon as a Court shall have been established in any District under this Act, all Messuages, Lands, and Tenements, and all Real Estates and Effects, vested in or belonging to the Commissioners, Clerks, Treasurers, Trustees, or other Officers of any of the Courts mentioned in the said Schedules (A.) and (B.), which were holden in trust for the Purposes of such Court, shall vest in or belong to the Treasurer of the County Court for the Time being, and his Successors in the said Office, in trust for the Purposes of this Act, for the like Estate and Interest, and subject to all the Covenants, Conditions, and Agreements on which the same were respectively holden; and the said Commissioners, Clerks, Treasurers, Trustees, and other Officers, their Heirs, Executors, and Administrators, shall be freed and discharged from all such Covenants, Conditions, and Agreements, and from the Consequences of their being unable to fulfil any Covenants or Agreements into which any of them may have lawfully entered in execution of the Provisions of any of the said Acts, on or before the Repeal of such Act, with respect

respect to their Estate or Interest in such Messuages, Lands, Tenements, Real and Personal Estates and Effects, in consequence of the vesting thereof in the said Treasurer; and all Monies and Securities for Money, and other Property and Effects of any Kind whatsoever, in the Hands of the Commissioners, Clerks, Treasurers, Trustees, or other Officers of any such Court, shall be paid, transferred, and delivered to the said Treasurer, or to such Person as he shall appoint to receive the same, and shall be applied in discharging all Claims and Demands to which the same were liable in the Hands of such Commissioners, Clerks, Treasurers, Trustees, or other Officers, and the Residue thereof shall be applied to the same Purposes to which the General Fund is applicable.

Provisions for outstanding Liabilities.

LIV. And be it enacted, That it shall be lawful for the Treasurer of the County Court, with the Approval of the Commissioners of Her Majesty's Treasury, and upon the Certificate of the Expediency thereof under the Hand of the Judge, to sell and dispose of all Messuages, Lands, and Tenements which may be vested in him under the Provisions of this Act which shall not be needed for the Purposes of this Act, or which the Treasurers shall think ought to be sold, for the Purpose of better enabling him to discharge any just Debts on account of any Court of which the Constitution shall be altered under this Act, or to provide other and more convenient Buildings for holding a County Court; and the Proceeds of all such Sales, and also all Monies and Securities for Money which shall be paid, transferred, or delivered to him on account of any such Court as aforesaid, shall be applied towards discharging such Debts; and in every Case in which at the Time of the Alteration of the Constitution of the Court there shall be any just Debts owing on account of any such Court, or any Salaries or Annuities legally or equitably chargeable upon or payable out of the Fees of such Court, or out of any Fund to which such Fees are payable, over and above what may be discharged by the Monies and Effects so paid, transferred, or delivered to the Treasurer on account of such Court, and over and above the Proceeds of the Sale of any such Messuages, Lands, and Tenements, in case the same or any Part thereof shall be sold, such Debts, Salaries, and Annuities shall be treated as if they were Debts which had been incurred for the Purpose of providing a Court House for holding the County Court for the District in which the Place is included where such Court was holden, and shall be liquidated out of the General Fund herein-before mentioned, if the same shall be sufficient for that Purpose, and any Deficiency therein shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Clerks to have the Charge of the Court Houses, &c., and to appoint and dismiss Servants, &c.

LV. And be it enacted, That the Clerk of every Court shall have the Care of the Court House and Offices of the Court, and shall appoint and have Power to dismiss the necessary Servants for taking charge of such Court House and Offices, at such Salaries as shall be from Time to Time authorized by the Judge, with the Consent of the Commissioners of Her Majesty's Treasury; and the Clerk of the Court, under the Direction of the said Commissioners, and subject to such Regulations as they may require to

be enforced, shall make all necessary Contracts or otherwise provide for repairing and furnishing, and for cleaning, lighting, and warming, the said Court House and Offices, and for supplying the said Court and Offices with Law and Office Books and Stationery, and for defraying all other necessary Expences not otherwise provided for incident to the holding of the said Court, and the Charge of the Court House and Offices, and Expences thereby incurred, shall be paid out of the General Fund of the Court: Provided always, that the Treasurer or Clerk of any Court, or the Partner of any such Treasurer or Clerk, or any Person in the Service or Employment of any such Treasurer or Clerk, shall not be directly or indirectly concerned or interested in any such Contract, or in supplying any Articles for the Use of the said Courts and Offices: Provided also, that no Payment for any such Charge shall be allowed in the Clerk's Accounts until allowed under the Hand of the Judge.

Judge to hold the Court where Her Majesty shall direct.

LVI. And be it enacted, That the Judge of each District shall attend and hold the County Court at each Place where Her Majesty shall have ordered that the County Court shall be holden within his District at such Times as he shall appoint for that Purpose, so that a Court shall be holden in every such Place once at least in every Calendar Month, or such other Interval as One of Her Majesty's Principal Secretaries of State shall in each Case order; and Notice of the Days on which the Court will be holden shall be put up in some conspicuous Place in the Court House and in the Office of the Clerk of the Court, and no other Notice thereof shall be needed; and whenever any Day so appointed for holding the Court shall be altered, Notice of such intended Alteration, and of the Time when it will take effect, shall be put up in some conspicuous Place in the Court House and in the Clerk's Office.

Notices for holding Courts to be put up in a conspicuous Place.

Process of the Court to be under Seal.

LVII. And be it enacted, That for every Court holden under this Act there shall be made a Seal of the Court, and all Summonses and other Process issuing out of the said Court shall be sealed or stamped with the Seal of the Court; and every Person who shall forge the Seal or any Process of the Court, or who shall serve or enforce any such forged Process, knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons or other Process of the said Court, knowing the same to be false, or who shall act or profess to act under any false Colour or Pretence of the Process of the said Court, shall be guilty of Felony.

Jurisdiction of the Court.

LVIII. And be it enacted, That all Pleas of Personal Actions, where the Debt or Damage claimed is not more than Twenty Pounds, whether on Balance of Account or otherwise, may be holden in the County Court, without Writ; and all such Actions brought in the said Court shall be heard and determined in a summary Way in a Court constituted under this Act, and according to the Provisions of this Act: Provided always, that the Court shall not have cognizance of any Action of Ejectment, or in which the Title to any corporeal or incorporeal Hereditaments, or to any Toll, Fair, Market, or Franchise, shall be in question, or in which the Validity of any Devise,

Bequest, or Limitation under any Will or Settlement may be disputed, or for any malicious Prosecution, or for any Libel or Slander, or for Criminal Conversation, or for Seduction, or Breach of Promise of Marriage.

Suits to be by Plaint.

LIX. And be it enacted, That, on the Application of any Person desirous to bring a Suit under this Act, the Clerk of the Court shall enter in a Book to be kept for this Purpose in his Office a Plaint in Writing, stating the Names and the last known Places of Abode of the Parties, and the Substance of the Action intended to be brought, every one of which Plaints shall be numbered in every Year according to the Order in which it shall be entered; and thereupon a Summons, stating the Substance of the Action, and bearing the Number of the Plaint on the Margin thereof, shall be issued under the Seal of the Court according to such Form, and be served on the Defendant so many Days before the Day on which the Court shall be holden at which the Cause is to be tried, as shall be directed by the Rules made for regulating the Practice of the Court, as hereinafter provided; and Delivery of such Summons to the Defendant, or in such other Manner as shall be specified in the Rules of Practice, shall be deemed good Service; and no Misnomer or inaccurate Description of any Person or Place in any such Plaint or Summons shall vitiate the same, so that the Person or Place be therein described so as to be commonly known.

Summons may issue, though Cause of Action may not arise in the District.

LX. And be it enacted, That such Summons may issue in any District in which the Defendant or One of the Defendants shall dwell or carry on his Business at the Time of the Action brought; or, by Leave of the Court for the District in which the Defendant or One of the Defendants shall have dwelt or carried on his Business, at some Time within Six Calendar Months next before the Time of the Action brought, or in which the Cause of Action arose, such Summons may issue in either of such last-mentioned Courts.

Processes out of District of Court may be served by Bailiff of any other Court.

LXI. And be it enacted, That any Summons or other Process which under this Act shall be required to be served out of the District of the Court from which the same shall have issued may be served by the Bailiff of any Court holden under this Act in any Part of *England*, and such Service shall be as valid as if the same had been made by the Bailiff of the Court out of which such Summons or other Process shall have issued within the Jurisdiction of the Court for which he acts.

Proof of Service of Process out of the District, or in the Absence of the Bailiff.

LXII. And be it enacted, That Service of any Summons or other Process of the Court which shall require to be served out of the District of the Court may be proved by Affidavit, purporting to be sworn before any Judge of a County Court, or before a Master Extraordinary in Chancery, or any Person now authorized by Law to take Affidavits; and the Fee for taking such Affidavit shall not be more than One Shilling, and shall be Costs in the Cause; and in every Case of the unavoidable Absence of the Bailiff by whom any Summons or other Process of the Court shall have been served the Service of such Summons or other Process may be proved, if the Judge

Judge shall think fit, in the same Manner as a Summons served out of the District of the Court, but without additional Charge to either of the Parties to the Suit.

Demands not to be divided for the Purpose of bringing Two or more Suits.

LXIII. And be it enacted, That it shall not be lawful for any Plaintiff to divide any Cause of Action for the Purpose of bringing Two or more Suits in any of the said Courts, but any Plaintiff having Cause of Action for more than Twenty Pounds, for which a Plaint might be entered under this Act if not for more than Twenty Pounds, may abandon the Excess, and thereupon the Plaintiff shall, on proving his Case, recover to an Amount not exceeding Twenty Pounds; and the Judgment of the Court upon such Plaint shall be in full Discharge of all Demands in respect of such Cause of Action, and Entry of the Judgment shall be made accordingly.

Minors may sue for Wages.

LXIV. And be it enacted, That it shall be lawful for any Person under the Age of Twenty-one Years to prosecute any Suit in any Court holden under this Act for any Sum of Money not greater than Twenty Pounds which may be due to him for Wages or Piecework, or for Work as a Servant, in the same Manner as if he were of full Age.

Cases of Partnership and Intestacy.

LXV. And be it enacted, That the Jurisdiction of the County Court under this Act shall extend to the Recovery of any Demand, not exceeding the Sum of Twenty Pounds, which is the whole or Part of the unliquidated Balance of a Partnership Account, or the Amount or Part of the Amount of a distributive Share under an Intestacy, or of any Legacy under a Will.

Executors may sue and be sued.

LXVI. And be it enacted, That it shall be lawful for any Executor or Administrator to sue and be sued in any Court holden under this Act in like Manner as if he were a Party in his own Right and Judgment, and Execution shall be such as in the like Case would be given or issued in any Superior Court.

No Privilege allowed.

LXVII. And be it enacted, That no Privilege, except as hereinafter excepted, shall be allowed to any Person to exempt him from the Jurisdiction of any Court holden under this Act.

One of several Persons liable may be sued.

LXVIII. And be it enacted, That where any Plaintiff shall have any Demand recoverable under this Act against Two or more Persons jointly answerable, it shall be sufficient if any of such Persons be served with Process, and Judgment may be obtained and Execution issued against the Person or Persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the Jurisdiction of the Court; and every such Person against whom Judgment shall have been obtained under this Act, and who shall have satisfied such Judgment, shall be entitled to demand and recover in the County Court under this Act Contribution from any other Person jointly liable with him.

Judge alone to determine all Questions

LXIX. And be it enacted, That the Judge of the County Court shall be the sole Judge in all Actions brought in the said Court, and

unless a Jury be summoned.

and shall determine all Questions as well of Fact as of Law, unless a Jury shall be summoned as herein-after mentioned; and no Suitors shall in any Case be summoned to hold or have any Jurisdiction in any Court holden under this Act.

Actions may be tried by a Jury when Parties require it.

LXX. And be it enacted, That in all Actions where the Amount claimed shall exceed Five Pounds it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the said Action; and in all Actions where the Amount claimed shall not exceed Five Pounds it shall be lawful for the Judge, in his Discretion, on the Application of either of the Parties, to order that such Action be tried by a Jury; and in every Case such Jury shall be summoned according to the Provisions herein-after contained: Provided always, that the Party requiring a Jury to be summoned shall give to the Clerk of the Court, or leave at his Office, such Notice thereof as shall be directed by the Rules made for regulating the Practice of the Court as herein-after provided; and the said Clerk shall cause Notice of such Demand of a Jury, made either by the Plaintiff or Defendant, to be communicated to the other Party to the said Action, either by Post, or by causing the same to be delivered at his usual Place of Abode or Business; but it shall not be necessary for either Party to prove on the Trial that such Notice was communicated to the other Party by the Clerk.

Party requiring Jury to make a Deposit.

LXXI. And be it enacted, That every Party requiring any Jury to be summoned shall at the Time of giving the said Notice, and before he shall be entitled to have such Jury summoned, pay to the Clerk of the Court the Sum of Five Shillings for Payment of the Jury, and such Sum shall be considered as Costs in the Cause, unless otherwise ordered by the Judge.

Who shall be Jurors.

LXXII. And be it enacted, That the Sheriff of every County, and the High Bailiffs of *Westminster* and *Southwark*, shall cause to be delivered to the Clerk of the Court a List of Persons qualified and liable to serve as Jurors in the Courts of Assize and Nisi Prius for their County, City, and Borough respectively, within Fourteen Days from the Receipt of the Jury Book from the Clerk of the Peace of the County or other Officer, each List containing only the Names of Persons residing within the Jurisdiction of the Court, for which List the said Sheriffs and High Bailiffs shall be entitled to receive out of the General Fund of the Court a Fee after the Rate of Two-pence for every Folio of Seventy-two Words; and whenever a Jury shall be required the Clerk of the Court shall cause so many of the Persons named in the List as shall be needed in the Opinion of the Judge to be summoned to attend the Court at a Time and Place to be mentioned in the Summons, and shall administer or cause to be administered to such of them as shall be impannelled to try any Cause or Causes an Oath to give true Verdicts according to the Evidence; and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Judge shall direct, not being more than Five Pounds for each Default; and the Delivery of such Summons to the Person whose Attendance is required on such Jury,

Jury, or Delivery thereof to his Wife or Servant, or any Inmate at his usual Place of Abode, Trading, or Dealing, shall be deemed good Service: Provided always, that no Person shall be summoned or compelled to serve on such Jury more than twice within One Year, or who shall have been summoned and shall have attended upon any Jury at the Assizes, or any Court of Nisi Prius, or at the Central Criminal Court for the same County, within Six Calendar Months next before the Delivery of such Summons.

Number of the Jury.

LXXIII. And be it enacted, That whenever there are any Jury Trials Five Jurymen shall be impannelled and sworn, as Occasion shall require, to give their Verdicts in the Causes which shall be brought before them in the said Court, and being once sworn shall not need to be re-sworn in each Trial; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against all or any of the said Jurors in like Manner as he would be entitled in any Superior Court; and the Jurymen so sworn shall be required to give an unanimous Verdict.

Proceedings on hearing the Plaint.

LXXIV. And be it enacted, That on the Day in that Behalf named in the Summons the Plaintiff shall appear, and thereupon the Defendant shall be required to appear to answer such Plaint; and on Answer being made in Court the Judge shall proceed in a summary Way to try the Cause, and give Judgment, without further Pleading or formal Joinder of Issue.

No Evidence to be given that is not in Summons.

LXXV. And be it enacted, That no Evidence shall be given by the Plaintiff on the Trial of any such Cause as aforesaid of any Demand or Cause of Action, except such as shall be stated in the Summons hereby directed to be issued.

Notices to be given to the Clerk of special Defences, who shall communicate the same to the Plaintiff.

LXXVI. And be it enacted, That no Defendant in any Court holden under this Act shall be allowed to set off any Debt or Demand claimed or recoverable by him from the Plaintiff, or to set up by way of Defence and to claim and have the Benefit of Infancy, Coverture, or any Statute of Limitations, or of his Discharge under any Statute relating to Bankrupts, or any Act for Relief of Insolvent Debtors, without the Consent of the Plaintiff, unless such Notice thereof as shall be directed by the Rules made for regulating the Practice of the Court shall have been given to the Clerk of the Court; and in every Case in which the Practice of the Court shall require such Notice to be given the Clerk of the Court shall, as soon as conveniently may be, after receiving such Notice, communicate the same to the Plaintiff by the Post, or by causing the same to be delivered at his usual Place of Abode or Business; but it shall not be necessary for the Defendant to prove on the Trial that such Notice was communicated to the Plaintiff by the Clerk.

Suits may be settled by Arbitration.

LXXVII. And be it enacted, That the Judge may in any Case, with the Consent of both Parties to the Suit, order the same, with or without other Matters within the Jurisdiction of the Court in dispute between such Parties, to be referred to Arbitration, to such Person or Persons, and in such Manner, and on such Terms as he shall think

think reasonable and just; and such Reference shall not be revocable by either Party, except by Consent of the Judge; and the Award of the Arbitrator or Arbitrators or Umpire shall be entered as the Judgment in the Cause, and shall be as binding and effectual to all Intents as if given by the Judge; provided that the Judge may, if he think fit, on Application to him at the first Court held after the Expiration of One Week after the Entry of such Award, set aside any such Award so given as aforesaid, or may, with the Consent of both Parties aforesaid, revoke the Reference, or order another Reference to be made in the Manner aforesaid.

Forms of Procedure in Courts to be framed by the Judges.

LXXVIII. And be it enacted, That Five of the Judges of the Superior Courts of Common Law at *Westminster*, including the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or One of the said Chiefs at the least, shall have Power to make and issue all the general Rules for regulating the Practice and Proceedings of the County Courts holden under this Act, and also to frame Forms for every Proceeding in the said Courts for which they shall think it necessary that a Form be provided, and also for keeping all Books, Entries, and Accounts to be kept by the Clerks of the said Courts, and from Time to Time to alter any such Rule or Form; and the Rules so made, and the Forms so framed, shall be observed and used in all the Courts holden under this Act; and in any Case not expressly provided for herein, or by the said Rules, the general Principles of Practice in the Superior Courts of Common Law may be adopted and applied, at the Discretion of the Judges, to Actions and Proceedings in their several Courts.

Proceedings if Plaintiff does not appear or prove his Case.

LXXIX. And be it enacted, That if upon the Day of the Return of any Summons, or at any Continuation or Adjournment of the said Court, or of the Cause for which the said Summons shall have been issued, the Plaintiff shall not appear, the Cause shall be struck out; and if he shall appear, but shall not make Proof of his Demand to the Satisfaction of the Court, it shall be lawful for the Judge to nonsuit the Plaintiff, or to give Judgment for the Defendant, and in either Case, where the Defendant shall appear and shall not admit the Demand, to award to the Defendant, by way of Costs and Satisfaction for his Trouble and Attendance, such Sum as the Judge in his Discretion shall think fit, and such Sum shall be recoverable from the Plaintiff by such Ways and Means as any Debt or Damage ordered to be paid by the same Court can be recovered: Provided always, that if the Plaintiff shall not appear when called upon, and the Defendant, or some one duly authorized on his Behalf, shall appear, and admit the Cause of Action to the full Amount claimed, and pay the Fees payable in the first instance by the Plaintiff, the Court, if it shall think fit, may proceed to give Judgment as if the Plaintiff had appeared.

Proceedings if the Defendant does not appear.

LXXX. And be it enacted, That if on the Day so named in the Summons, or at any Continuation or Adjournment of the Court or Cause in which the Summons was issued, the Defendant shall not appear, or sufficiently excuse his Absence, or shall neglect to answer

when called in Court, the Judge, upon due Proof of Service of the Summons, may proceed to the Hearing or Trial of the Cause on the Part of the Plaintiff only, and the Judgment thereupon shall be as valid as if both Parties had attended: Provided always, that the Judge in any such Case, at the same or any subsequent Court, may set aside any Judgment so given in the Absence of the Defendant, and the Execution thereupon, and may grant a new Trial of the Cause, upon such Terms, if any, as to Payment of Costs, giving Security for Debt or Costs, or such other Terms as he may think fit, on sufficient Cause shown to him for that Purpose.

Judge may grant Time.

LXXXI. And be it enacted, That the Judge may in any Case make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of the Suit, and also may from Time to Time adjourn any Court, or the Hearing or further Hearing of any Cause, in such Manner as to the Judge may seem fit.

Defendant may pay Money into Court.

Notice of such Payment to be given to Plaintiff.

LXXXII. And be it enacted, That it shall be lawful for the Defendant in any Action brought under this Act, within such Time as shall be directed by the Rules made for regulating the Practice of the Court, to pay into Court such Sum of Money as he shall think a full Satisfaction for the Demand of the Plaintiff, together with the Costs incurred by the Plaintiff up to the Time of such Payment; and Notice of such Payment shall be communicated by the Clerk of the Court to the Plaintiff by Post, or by causing the same to be delivered at his usual Place of Abode or Business; and the said Sum of Money shall be paid to the Plaintiff; but if he shall elect to proceed, and if the Plaintiff shall recover no further Sum in the Action than shall have been so paid into Court, the Plaintiff shall pay to the Defendant the Costs incurred by him in the said Action after such Payment; and such Costs shall be settled by the Court, and an Order shall thereupon be made by the Court for the Payment of such Costs by the Plaintiff.

Parties and others may be examined.

LXXXIII. And be it enacted, That on the Hearing or Trial of any Action or on any other Proceeding under this Act the Parties thereto, their Wives and all other Persons, may be examined, either on behalf of the Plaintiff or Defendant, upon Oath, or solemn Affirmation in those Cases in which Persons are by Law allowed to make Affirmation instead of taking an Oath, to be administered by the proper Officer of the Court.

Persons giving false Evidence guilty of Perjury.

LXXXIV. And be it enacted, That every Person who in any Examination upon Oath or solemn Affirmation before any Judge of the County Court shall wilfully and corruptly give false Evidence shall be deemed guilty of Perjury.

Summonses to Witnesses.

LXXXV. And be it enacted, That either of the Parties to the Suit or any other Proceeding under this Act may obtain, at the Office of the Clerk of the Court, Summonses to Witnesses, to be served by One of the Bailiffs of the Court, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control, and in any such Summons any Number of Names may be inserted.

LXXXVI. And

Penalty on Witnesses neglecting Summons.

LXXXVI. And be it enacted, That every Person on whom any such Summons shall have been served, either personally or in such other Manner as shall be directed by the general Rules or Practice of the Courts, and to whom at the same Time Payment or a Tender of Payment of his Expences shall have been made on such Scale of Allowance as shall be from Time to Time settled by the general Rules of Practice of the Court, and who shall refuse or neglect, without sufficient Cause, to appear, or to produce any Books, Papers, or Writings required by such Summons to be produced, and also every Person present in Court who shall be required to give Evidence, and who shall refuse to be sworn and give Evidence, shall forfeit and pay such Fine, not exceeding Ten Pounds, as the Judge shall set on him; and the whole or any Part of such Fine, in the Discretion of the Judge, after deducting the Costs, shall be applicable toward indemnifying the Party injured by such Refusal or Neglect, and the Remainder thereof shall form Part of the General Fund of the Court in which the Fine was imposed.

Fines how to be enforced and accounted for.

LXXXVII. And be it enacted, That Payment of any Fine imposed by any Court under the Authority of this Act may be enforced upon the Order of the Judge in like Manner as Payment of any Debt adjudged in the said Court, and shall be accounted for as herein provided.

Costs to abide the Event of the Action.

LXXXVIII. And be it enacted, That all the Costs of any Action or Proceeding in the Court, not herein otherwise provided for, shall be paid by or apportioned between the Parties in such Manner as the Judge shall think fit, and in default of any special Direction shall abide the Event of the Action, and Execution may issue for the Recovery of any such Costs in like Manner as for any Debt adjudged in the said Court.

Judgments how far final.

LXXXIX. And be it enacted, That every Order and Judgment of any Court holden under this Act, except as herein provided, shall be final and conclusive between the Parties, but the Judge shall have Power to nonsuit the Plaintiff in every Case in which satisfactory Proof shall not be given to him entitling either the Plaintiff or Defendant to the Judgment of the Court, and shall also in every Case whatever have the Power, if he shall think fit, to order a new Trial to be had upon such Terms as he shall think reasonable, and in the meantime to stay the Proceedings.

No Actions to be removed into Superior Courts but on certain Conditions.

XC. And be it enacted, That no Plaint entered in any Court holden under this Act shall be removed or removable from the said Court into any of Her Majesty's Superior Courts of Record by any Writ or Process, unless the Debt or Damage claimed shall exceed Five Pounds, and then only by Leave of a Judge of One of the said Superior Courts, in Cases which shall appear to the Judge fit to be tried in One of the Superior Courts, and upon such Terms as to Payment of Costs, giving Security for Debt or Costs, or such other Terms as he shall think fit.

Who may appear for any Party in

XCI. And be it enacted, That no Person shall be entitled to appear for any other Party to any Proceeding in any of the said Courts

Courts unless he be an Attorney of One of Her Majesty's Superior Courts of Record, or a Barrister at Law instructed by such Attorney on behalf of the Party, or, by Leave of the Judge, any other Person allowed by the Judge to appear instead of such Party; but no Barrister, Attorney, or other Person, except by Leave of the Judge, shall be entitled to be heard to argue any Question as Counsel for any other Person in any Proceeding in any Court holden under this Act; and no Person, not being an Attorney admitted to One of Her Majesty's Superior Courts of Record, shall be entitled to have or recover any Sum of Money for appearing or acting on behalf of any other Person in the said Court; and no Attorney shall be entitled to have or recover therefore any Sum of Money, unless the Debt or Damage claimed shall be more than Forty Shillings, or to have or recover more than Ten Shillings for his Fees and Costs, unless the Debt or Damage claimed shall be more than Five Pounds, or more than Fifteen Shillings in any Case within the summary Jurisdiction given by this Act; and in no Case shall any Fee exceeding One Pound Three Shillings and Sixpence be allowed for employing a Barrister as Counsel in the Cause; and the Expence of employing a Barrister or an Attorney, either by Plaintiff or Defendant, shall not be allowed on Taxation of Costs in the Case of a Plaintiff where less than Five Pounds is recovered, or in the Case of a Defendant where less than Five Pounds is claimed, or in any Case unless by Order of the Judge. the Superior Courts.

XCII. And be it enacted, That the Judge may make Orders concerning the Time or Times and by what Instalments any Debt or Damages or Costs for which Judgment shall be obtained in the said Court shall be paid, and all such Monies shall be paid into Court, unless the Judge shall otherwise direct. Court may make Orders for Payment by Instalments.

XCIII. And be it enacted, That if there shall be cross Judgments between the Parties Execution shall be taken out by that Party only who shall have obtained Judgment for the larger Sum, and for so much only as shall remain after deducting the smaller Sum, and Satisfaction for the Remainder shall be entered, as well as Satisfaction on the Judgment for the smaller Sum, and if both Sums shall be equal Satisfaction shall be entered upon both Judgments. Cross Judgments.

XCIV. And be it enacted, That whenever the Judge shall have made an Order for the Payment of Money, the Amount shall be recoverable, in case of Default or Failure of Payment thereof forthwith, or at the Time or Times and in the Manner thereby directed, by Execution against the Goods and Chattels of the Party against whom such Order shall be made; and the Clerk of the said Court, at the Request of the Party prosecuting such Order, shall issue under the Seal of the Court a Writ of Fieri facias as a Warrant of Execution to the High Bailiff of the Court, who by such Warrant shall be empowered to levy, or cause to be levied, by Distress and Sale of the Goods and Chattels of such Party such Sum of Money as shall be so ordered, wheresoever they may be found within the District of the Court, whether within Liberties or without, and also the Costs of the Execution; and all Constables and other Peace Officers Court may award Execution against Goods.

Officers within their several Jurisdictions shall aid in the Execution of every such Warrant.

Execution not to issue till after Default in Payment of some Instalment, and then it may issue for the whole Sum due.

XCV. And be it enacted, That if the Judge shall have made any Order for Payment of any Sum of Money by Instalments, Execution upon such Order shall not issue against the Party until after Default in Payment of some Instalment according to such Order, and Execution or successive Executions may then issue for the whole of the said Sum of Money and Costs then remaining unpaid, or for such Portion thereof as the Judge shall order, either at the Time of making the original Order, or at any subsequent Time, under the Seal of the Court.

What Goods may be taken in Execution.

XCVI. And be it enacted, That every Bailiff or Officer executing any Process of Execution issuing out of the said County Court against the Goods and Chattels of any Person may by virtue thereof seize and take any of the Goods and Chattels of such Person (excepting the Wearing Apparel and Bedding of such Person or his Family, and the Tools and Implements of his Trade to the Value of Five Pounds, which shall to that Extent be protected from such Seizure), and may also seize and take any Money or Bank Notes (whether of the Bank of *England* or of any other Bank), and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or Securities for Money, belonging to any such Person against whom any such Execution shall have issued as aforesaid.

Securities seized to be held by High Bailiff.

XCVII. And be it enacted, That the High Bailiff shall hold any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money which shall have been so seized or taken as aforesaid, as a Security or Securities for the Amount directed to be levied by such Execution, or so much thereof as shall not have been otherwise levied or raised for the Benefit of the Plaintiff; and the Plaintiff may sue in the Name of the Defendant, or in the Name of any Person in whose Name the Defendant might have sued, for the Recovery of the Sum or Sums secured or made payable thereby, when the Time of Payment thereof shall have arrived.

Parties having obtained an unsatisfied Judgment may obtain a Summons on Charge of Fraud.

XCVIII. And be it enacted, That it shall be lawful for any Party who has obtained any unsatisfied Judgment or Order in any Court held by virtue of this Act, or under any Act repealed by this Act, for the Payment of any Debt or Damages or Costs, to obtain a Summons from any County Court within the Limits of which any other Party shall then dwell or carry on his Business, such Summons to be in such Form as shall be directed by the Rules made for regulating the Practice of the County Courts as herein provided, and to be served personally upon the Person to whom it is directed, requiring him to appear at such Time as shall be directed by the said Rules to answer such Things as are named in such Summons; and if he shall appear in pursuance of such Summons he may be examined upon Oath touching his Estate and Effects, and the Manner and Circumstances under which he contracted the Debt or incurred the Damages or Liability which is the Subject of the Action in which Judgment has been obtained against him; and as to the Means and

Expectation he then had, and as to the Property and Means he still hath, of discharging the said Debt or Damages or Liability, and as to the Disposal he may have made of any Property; and the Person obtaining such Summons as aforesaid, and all other Witnesses whom the Judge shall think requisite, may be examined upon Oath touching the Inquiries authorized to be made as aforesaid; and the Costs of such Summons and of all Proceedings thereon shall be deemed Costs in the Cause.

Commitment for Frauds, &c.

XCIX. And be it enacted, That if the Party so summoned shall not attend as required by such Summons, and shall not allege a sufficient Excuse for not attending, or shall, if attending, refuse to be sworn, or to disclose any of the Things aforesaid, or if he shall not make answer touching the same to the Satisfaction of such Judge, or if it shall appear to such Judge, either by the Examination of the Party or by any other Evidence, that such Party, if a Defendant, in incurring the Debt or Liability which is the Subject of the Action in which Judgment has been obtained has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, or shall have charged, removed, or concealed the same, with Intent to defraud his Creditors or any of them, or if it shall appear to the Satisfaction of the Judge of the said Court that the Party so summoned has then, or has had since the Judgment obtained against him, sufficient Means and Ability to pay the Debt or Damages or Costs so recovered against him, either altogether, or by any Instalment or Instalments which the Court in which the Judgment was obtained shall have ordered, and if he shall refuse or neglect to pay the same as shall have been so ordered, or as shall be ordered pursuant to the Power herein-after provided, it shall be lawful for such Judge, if he shall think fit, to order that any such Party may be committed to the Common Gaol or House of Correction of the County, District, or Place in which the Party summoned is resident, or to any Prison which shall be provided as the Prison of the Court, for any Period not exceeding Forty Days.

Power of Judge to rescind or alter Orders.

C. And be it enacted, That it shall be lawful for the Judge of any Court before whom such Summons shall be heard, if he shall think fit, whether or not he shall make any Order for the Committal of the Defendant, to rescind or alter any Order that shall have been previously made against any Defendant so summoned before him for the Payment, by Instalments or otherwise, of any Debt or Damages recovered, and to make any further or other Order, either for the Payment of the whole of such Debt or Damages and Costs forthwith, or by any Instalments, or in any other Manner as such Judge may think reasonable and just.

Power to examine and commit at Hearing of the Cause.

CI. And be it enacted, That in every Case where the Defendant in any Suit brought in any County Court shall have been personally served with the Summons to appear or shall personally appear at the Trial of the same, the Judge at the Hearing of the Cause, or at

at any Adjournment thereof if Judgment shall be given against the Defendant, shall have the same Power and Authority of examining the Defendant and the Plaintiff and other Parties touching the several Things herein-before mentioned, and of committing the Defendant to Prison, and of making an Order, as he might have and exercise under the Provisions herein-before contained in case the Plaintiff had obtained a Summons for that Purpose after the Judgment obtained as herein-before mentioned.

Mode of issuing and executing Warrants of Commitment.

CII. And be it enacted, That whenever any Order of Commitment shall have been made as aforesaid the Clerk of the said Court shall issue under the Seal of the Court a Warrant of Commitment, directed to One of the Bailiffs of any County Court, who by such Warrant shall be empowered to take the Body of the Person against whom such Order shall be made; and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Warrant; and the Gaoler or Keeper of every Gaol, House of Correction, and Prison mentioned in any such Order shall be bound to receive and keep the Defendant therein until discharged under the Provisions of this Act, or otherwise by due Course of Law; and no Protection, Order, or Certificate granted by any Court of Bankruptcy, or for the Relief of Insolvent Debtors, shall be available to discharge any Defendant from any Commitment under such last-mentioned Order.

Imprisonment not to operate as a Satisfaction for the Debt, &c.

CIII. And be it enacted, That no Imprisonment under this Act shall in anywise operate as a Satisfaction or Extinguishment of the Debt or other Cause of Action on which a Judgment has been obtained, or protect the Defendant from being anew summoned and imprisoned for any new Fraud or other Default rendering him liable to be imprisoned under this Act, or deprive the Plaintiff of any Right to take out Execution against the Goods and Chattels of the Defendant, in the same Manner as if such Imprisonment had not taken place.

How Execution may be had out of the Jurisdiction of the Court.

CIV. And be it enacted, That in all Cases where a Warrant of Execution shall have issued against the Goods and Chattels of any Party, or an Order for his Commitment shall have been made under this Act, and such Party, or his Goods and Chattels, shall be out of the Jurisdiction of the Court, it shall be lawful for the High Bailiff of the Court to send such Warrant of Execution or of Commitment to the Clerk of any other Court constituted under this Act, within the Jurisdiction of which such Party, or his Goods and Chattels, shall then be or be believed to be, with a Warrant thereto annexed, under the Hand of the High Bailiff and Seal of the Court from which the original Warrant issued, requiring Execution of the same, and the Clerk of the Court to which the same shall be sent shall seal or stamp the same with the Seal of his Court, and issue the same to the High Bailiff of his Court, and thereupon such last-mentioned High Bailiff shall be authorized and required to act in all respects as if the original Warrant of Execution or Commitment had been directed to him by the Court of which he is the High Bailiff, and shall, within such Time as shall be specified in the Rules of Practice, return to the High Bailiff

Bailiff of the Court from which the same originally issued, what he shall have done in the Execution of such Process, and in case a Levy shall have been made shall, within such Time as shall be specified in the Rules of Practice, pay over all Monies received in pursuance of the Warrant to the High Bailiff of the Court from which the same shall have originally issued, retaining the Fees for Execution of the Process; and where any Order of Commitment shall have been made, and the Person apprehended, he shall be forthwith conveyed, in Custody of the Bailiff or Officer apprehending him, to the Gaol or House of Correction or other Prison of the Court within the Jurisdiction of which he shall have been apprehended, and kept therein for the Time mentioned in the Warrant of Commitment, unless sooner discharged under the Provisions of this Act; and all Constables and other Peace Officers shall be aiding and assisting within their respective Districts in the Execution of such Warrant.

Power to Judge to suspend Execution in certain Cases.

CV. And be it enacted, That if it shall at any Time appear to the Satisfaction of the Judge, by the Oath or Affirmation of any Person, or otherwise, that any Defendant is unable, from Sickness or other sufficient Cause, to pay and discharge the Debt or Damages recovered against him, or any Instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Judge, in his Discretion, to suspend or stay any Judgment, Order, or Execution given, made, or issued in such Action, for such Time and on such Terms as the Judge shall think fit, and so from Time to Time until it shall appear by the like Proof as aforesaid that such temporary Cause of Disability has ceased.

Regulating the Sale of Goods taken in Execution.

CVI. And be it enacted, That no Sale of any Goods which shall be taken in Execution as aforesaid shall be until after the End of Five Days at least next following the Day on which such Goods shall have been so taken, unless such Goods be of a perishable Nature, or upon the Request in Writing of the Party whose Goods shall have been taken; and until such Sale the Goods shall be deposited by the Bailiff in some fit Place, or they may remain in the Custody of a fit Person approved by the High Bailiff, to be put in possession by the Bailiff; and it shall be lawful for the High Bailiff, from Time to Time as he shall think proper, to appoint such and so many Persons for keeping Possession, and so many Sworn Brokers and Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under this Act, as shall appear to him to be necessary, and to direct Security to be taken from each of them, for such Sum and in such Manner as he shall think fit, for the faithful Performance of their Duties without Injury or Oppression; and the Judge or High Bailiff may dismiss any Person, Broker, or Appraiser so appointed; and no Goods taken in Execution under this Act shall be sold for the Purpose of satisfying the Warrant of Execution except by One of the Brokers or Appraisers so appointed; and the Brokers or Appraisers so appointed shall be entitled to have, out of the Produce of the Goods so distrained or sold, Sixpence in the Pound on the Value of the Goods for the Appraisement thereof, whether by One Broker or more, over

and above the Stamp Duty, and for Advertisements, Catalogues, Sale and Commission, and Delivery of Goods, One Shilling in the Pound on the net Produce of the Sale.

As to the Liability of Goods taken in execution under 8 Anne, c. 17.

CVII. And be it enacted, That so much of an Act passed in the Eighth Year of the Reign of Queen *Anne*, intituled *An Act for the better Security of Rents, and to prevent Frauds committed by Tenants*, as relates to the Liability of Goods taken by virtue of any Execution, shall not be deemed to apply to Goods taken in Execution under the Process of any Court holden under this Act; but the Landlord of any Tenement in which any such Goods shall be so taken shall be entitled, by any Writing under his Hand or under the Hand of his Agent, to be delivered to the Bailiff or Officer making the Levy, which Writing shall state the Terms of holding, and the Rent payable for the same, to claim any Rent in arrear then due to him, not exceeding the Rent of Four Weeks where the Tenement is let by the Week, and not exceeding the Rent accruing due in Two Terms of Payment, where the Tenement is let for any other Term less than a Year, and not exceeding in any Case the Rent accruing due in One Year; and in case of any such Claim being so made the Bailiff or Officer making the Levy shall distrain as well for the Amount of the Rent so claimed, and the Costs of such additional Distress, as for the Amount of Money and Costs for which the Warrant of Execution issued under this Act, and shall not proceed to sell the same or any Part thereof within Five Days next after such Distress taken; and if any Replevin be made of the Goods so taken, such of the Goods shall be sold under the Execution as shall satisfy the Money and Costs for which the Warrant of Execution issued, and the Costs of the Sale; and the Overplus of such Sale (if any), and also the Residue of the Goods, shall be returned as in other Cases of Distress for Rent, and Replevin thereof; and for every such additional Distress for Rent in arrear the High Bailiff of the Court shall be entitled to have as the Costs of the Distress, instead of the Fees allowed by this Act for making such Distress, and keeping Possession thereof, the Fees allowed by an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of small Rents*.

Landlords may claim certain Rents in arrear.

Bailiffs making Levies may distrain for Rent and Costs.

In case of Replevins.

57 G. 3. c. 93.

No Execution shall be stayed by Writ of Error.

CVIII. And be it enacted, That no Judgment or Execution shall be stayed, delayed, or reversed upon or by any Writ of Error, or Supersedeas thereon, to be sued for the reversing of any Judgment given in any Court holden under the Provisions of this Act.

Execution to be superseded on Payment of Debt and Costs.

CIX. And be it enacted, That in or upon every Warrant of Execution issued against the Goods and Chattels of any Person whomsoever the Clerk of the Court shall cause to be inserted or endorsed the Sum of Money and Costs adjudged, with the Sums allowed by this Act as increased Costs for the Execution of such Warrant; and if the Party against whom such Execution shall be issued shall, before an actual Sale of the Goods and Chattels, pay or cause to be paid or tendered unto the Clerk of the Court out of which such Warrant of Execution has issued, or to the Bailiff holding the Warrant of Execution, such Sum of Money and Costs

as

as aforesaid, or such Part thereof as the Person entitled thereto shall agree to accept in full of his Debt or Damages and Costs, together with the Fees herein directed to be paid, the Execution shall be superseded, and the Goods and Chattels of the said Party shall be discharged and set at liberty.

Debtor to be discharged from Custody upon Payment of Debt and Costs.

CX. And be it enacted, That any Person imprisoned under this Act who shall have paid or satisfied the Debt or Demand, or the Instalments thereof payable, and Costs remaining due at the Time of the Order of Imprisonment being made, together with the Costs of obtaining such Order, and all subsequent Costs, shall be discharged out of Custody, upon the Certificate of such Payment or Satisfaction, signed by the Clerk of the Court, by Leave of the Judge of the Court in which the Order of Imprisonment was made.

Minutes of Proceedings to be kept.

CXI. And be it enacted, That the Clerk of every Court holden under this Act shall cause a Note of all Plaints and Summonses, and of all Orders, and of all Judgments and Executions, and Returns thereto, and of all Fines, and of all other Proceedings of the Court, to be fairly entered from Time to Time in a Book belonging to the Court, which shall be kept at the Office of the Court; and such Entries in the said Book, or a Copy thereof bearing the Seal of the Court, and purporting to be signed and certified as a true Copy by the Clerk of the Court, shall at all Times be admitted in all Courts and Places whatsoever as Evidence of such Entries, and of the Proceeding referred to by such Entry or Entries, and of the Regularity of such Proceeding, without any further Proof.

Suitors Money unclaimed in Six Years to go to General Fund.

CXII. And be it enacted, That the Clerk or Clerks of every such Court shall in the Month of *March* in each Year make out a correct List of all Sums of Money belonging to Suitors in the Court which shall have been paid into Court, and which shall have remained unclaimed for Five Years before the First Day of the Month of *January* then last past, specifying the Names of the Parties for whom or on whose Account the same were so paid into Court; and a Copy of such List shall be put up and remain during Court Hours in some conspicuous Part of the Court House, and at all Times in the Clerk's Office, and all Sums of Money which shall have been paid into any such Court, to the Use of any Suitor or Suitors thereof, and which shall have remained unclaimed for the Period of Six Years before the passing of this Act, and which are now in the Hands of any Commissioner, Trustee, Judge, or Officer of such Court, or otherwise held in trust for such Suitors, and all further Sums of Money which shall hereafter be paid into any such Court, to the Use of any Suitor or Suitors thereof, shall, if unclaimed for the Period of Six Years after the same shall have been so paid into Court, be applicable as Part of the General Fund of the Court, and shall be carried to the Account of such Fund, and no Person shall be entitled to claim any Sum which shall have remained unclaimed for Six Years; but no Time during which the Person entitled to claim such Sum shall have been an Infant or Feme Covert, or of unsound Mind, or beyond the Seas, shall be taken into account in estimating the said Period of Six Years.

CXIII. And

Power of Committal for Contempt.

CXIII. And be it enacted, That if any Person shall wilfully insult the Judge or any Juror, or any Bailiff, Clerk, or Officer of the said Court, for the Time being, during his Sitting or Attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the Proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the Assistance of any other Person, by the Order of the Judge, to take such Offender into Custody, and detain him until the rising of the Court; and the Judge shall be empowered, if he shall think fit, by a Warrant under his Hand, and sealed with the Seal of the Court, to commit any such Offender to any Prison to which he has Power to commit Offenders under this Act for any Time not exceeding Seven Days, or to impose upon any such Offender a Fine not exceeding Five Pounds for every such Offence, and in default of Payment thereof to commit the Offender to any such Prison as aforesaid for any Time not exceeding Seven Days, unless the said Fine be sooner paid.

Penalty for assaulting Bailiffs, or rescuing Goods taken in Execution.

CXIV. And be it enacted, That if any Officer or Bailiff of any Court holden under this Act shall be assaulted while in the Execution of his Duty, or if any Rescue shall be made or attempted to be made of any Goods levied under Process of the Court, the Person so offending shall be liable to a Fine not exceeding Five Pounds, to be recovered by Order of the Court, or before a Justice of the Peace as herein-after provided; and it shall be lawful for the Bailiff of the Court or any Peace Officer in any such Case to take the Offender into Custody (with or without Warrant), and bring him before such Court or Justice accordingly.

Bailiffs made answerable for Escapes, and Neglect to levy Execution.

CXV. And be it enacted, That in case any Bailiff of the said Court who shall be employed to levy any Execution against Goods and Chattels shall, by Neglect, or Connivance or Omission, lose the Opportunity of levying any such Execution, then upon Complaint of the Party aggrieved by reason of such Neglect, Connivance, or Omission, (and the Fact alleged being proved to the Satisfaction of the Court on the Oath of any credible Witness,) the Judge shall order such Bailiff to pay such Damages as it shall appear that the Plaintiff has sustained thereby, not exceeding in any Case the Sum of Money for which the said Execution issued, and the Bailiff shall be liable thereto; and upon demand made thereof, and on his Refusal so to pay and satisfy the same, Payment thereof shall be enforced by such Ways and Means as are herein provided for enforcing a Judgment recovered in the said Court.

Remedies against, and Penalties on, Bailiffs and other Officers for Misconduct.

CXVI. And be it enacted, That if any Clerk, Bailiff, or Officer of the Court, acting under Colour or Pretence of the Process of the said Court, shall be charged with Extortion or Misconduct, or with not duly paying or accounting for any Money levied by him under the Authority of this Act, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties in like Manner as the Attendance of Witnesses in any Case may be enforced, and to make such Order thereupon for the Repayment of any Money

extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs, as he shall think just; and also, if he shall think fit, to impose such Fine upon the Clerk, Bailiff, or Officer, not exceeding Ten Pounds for each Offence, as he shall deem adequate; and in default of Payment of any Money so ordered to be paid Payment of the same may be enforced by such Ways and Means as are herein provided for enforcing a Judgment recovered in the said Court.

Penalty on Officers taking Fees besides those allowed.

CXVII. And be it enacted, That every Treasurer, Clerk, Bailiff, or other Officer employed in putting this Act or any of the Powers thereof in execution, who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are or shall be appointed and allowed respectively as aforesaid, for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act into execution, shall, upon Proof thereof before the said Court, and in the Case of a Clerk, Treasurer, or High Bailiff on Allowance of the Finding of the Court by the Lord Chancellor, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall also be liable for Damages as herein provided.

Claims as to Goods taken in Execution to be adjudicated in Court.

CXVIII. And be it enacted, That if any Claim shall be made to or in respect of any Goods or Chattels taken in Execution under the Process of any Court holden under this Act, or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful for the Clerk of the Court, upon Application of the Officer charged with the Execution of such Process, as well before as after any Action brought against such Officer, to issue a Summons calling before the said Court as well the Party issuing such Process as the Party making such Claim, and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons out of the County Court; and the Judge of the County Court shall adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit, and such Order shall be enforced in like Manner as any Order made in any Suit brought in such Court.

Actions of Replevin may be brought without Writ.

CXIX. And be it declared and enacted, That all Actions of Replevin in Cases of Distress for Rent in arrear or Damage faisant which shall be brought in the County Court shall be brought without Writ in a Court held under this Act.

Plaints where to be entered.

CXX. And be it enacted, That in every such Action of Replevin the Plaint shall be entered in the Court holden under this Act for the District wherein the Distress was taken.

How Actions of Replevin may be removed.

CXXI. And be it enacted, That in case either Party to any such Action of Replevin shall declare to the Court in which such Action shall be brought that the Title to any corporeal or incorporeal Hereditament, or to any Toll, Market, Fair, or Franchise, is in question, or that the Rent or Damage in respect of which the Distress shall have been taken is more than the Sum of Twenty Pounds, and shall become bound, with Two sufficient Sureties, to be approved by the Clerk of the Court, in such Sums as to the Judge shall seem reasonable, regard being had to the Nature of the Claim, and the alleged Value or Amount of the Property in dispute, or of the Rent or Damage, to prosecute the Suit with Effect and without Delay, and to prove before the Court by which such Suit shall be tried that such Title as aforesaid is in dispute between the Parties, or that there was Ground for believing that the said Rent or Damage was more than Twenty Pounds, then, and not otherwise, the Action may be removed before any Court competent to try the same in such Manner as hath been accustomed.

Possession of small Tenements may be recovered by Plaint in County Court.

CXXII. And be it enacted, That when and so soon as the Term and Interest of the Tenant of any House, Land, or other corporeal Hereditament, where the Value of the Premises or the Rent payable in respect of such Tenancy did not exceed the Sum of Fifty Pounds by the Year, and upon which no Fine shall have been paid, shall have ended, or shall have been duly determined by a legal Notice to quit, and such Tenant, or, if such Tenant do not actually occupy the Premises, or occupy only a Part thereof, any Person by whom the same or any Part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up Possession of the Premises, or of such Part thereof respectively, it shall be lawful for the Landlord or his Agent to enter a Plaint in the County Court to be holden under this Act, and thereupon a Summons shall issue to the Person so neglecting or refusing; and if the Tenant or Occupier shall not thereupon appear at the Time and Place appointed, and show Cause to the contrary, and shall still neglect or refuse to deliver up Possession of the Premises, or of such Part thereof of which he is then in possession, to the said Landlord or his Agent, it shall be lawful for such Landlord or Agent to give to the Court Proof of the holding, and of the End or other Determination of the Tenancy, with the Time or Manner thereof, and, where the Title of the Landlord has accrued since the letting of the Premises, the Right by which he claims the Possession; and upon Proof of Service of the Summons, and of the Neglect or Refusal of the Tenant or Occupier, as the Case may be, it shall be lawful for the Judge to issue a Warrant under the Seal of the Court to any Bailiff of the Court, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord or Agent; and such Warrant shall be a sufficient Warrant to the said Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon: Provided also, that nothing herein contained shall

If Tenant, &c. neglect to appear, or refuse to give Possession, Judge may, on Proof of Service of Summons, issue a Warrant to enforce the same.

shall be deemed to protect any Person by whom any such Warrant shall be sued out of the County Court from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the same Premises.

The Manner in which such Summons shall be served.

CXXIII. And be it enacted, That such Summons as last aforesaid may be served either personally or by leaving the same with some Person being in and apparently residing at the Place of Abode of the Person or Persons so holding over as aforesaid; provided that if the Person or Persons so holding over, or any or either of them, cannot be found, and the Place of Abode of such Person or Persons shall either not be known, or Admission thereto cannot be obtained for serving such Summons, the posting of the said Summons on some conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person or Persons respectively.

Judges, Clerks, Bailiffs, or other Officers not liable to Actions on account of Proceedings taken.

CXXIV. And be it enacted, That it shall not be lawful to bring any Action or Prosecution against the Judge or against the Clerk of the Court by whom such Warrant as aforesaid shall have been issued, or against any Bailiff or other Person by whom such Warrant may be executed or Summons affixed, for issuing such Warrant, or executing the same respectively, or affixing such Summons, by reason that the Person by whom the same shall be sued out had not lawful Right to the Possession of the Premises.

Where Landlord has a lawful Title, he shall not be deemed a Trespasser by reason of Irregularity.

CXXV. And be it enacted, That where the Landlord at the Time of applying for such Warrant as aforesaid had lawful Right to the Possession of the Premises, or of the Part thereof so held over as aforesaid, neither the said Landlord nor his Agent, nor any other Person acting in his Behalf, shall be deemed to be a Trespasser by reason merely of any Irregularity or Informality in the Mode of proceeding for obtaining Possession under the Authority of this Act, but the Party aggrieved may, if he think fit, bring an Action on the Case for such Irregularity or Informality, in which the Damage alleged to be sustained thereby shall be specially laid, and may recover full Satisfaction for such special Damage, with Costs of Suit; provided that if the special Damage so laid be not proved, the Defendant shall be entitled to a Verdict, and that if proved, but assessed by the Jury at any Sum not exceeding Five Shillings, the Plaintiff shall recover no more Costs than Damages, unless the Judge before whom the Trial shall have been holden shall certify that in his Opinion full Costs ought to be allowed.

How Execution of Warrant of Possession may be stayed.

CXXVI. And be it enacted, That in every Case in which the Person by whom any such Warrant shall be sued out of the County Court had not at the Time of suing out the same lawful Right to the Possession of the Premises, the suing out of any such Warrant as last aforesaid shall be deemed a Trespass by him against the Tenant or Occupier of the Premises, although no Entry shall be made by virtue of the Warrant; and in case any such Tenant or Occupier will become bound, with Two sufficient Sureties, to be approved by the Clerk of the Court, in such Sum as to the Judge shall seem reasonable, regard being had to the Value of the Premises, and to the

the probable Cost of such Action, to sue the Person by whom such Warrant was sued out with Effect and without Delay, and to pay all the Costs of the Proceeding in such Action in case a Verdict shall pass for the Defendant, or the Plaintiff shall discontinue or not prosecute his Action or become nonsuit therein, Execution upon the Warrant shall be stayed until Judgment shall have been given in such Action of Trespass; and if upon the Trial of such Action of Trespass a Verdict shall pass for the Plaintiff, such Verdict and Judgment thereupon shall supersede the said Warrant.

Proceedings on the Bond for staying Warrant of Possession, &c.

CXXVII. And be it enacted, That every Bond given on the Removal of any Action out of the County Court, or upon staying the Execution of any such Warrant of Possession as aforesaid, or on moving for a new Trial, or to set aside a Verdict, Judgment, or Nonsuit, shall be made to the other Party to the Action at the Costs of such other Party, and shall be approved by the Judge, and attested under the Seal of the Court; and if the Bond so taken be forfeited, or if, upon the Proceeding for securing which such Bond was given, the Judge before whom such Proceeding shall be had shall not certify upon the Record in Court that the Condition of the Bond hath been fulfilled, the Party to whom the Bond shall have been so made may bring an Action of Debt, and recover thereon: Provided always, that the Court in which such Action as last aforesaid shall be brought may by a Rule of Court give such Relief to the Parties liable upon such Bond as may be agreeable to Justice and Reason, and such Rule shall have the Nature and Effect of a Defeasance to such Bond.

Concurrent Jurisdiction with Superior Courts.

CXXVIII. And be it enacted, That all Actions and Proceedings which before the passing of this Act might have been brought in any of Her Majesty's Superior Courts of Record where the Plaintiff dwells more than Twenty Miles from the Defendant, or where the Cause of Action did not arise wholly or in some material Point within the Jurisdiction of the Court within which the Defendant dwells or carries on his Business at the Time of the Action brought, or where any Officer of the County Court shall be a Party, except in respect of any Claim to any Goods and Chattels taken in Execution of the Process of the Court, or the Proceeds or Value thereof, may be brought and determined in any such Superior Court, at the Election of the Party suing or proceeding, as if this Act had not been passed.

As to Actions brought for Small Debts in Superior Courts.

CXXIX. And be it enacted, That if any Action shall be commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, for any Cause other than those lastly herein-before specified, for which a Plaint might have been entered in any Court holden under this Act, and a Verdict shall be found for the Plaintiff for a Sum less than Twenty Pounds, if the said Action is founded on Contract, or less than Five Pounds if it be founded on Tort, the said Plaintiff shall have Judgment to recover such Sum only, and no Costs; and if a Verdict shall not be found for the Plaintiff the Defendant shall be entitled to his Costs as between Attorney and Client, unless in either Case the Judge who shall try the Cause shall certify on the Back of the Record that the Action was fit to be brought in such Superior Court.

CXXX. And

Penalties and Costs to be recovered before a Justice, and levied by Distress.

CXXX. And be it enacted, That all Penalties, Fines, and Forfeitures by this Act inflicted or authorized to be imposed (the Manner of recovering and applying whereof is not hereby otherwise particularly directed) shall, upon Proof before any Justice of the Peace having Jurisdiction within the County or Place where the Offender shall reside or be, or the Offence shall be committed, either by the Confession of the Party offending, or by the Oath of any credible Witness, be levied, with the Costs attending the Summons and Conviction, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand of any such Justice; and the Overplus (if any), after such Penalties, Fines, and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon demand, unto the Owner of such Goods and Chattels.

In default of Security, Offender may be detained till Return of Warrant of Distress.

CXXXI. And be it enacted, That if any such Penalties, Fines, and Forfeitures respectively shall not be paid forthwith upon Conviction, it shall be lawful for such Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the Time of taking any such Security, which Security such Justice shall be empowered to take by way of Recognizance or otherwise as to him shall seem fit.

In default of Distress, Offender may be committed.

CXXXII. And be it enacted, That if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by Confession of the Offender or otherwise, that he hath not within the Jurisdiction of such Justice sufficient Goods and Chattels whereon to levy all such Penalties, Forfeitures, Costs, and Charges, such Justice may, at his Discretion, without issuing any Warrant of Distress, commit the Offender to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Penalties not otherwise applied, to be paid into the General Fund.

CXXXIII. And be it enacted, That the Monies arising from any such Penalties, Forfeitures, and Fines as aforesaid, when paid and levied, shall (if not by this Act directed to be otherwise applied) be from Time to Time paid to the Clerk of the Court, and shall be applied in aid of the General Fund thereof.

Justices may proceed by Summons in the Recovery of Penalties.

CXXXIV. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable before a Justice of the Peace, it shall be lawful for such Justice to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before him; and all such Proceedings by Summons without Information in

Writing shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

CXXXV. And be it enacted, That in all Cases where any Conviction shall be had for any Offence committed against this Act the Form of Conviction may be in the Words or to the Effect following; (that is to say,)

'BE it remembered, That on this Day of in the Year of our Lord *A.B.* is convicted before of Her Majesty's Justices of the Peace for the [*or* before a Judge appointed under an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled *here insert the Title of this Act*,] of having [*state the Offence*]; and I [*or* we] the said do adjudge the said to forfeit and pay for the same the Sum of or to be committed to for the Space of . Given under Hand and Seal the Day and Year aforesaid.'

Proceedings not invalid for Want of Form.

CXXXVI. And be it enacted, That no Order, Verdict, or Judgment, or other Proceeding, made concerning any of the Matters aforesaid, shall be quashed or vacated for Want of Form.

Distress not unlawful for Want of Form.

CXXXVII. And be it enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity which shall afterwards be committed by the Party so distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Limitation of Actions for Proceedings in execution of this Act.

CXXXVIII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Three Calendar Months after the Fact committed, and not afterwards, or otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Provision for the Protection of Officers of the Court.

CXXXIX. And be it enacted, That if any Person shall bring any Suit in any of Her Majesty's Superior Courts of Record in respect of any Grievance committed by any Clerk, Bailiff, or Officer of any Court holden under this Act, under Colour or Pretence of the Process of the said Court, and the Jury upon the Trial of the Action shall not find

greater Damages for the Plaintiff than the Sum of Twenty Pounds, no Costs shall be awarded to the Plaintiff in such Action unless the Judge shall certify in Court upon the Back of the Record that the Action was fit to be brought in such Superior Court.

Act not to affect Rights of Universities of Oxford or Cambridge.

CXL. Provided always, and be it enacted, That nothing in this Act contained shall be construed to alter or affect the Rights or Privileges of the Chancellor, Masters, and Scholars of the Universities of *Oxford* or *Cambridge* respectively as by Law possessed, or the Jurisdiction of the Courts of the Chancellors or Vice Chancellors of the said Universities, as holden under the respective Charters of the said Universities, or otherwise.

Nothing to affect the Courts of the Wardens of the Stannaries.

CXLI. Provided always, and be it declared and enacted, That nothing in this Act contained shall be construed to affect the Courts of the Lord Warden or of the Vice Warden of the Stannaries of *Cornwall;* but this Provision shall not be deemed to prevent the Establishment of any Court under this Act within the said Stannaries, or to limit or affect the Jurisdiction of any Court so established under this Act.

Interpretation of Act.

CXLII. And be it enacted, That in construing this Act all things directed or authorized to be done by or with respect to the Lord Chancellor shall and may be done by or with respect to a Lord Keeper or the First Commissioner for the Custody of the Great Seal of the United Kingdom of *Great Britain* and *Ireland;* and all things directed or authorized to be done by or with respect to the Commissioners of Her Majesty's Treasury shall and may be done by and with respect to Three or more of the said Commissioners or the Lord High Treasurer; and the Word "Person" shall be understood to mean a Body Politic, Corporate, or Collegiate, as well as Individual; and every Word importing the Singular Number shall, where necessary to give full Effect to the Enactments herein contained, be understood to mean several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender shall, where necessary, be understood to mean a Female as well as a Male; and the Words "County Court" shall be understood to mean any Court holden under this Act; and the Term "Landlord" shall be understood to mean the Person entitled to the immediate Reversion of the Lands, or, if the Property be holden in Joint Tenancy, Coparcenary, or Tenancy in Common, shall be understood to mean any one of the Persons entitled to such Reversion; and the Word "Clerk" shall be understood to mean "Chief Clerk," or "Registrar," and the Words "Attorney at Law" shall be understood to include a Solicitor in any Court of Equity; and the Word "Agent" shall be understood to mean any Person usually employed by the Landlord in the letting of Lands, or in the Collection of the Rents thereof, or specially authorized to act in any particular Matter by Writing under the Hand of such Landlord; and the Word "Bailiff" shall be understood to include High Bailiff; unless in any of these Cases there be something in the Context inconsistent with such Meaning.

Act may be amended, &c.

CXLIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Acts for the more easy and speedy Recovery of Small Debts within the Towns, Parishes, and Places under written, and other Parishes and Places adjacent; that is to say,

Ashton-under-Lyne	48 Geo. 3. c. xcviii.
Bath	45 Geo. 3. c. lxvii.
Beverley	46 Geo. 3. c. cxxxv.
Birmingham	47 Geo. 3. c. xiv.
Blackheath	47 Geo. 3. c. iv.
Bolingbroke and Horncastle	47 Geo. 3. Sess. 2. c. lxxviii.
Boston	47 Geo. 3. Sess. 2. c. i.
Bradford	47 Geo. 3. Sess. 2. c. xxxix.
Bristol	56 Geo. 3. c. lxxvi.
Bristol	7 Will. 4. & 1 Vict. c. lxxxiv.
Brixton	46 Geo. 3. c. lxxxviii.
Broseley	22 Geo. 3. c. xxxvii.
Canterbury	25 Geo. 2. c. xlv.
Chippenham	5 Geo. 3. c. ix.
Cirencester	32 Geo. 3. c. lxxvii.
Codsheath	48 Geo. 3. c. l.
Deal	26 Geo. 3. c. xviii.
Derby	6 Geo. 3. c. xx.
Doncaster	4 Geo. 3. c. xl.
Dovor	24 Geo. 3. c. viii.
Ecclesall	48 Geo. 3. c. ciii.
Elloe	47 Geo. 3. c. xxxvii.
Ely, Isle of	18 Geo. 3. c. xxxvi.
Exeter	13 Geo. 3. c. xxvii.
Faversham	25 Geo. 3. c. vii.
Folkestone	26 Geo. 3. c. xcviii.
Gloucester	1 Will. & Mary, c. xviii.
Gravesend	47 Geo. 3. Sess. 2. c. xl.
Grimsby, Great	46 Geo. 3. c. xxxvii.
Hagnaby	18 Geo. 3. c. xxxiv.
Halesowen	47 Geo. 3. c. xxxvi.
Ipswich	47 Geo. 3. Sess. 2. c. lxxix.
Kidderminster	12 Geo. 3. c. lxvi.
King's Lynn	10 Geo. 3. c. xx.
Kingston-upon-Hull	48 Geo. 3. c. cix.
Kirkby in Kendal	4 Geo. 3. c. xli.
Lincoln	24 Geo. 2. c. xvi.
Liverpool	6 & 7 Will. 4. c. cxxxv.
Manchester	48 Geo. 3. c. xliii.
Margate	47 Geo. 3. Sess. 2. c. vii.
Middlesex	23 Geo. 2. c. xxxiii.
Newcastle-upon-Tyne	1 Will. & Mary, c. xvii.
Norwich	12 & 13 Will. 4. c. vii.
Old Swinford	17 Geo. 3. c. xix.
Pontefract Honor	2 & 3 Vict. c. lxxxv.
Poulton	10 Geo. 3. c. xxi.
Rochester	48 Geo. 3. c. li.
Saint Albans	25 Geo. 2. c. xxxviii.
Saint Briavels	5 & 6 Vict. c. lxxxiii.
Sandwich	47 Geo. 3. c. xxxv.
Sheffield	48 Geo. 3. c. ciii.
Shrewsbury	23 Geo. 3. c. lxxiii.
Southwark and East Brixton	4 Geo. 4. c. cxxiii.
Stockport	46 Geo. 3. c. cxiv.
Tower Hamlets	2 Will. 4. c. lxv.

WESTBURY	48 Geo. 3. c. lxxxviii.
WESTMINSTER	24 Geo. 2. c. xlii.
WIGHT, ISLE OF	46 Geo. 3. c. lxvi.
WOLVERHAMPTON	48 Geo. 3. c. cx.
WRAGGOE	19 Geo. 3. c. xliii.
YARMOUTH, GREAT	31 Geo. 2. c. xxiv.

SCHEDULE (B.)

ACTS for the more easy and speedy RECOVERY of SMALL DEBTS within the Towns, Parishes, and Places under written, and other Parishes and Places adjacent thereto; (that is to say,)

ABERFORD	2 & 3 Vict. c. lxxxvi. 3 Vict. c. xxxiii.
ASHBY-DE-LA-ZOUCH	1 Vict. c. xv.
BARNSLEY	1 & 2 Vict. c. xc.
BELPER	2 & 3 Vict. c. xcviii.
BLACKBURN	4 & 5 Vict. c. lxvii.
BLACKHEATH	6 & 7 Will. 4. c. cxx. 1 & 2 Vict. c. lxxxix.
BOLTON	3 Vict. c. xviii.
BRIGHTON	3 Vict. c. x.
BURNLEY	4 & 5 Vict. c. lxxxiii.
BURY	2 & 3 Vict. c. ci.
CHESTERFIELD	2 & 3 Vict. c. civ.
CREDITON	8 & 9 Vict. c. lxxix.
EAST RETFORD	4 & 5 Vict. c. lxxxvii.
ECKINGTON	2 & 3 Vict. c. ciii.
EXETER	4 & 5 Vict. c. lxxiii.
GAINSBURGH	4 & 5 Vict. c. lxxxvi.
GLOSSOP	2 & 3 Vict. c. lxxxviii.
GRANTHAM	2 & 3 Vict. c. lxxxix.
HALIFAX	2 & 3 Vict. c. cvi.
HATFIELD	4 & 5 Vict. c. lxxiv.
HINCKLEY	7 Will. 4. c. viii.
HYDE	3 & 4 Will. 4. c. cxix.
KINGSNORTON	4 & 5 Vict. c. lxxv.
LAUNCESTON	4 & 5 Vict. c. lxxvi.
LEICESTER	6 & 7 Will. 4. c. cxxiii. 7 Will. 4. c. vii.
LOUGHBOROUGH	7 Will. 4. c. ix.
NEWARK	4 & 5 Vict. c. lxxix.
NEW SARUM	4 & 5 Vict. c. lxxxiv.
NEW SLEAFORD	4 & 5 Vict. c. lxxxv.
NEWTON ABBOTT	3 Vict. c. xxv.
NOTTINGHAM	2 & 3 Vict. c. cv.
OAKHAM	1 Vict. c. xxxvi.
PRESTBURY DIVISION of the Hundred of MACCLESFIELD	6 Will. 4. c. xiii.
PRESTWICH-CUM-OLDHAM	2 & 3 Vict. c. c.
ROBOROUGH	7 Will. 4. c. lxii.
ROCHDALE	2 & 3 Vict. c. xc.
ROTHERHAM	2 & 3 Vict. c. lxxxvii.
SAINT HELEN'S	4 & 5 Vict. c. lxxxii.
STAFFORDSHIRE POTTERIES	4 & 5 Vict. c. lxxxi.
TAVISTOCK	3 Vict. c. lxviii.
TOTNES	4 & 5 Vict. c. lxxx.
WARRINGTON	2 & 3 Vict. c. xci.
WESTMINSTER	6 & 7 Will. 4. c. cxxxvii.
WIGAN	4 & 5 Vict. c. lxxviii.
WIRKSWORTH	2 & 3 Vict. c. cii.

SCHEDULE (C.)

Town.	Officer of the Court.	Person to whom the next Appointment is to belong.
ASHTON-UNDER-LYNE -	Clerk of the Court to be holden at Ashton.	Lord of the Manor of Ashton-under-Lyne.
BIRMINGHAM -	High Bailiff of the Court to be holden at Birmingham.	Lord of the Manor of Birmingham.
CIRENCESTER - -	Clerk of the Court to be holden at Cirencester.	Lord of the Manor and Seven Hundreds of Cirencester.
KIDDERMINSTER -	Clerk of the Court to be holden at Kidderminster.	Lord of the Manor of the Borough of Kidderminster.
STOURBRIDGE - -	Clerk of the Court to be holden at Stourbridge.	Lord of the Manor of Old Swinford or Amblecoat, to whom, on the Day before the passing of this Act, the next Turn belongs to appoint the Clerk or Beadle of the Court of Requests for the Parish of Old Swinford.
ST. ALBANS - -	High Bailiff of the Court to be holden at Watford.	Lord of the Hundred of Cashio.
SHEFFIELD - -	Judge of the Court to be holden at Sheffield. Clerk of the Court to be holden at Sheffield.	Lord of the Manor of Sheffield. Lord of the Manor of Ecclesall.
STOCKPORT - -	Clerk of the Court to be holden at Stockport.	Lord of the Manor and Barony of Stockport.

SCHEDULE (D.)

	AMOUNT OF DEMAND.					
	Not exceeding 20s.	Exceeding 20s. and not exceeding 40s.	Exceeding 40s. and not exceeding £5.	Exceeding £5, and not exceeding £10.	Exceeding £10.	
					Founded on Contract.	Founded on Tort.
JUDGE'S FEES.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Every Summons	0 3	0 6	1 0	2 0	3 0	3 0
Every Hearing without a Jury	1 0	1 6	2 6	7 6	10 0	15 0
Every Hearing or Trial with a Jury	2 0	3 0	5 0	10 0	15 0	20 0
Every Order or Judgment or Application for an Order	0 3	0 6	1 0	2 0	3 0	3 0
CLERK'S FEES.						
Entering every Plaint and issuing the Summons thereon	0 3	0 6	1 0	2 0	3 0	3 6
Every Subpœna, when required	0 3	0 6	0 9	1 0	1 6	1 6
Every Hearing, Trial, or Nonsuit without a Jury	0 4	0 6	1 0	1 6	2 0	3 6
Adjournment of any Cause	0 3	0 4	0 6	1 0	2 0	2 0
Entering and giving Notice of Special Defence	0 3	0 6	1 0	1 6	2 0	2 0
Swearing every Witness for Plaintiff or Defendant	0 2	0 2	0 3	0 4	0 6	1 0
Entering and drawing up every Judgment and Order, and Copy thereof	0 3	0 6	1 0	1 6	2 6	3 0
Payment of Money in or out of Court, whether or not by Instalments at different Times, including Notice thereof, and taking Receipt	0 2	0 4	0 6	—	—	—
Paying Money into Court, and entering same in Books, and Notice thereof, or of Sum in full Satisfaction having been paid into Court, each Instalment or Payment	—	—	—	0 6	0 8	1 0
Payment of Money out of Court, and taking Receipt, exclusive of Stamp	—	—	—	0 9	1 0	1 6
Every Search in the Books	0 2	0 2	0 4	0 6	1 0	1 0
Issuing every Warrant, Attachment, or Execution	0 6	0 6	1 0	1 6	2 6	3 0
Supersedeas of Execution, or Certificate of Payment, or Withdrawal of Cause	0 3	0 6	0 6	1 0	1 6	2 0
Warrant of Commitment for an Insult or Misbehaviour in Court	1 0	1 0	1 0	1 0	1 0	1 0
Entering and giving Notice of Jury being required	0 6	0 9	1 0	1 6	2 0	2 6
Issuing Summons for Jury	0 6	0 9	1 0	1 6	2 0	2 6
Swearing Jury	0 6	0 8	0 10	1 0	1 6	1 6
Every Hearing, Trial, or Nonsuit with a Jury	1 0	1 6	2 0	3 0	5 0	7 6
Taking Recognizance or Security for Costs	—	—	—	2 0	2 6	3 0
Inquiring into Sufficiency of Sureties proposed, and taking Bond on Removal of Plaint, or Grant of new Trial, or other Occasion	2 6	2 6	2 6	2 6	2 6	2 6
Taxing Costs	—	—	—	1 0	2 0	3 0

N.B.—Where the Plaintiff recovers less than his Claim, so as to reduce the Scale of Costs, the Plaintiff to pay the Difference.

HIGH BAILIFF'S FEES.	Not exceeding 20s.	Exceeding 20s. and not exceeding 40s.	Exceeding 40s. and not exceeding £5.	Exceeding £5, and not exceeding £10.	Exceeding £10.	
					Founded on Contract.	Founded on Tort.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Calling every Cause - - -	0 2	0 3	0 4	0 6	1 0	1 6
Affidavit of Service of Summons out of the Jurisdiction - - -	0 2	0 3	0 6	1 0	1 6	2 0
Serving every Summons, Order, or Subpœna within One Mile of Court House - - - -	0 3	0 4	0 6	0 10	1 0	1 6
If above 1 Mile, then extra for every other Mile - - - - -	0 2	0 2	0 3	0 4	0 4	—
Execution of every Warrant, Precept, or Attachment against the Goods or Body within One Mile of the Court House - - - - -	1 6	2 6	3 6	4 0	5 0	7 0
If above 1 Mile, then extra for every other Mile - - - -	0 3	0 3	0 4	0 6	0 6	0 6
If Two Officers be necessary in the Judgment of the Court, then extra, within 1 Mile of the Court House -	1 0	1 6	2 0	2 0	2 6	3 0
If above 1 Mile, then extra for every other Mile - - - -	0 3	0 3	0 4	0 6	0 6	0 6
Keeping Possession of Goods till Sale, per Day, not exceeding 5 Days -	1 0	1 6	2 0	2 0	2 6	3 0
Carrying every Delinquent to Prison, including all Expences and Assistants, per Mile - - - - -	1 0	1 0	1 0	1 0	1 0	1 0
Issuing Warrant to Clerk of another Court	1 0	1 6	2 0	2 6	3 0	3 6

N.B.—The several Fees payable on Proceedings in Replevin to be regulated on the same Scale by the Amount distrained for, and on Proceedings for the Recovery of Tenements by the yearly Rent or Value of the Tenement sought to be recovered.

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