

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

CAP. LXXV.

An Act to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in *Ireland*.

[13th *August* 1836.]

WHEREAS Proceedings by Civil Bill, under and by virtue of an Act passed in the Parliament of *Ireland* in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, for the better and more convenient Administration of Justice, and for the Recovery of Small Debts in a summary Way at the Sessions of the Peace of the several Counties at large within *Ireland* (except the County of *Dublin*), and the several Acts in force in *Ireland* amending and extending the Provisions of the said Act, have been found very beneficial, and it is expedient to enlarge the present Jurisdiction of the Civil Bill Courts in *Ireland*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered to hear and determine, within their respective Jurisdictions, all Disputes and Differences between Party and Party for any Sum or Damages not exceeding Twenty Pounds Sterling in all Cases of Debt, Covenant, Assumpsit, Actions on the Case upon Assumpsit or Promises, (Penal Covenants, Breach of Promise of Marriage, only excepted,) Trover, Conversion, Trespass, for Goods taken or Detinue, or for any Sum not exceeding Ten Pounds in all other Cases whatsoever, (Slander, Libel, Deceit, and

Assistant Barristers to hear and determine Cases for Sums not exceeding 20*l*.

Criminal Conversation with a Man's Wife only excepted,) and also all Cases for the Recovery of any Penalty not exceeding Twenty Pounds imposed or to be imposed by any Act of Parliament.

Jurisdiction as to Lands.

II. And be it further enacted, That the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered to hear and determine, within their respective Jurisdictions, all Disputes and Differences respecting the Possession of any Lands, Tenements, or Hereditaments held under any Grant, Lease, or other Instrument for any Term or Interest the Duration or Extent whereof, when originally granted or created, did not exceed Three Lives, without any Provision for the Renewal thereof, or a Term of Sixty-one Years determinable on Three Lives, or a Term of Sixty-one Years absolute, and the yearly Rent reserved or payable in respect whereof, under such Grant, Lease, or other Instrument, shall not exceed Twenty Pounds, and in respect of which no Fine exceeding Fifty Pounds was paid on the granting or Execution of such Grant, Lease, or other Instrument; and every Person claiming such Possession may proceed by Civil Bill in the Court for the County, Division, or District wherein such Lands, Tenements, or Hereditaments, or any Part thereof, shall be situate, for Recovery of such Possession; and every such Civil Bill shall specify the Name and Residence of the Claimant, and the Description of the Property sought to be recovered, and the Barony or Parish in which the same is situate, and shall require the Persons in Possession of or claiming any Interest in such Lands, Tenements, or Hereditaments to appear before the Assistant Barrister, on a Day and at a Place to be therein mentioned, to answer the said Civil Bill.

Service of Civil Bill in such Cases.

III. And be it enacted, That every such Claimant as aforesaid shall and he is hereby required to serve the Persons who shall be in the actual Possession of the Lands, Tenements, or other Hereditaments specified in and claimed by any such Civil Bill, and also such other Person or Persons (if any) as shall be interested in the same or in any Part thereof, with such Civil Bill Thirty Days at least before the Commencement of the Sessions in which such Civil Bill is to be heard or determined; and if there be not any Person in the actual Possession of such Lands, Tenements, or Hereditaments, then the affixing of such Civil Bill to or upon some conspicuous Part of the Premises so claimed, and upon the Door of the Church and of every Protestant Chapel (if any), and also upon the Door of every Roman Catholic Chapel (if any), in the Parish, Place, or District wherein the said Premises shall be situated, shall be and be deemed to be good and sufficient Service of such Civil Bill.

As to Recovery of Lands.

IV. And be it enacted, That in all Actions and Proceedings brought for the Recovery of the Possession of any Lands, Tenements, or Hereditaments under or by virtue of this Act, it shall be lawful for the Assistant Barrister to make an Order or Decree for the delivering up Possession of such Lands, Tenements, or Hereditaments to the Party entitled thereto.

Jurisdiction in Replevin Cases.

V. And be it further enacted, That the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered

to hear and determine, within their respective Jurisdictions, all Actions of Replevin relating to Distresses for Rent between Landlord and Tenant, where the Rent for or in respect of which any Distress shall be or ought to have been made shall not exceed Fifty Pounds in Amount or Value.

In Cases of Distresses for Rent Particulars of Demand to be given.

VI. And be it enacted, That in all Cases of Distresses for Rent the Person making any such Distress shall deliver to the Person in Possession of the Premises for the Rent of which such Distress shall be made, or in case there shall not be any Person found in Possession shall affix on some conspicuous Part of such Premises, a Particular in Writing of the Rent demanded, specifying the Amount thereof, the Time or Times when the same accrued, and the Person by whom or by whose Authority such Distress is made.

Appointment of Replevingers.

VII. And be it enacted, That the Sheriff for the Time being for every County in *Ireland* shall, within Ten Days after he shall be sworn in as Sheriff, depute a sufficient Number of Persons in each County to act as Replevingers in case of Distresses for Rent, so as that there shall be at least One such Replevinger in every Town wherein General or Quarter Sessions of the Peace are held; and for every Refusal or Neglect to appoint within Ten Days a sufficient Number of Persons to act as Replevingers as aforesaid, and also for every Month during which there shall not be One such Replevinger in each such Sessions Town, every such Sheriff shall forfeit and pay the Sum of Twenty Pounds, to be recoverable by Civil Bill by any Person who will sue for the same; and such Replevingers so to be appointed as aforesaid shall have Authority in the Sheriff's Name to grant Replevins and make Deliverance of all Distresses in such Manner or Form as the Sheriff may and ought to do, and shall be entitled to receive the Fees mentioned in the Second Schedule hereunto annexed, and no more.

Mode of proceeding in Replevin Cases.

VIII. And be it enacted, That where any Party whose Goods or Chattels shall have been distrained for Rent shall dispute the Validity of the Distress, and the Amount of the Rent distrained for shall not exceed Fifty Pounds, it shall be lawful for such Party to lodge with the Clerk of the Peace for the County wherein such Distress shall have been made a Civil Bill, stating the Particulars of the Property distrained, and the Place where made, and the Person and Persons by whom or on whose Behalf such Distress was made, and requiring such Person or Persons to appear and answer such Bill at the next General or Quarter Sessions of the Peace for the District, Division, or Riding in which such Distress was made, in case there shall be Ten clear Days between the Day of lodging such Civil Bill and the first Day of holding such Sessions, and if not, then at the Sessions for such Division, District, or Riding next after the Expiration of Ten Days from the Day of lodging such Civil Bill, and thereupon the said Clerk of the Peace shall issue an Order requiring the Sheriff of the County to replevy the Goods and Chattels so distrained; and the Sheriff to whom any such Order shall be directed, or his Replevinger, shall and he is hereby required, upon good Security (by the Bond of the Person obtaining such Order and Two responsible

sible Persons as Sureties) being given to him in Double the Amount of the Value of the Property distrained, to execute such Order, and make a correct and proper Return of the Manner in which the same shall have been executed, or to signify the Cause why the same has not been executed to the Court of the Assistant Barrister for the County, within Seven Days next after such Order shall have been delivered to him; provided that the Value of the Property distrained shall be ascertained by the said Sheriff or Replevinger in like Manner as the Value of Goods distrained is now ascertained by Law by the said Sheriff on taking Security in Replevins.

Form of Bond.

IX. And be it enacted, That the Bond so to be given to the said Sheriff shall be in the Form or to the Effect set forth in the First Schedule hereunto annexed, or as near thereto as the Circumstances of the Case will admit.

If proposed Sureties be objected to, the Reason of Refusal to be stated in Writing.

X. And be it enacted, That in every Case where the Persons who shall be proposed as Sureties on behalf of any Party whose Goods or Chattels shall have been distrained shall be objected to, the Reason or Ground of such Objection shall be stated in Writing by the Sheriff or Replevinger so objecting.

Copy of Civil Bill to be served on Defendant.

XI. And be it enacted, That in every Case where any Goods distrained shall be replevied as aforesaid a Copy of the Civil Bill which shall have been lodged with the Clerk of the Peace as aforesaid shall be served, by or on the Part of the Plaintiff in such Civil Bill, upon every Person named as Defendant therein, in the same Manner as Civil Bills for Recovery of Debts are now required to be served, Six Days at least before the first Day of holding the Sessions to which it is returnable: Provided always, that in case the Party on whose Behalf such Distress was made shall not reside within the Jurisdiction of such Assistant Barrister, Service of such Bill on the Person who made the Distress for him shall be deemed good Service on such Party; and such Party, although not residing within the County, shall for the Purposes of this Act be deemed and taken to be within the Jurisdiction of the Assistant Barrister of the County in which the Distress was made.

Assistant Barrister to hear and determine such Civil Bill.

XII. And be it enacted, That the Assistant Barrister shall in every such Case of Distress and Replevin hear and determine the Civil Bill, and ascertain whether any and what Rent was due to the Defendant at the Time of making such Distress; and if it shall appear that any Sum was due for Rent, and that no Tender of the Sum so due was made before the said Civil Bill was brought, it shall be lawful for such Assistant Barrister and he is hereby required to make a Decree for Payment of the Sum ascertained to be due for Rent, and the Costs of defending such Civil Bill and making such Distress, and such Sum and Costs shall and may be levied by virtue of such Decree; and in case it shall appear that no Rent was due at the Time of such Distress, or no Tender made of Amount due and reasonable Costs of Distress previous to the bringing of such Civil Bill, it shall be lawful for the Assistant Barrister to direct the Bond which shall have been so given as aforesaid to be delivered up to the

the Party complaining of the Distress, and also to make a Decree for Payment by the Defendant to such Party of such Damages as the Court may think fit, and, if necessary, to direct that such Damages and Costs shall be set off against or deducted from any Rent then due or thereafter to accrue due by the Party complaining, and to make a Decree accordingly.

Mode of Assignment of Bond.

XIII. And be it enacted, That the Bond so directed to be given as aforesaid shall be assigned by the Sheriff or his Representative to such Person or Persons as the Assistant Barrister shall direct, and such Assignment shall be by an Indorsement on the Bond, which shall not require any Stamp; and the Assignee of such Bond shall be at liberty to sue in his own Name, upon or by virtue of such Bond, in the Court of the Assistant Barrister within whose Jurisdiction any One of the Obligors of such Bond shall reside, without regard to the Amount of the Penalty of such Bond; and such Proceedings may be taken against all the Obligors of such Bond, or against any One or more of them.

Bond to be assigned if Plaintiff do not prosecute Suit.

XIV. And be it enacted, That in case the Person or Persons complaining of any such Distress shall not duly appear at the Sessions, and there prosecute such Civil Bill, and obtain a Decree therein, the Assistant Barrister shall and may, at the Request of any Party named as a Defendant in such Civil Bill, make an Order or Decree that the Bond so directed to be given to the Sheriff as aforesaid shall be assigned to the Defendant so applying; and such Bond shall be assigned, as herein-before directed, to the Party so applying; and such Bond shall be and stand as a Security for the full Amount of the Value of the Goods distrained, and the Costs of the Proceedings in relation to the Distress, and of the Proceedings on such Civil Bill and such Bond.

If Goods returned, no Proceedings to be had on Bond, and Goods may be sold.

XV. And be it enacted, That it shall be lawful for the Assistant Barrister to order and decree that the Goods distrained shall be returned to the Party who distrained the same; and in every such Case where the Goods distrained shall be actually returned to the Party who distrained the same, and the Costs of the Proceedings paid, no further Proceedings shall be had on the Bond which shall have been given as aforesaid; and all such Goods, if returned or recovered under any such Decree as aforesaid, may be sold for the Recovery of the Rent due and Expences at the Expiration of Four Days after the Return thereof.

Repeal of 7 & 8 G. 4. c. 69.

XVI. And whereas an Act of Parliament was passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Relief of Persons aggrieved by unlawful or excessive Distresses in* Ireland; but the Provisions of the said Act have been found to be wholly ineffectual, and it is desirable that the said Act should be repealed; be it therefore enacted, That from and after the Commencement of this Act the said recited Act of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby

hereby repealed; and that so much of an Act passed in the Tenth Year of the Reign of His Majesty King *Charles* the First, intituled *An Act for the impounding of Distresses*, and so much of an Act passed in the Third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the further explaining and amending several Statutes for protecting Under Sheriffs and Sheriff's Clerks from officiating as Sub-Sheriffs or Sheriff's Clerks more than One Year, and to render more effectual an Act to prevent Fees being taken in certain Cases, and to take away the pretended Office of Barony Clerk; and to oblige Sheriffs to appoint Deputies for granting Replevins, and also for discharging of Prisoners unable to pay their Fees*, as relate to the appointing and proclaiming of Deputies by Sheriffs for making or granting Replevins, and making Deliverance of Distresses, shall be and the same is hereby repealed.

10 Car. 1. (I.) in part. 3 G. 2. (I.) in part.

Legacies and distributive Shares payable out of Assets of any deceased Person (when such Assets shall not exceed 200*l.*) recoverable by Civil Bill.

XVII. And be it enacted, That where the Amount of the Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds, it shall and may be lawful for any Legatee of any specific Chattel, or for any Legatee of any pecuniary Legacy payable out of the Assets of any such deceased Person, or any Residuary Legatee, or for any Person or Persons entitled as next of Kin of any such deceased Person, or the Executors, Administrators, or Assigns of such Legatee or next of Kin, and they are hereby authorized and empowered, to proceed by Civil Bill against the Executor or Administrator of such deceased Person in the County or District in which such Executor or Administrator shall be resident, for the Recovery of such Legacies or distributive Shares at any Time after the Expiration of One Year from the Decease of the Testator or Intestate, but not sooner; and it shall and may be lawful for such Assistant Barrister as aforesaid, upon due Proof that the Defendant had received, or without wilful Default might have received, Assets of the Testator or Intestate sufficient and liable, after Payment of all just Debts, for the Satisfaction in a due Course of Administration either in the whole or in part of the Plaintiff's Demand, to make a Decree for Payment of such Legacy or distributive Portion rateably and proportionably with other Legatees standing in the same Situation, or other next of Kin respectively, as the Case may be; and in case the Plaintiff shall establish his Right to any specific Chattel it shall and may be lawful for such Assistant Barrister as aforesaid to make an Order for Delivery of the same to the Party entitled thereto, or to make a Decree for Payment of the Value thereof and Costs of Suit; and in case the Plaintiff shall establish his Right as Residuary Legatee, it shall and may be lawful for such Assistant Barrister as aforesaid to make an Order for the Delivery, Transfer, or Payment of such Residuary Estate and Effects to the Party decreed entitled thereto.

Civil Bill in such Cases to be served Twelve Days before Sessions.

XVIII. Provided always, and be it enacted, That every Civil Bill to be brought for the Recovery of a Legacy or distributive Share under or by virtue of this Act shall, Twelve Days at least before the Sessions, be duly served upon the Party against whom the same is brought, or left at his usual or last known Place of Abode.

XIX. And

Executors and Administrators to lodge Accounts if required

XIX. And be it enacted, That where the Property or Assets of any deceased Person shall not exceed in Value the Sum of Two hundred Pounds, every Executor or Administrator shall, if thereunto required by Notice in Writing by any Legatee, next of Kin, Creditor, or other Person interested therein, within Twelve Months after the Decease of the Testator or Intestate, lodge with the Clerk of the Peace of the County wherein such Testator or Intestate resided at the Time of his Death, and also in the County wherein such Executor or Administrator resides, a Schedule or Account setting forth the Particulars of the Property or Assets of or to which the Testator or Intestate died possessed or entitled, and the Amount, Produce, and Value of the same respectively, and the Amounts and Particulars of the Debts due by the said Testator or Intestate, and the Amounts and Particulars of the Debts, Legacies, and Funeral and Testamentary Expences of the Testator or Intestate paid by or on account of any such Executor or Administrator, and showing the Balance applicable to the Purposes of the Will of the said Testator, or distributable amongst the next of Kin of the said Intestate, or the Property or Chattels then undisposed of; and every such Schedule or Account shall be verified by the Oath or Affirmation (as the Case may be) of the Executor or Administrator, to be sworn before the Clerk of the Peace for the County wherein such Executor or Administrator resides, and which Oath or Affirmation the said Clerk of the Peace is hereby authorized and directed to administer; and such Schedules or Accounts shall be preserved and kept by the Clerks of the Peace among the Records of their respective Counties, and shall be deemed and taken as Evidence against the said Executor or Administrator of the several Matters therein contained.

Penalty on Executors or Administrators neglecting to lodge such Account.

XX. And be it further enacted, That in case any such Executor or Administrator shall neglect to lodge such Schedule as aforesaid within the Time herein-before specified he shall forfeit any Sum not exceeding Twenty Pounds, to be recoverable by Civil Bill before the Assistant Barrister of the County wherein such Executor shall reside by any Person suing for same.

Examination of Executor or Administrator.

XXI. And be it enacted, That in all Proceedings by Civil Bill by any Legatee or next of Kin for Recovery of any Legacy or distributive Share as aforesaid it shall and may be lawful for the Plaintiff, as such Legatee or next of Kin in such Civil Bill as aforesaid, to examine on Oath, if the Court shall deem it necessary, in open Court, such Executor or Administrator, in order to obtain a Discovery of the Estate and Effects of the Testator or Intestate at the Time of his or her Decease, and the Value thereof, and of his or her Debts, Funeral and Testamentary Expences, and to obtain an Admission that the Defendant is the Executor or Administrator (as the Case may be), and to ascertain all such Facts as a Party suing as Legatee or as next of Kin in a Court of Equity is entitled to Discovery of.

Executors or Administrators to produce Copy

XXII. And be it enacted, That every Executor or Administrator may be compelled by Summons, to be signed by the Clerk of the Peace, in like Manner as Witnesses are compelled to attend and give

of Will and Letters of Administration, and to submit to be examined on Oath on Trial of Civil Bill.

give Evidence in the Civil Bill Courts, to attend and produce the Probate (if any) of the Will of the Testator, or the Letters of Administration of the Testator or Intestate (as the Case may be), and submit to be examined on Oath in open Court touching the Matters aforesaid on the Trial of any such Civil Bill in any Riding, Division, or District of the County where such Cause shall be heard; and every Executor or Administrator who shall disobey any such Summons shall forfeit and pay the Sum of Ten Pounds as a Penalty; but such Fine or Penalty may be mitigated or wholly given up, if the Assistant Barrister before whom he shall have been required to attend shall, upon good and sufficient Cause being shown, think fit to mitigate or give up the same.

Assistant Barrister may advertise for Claims or Assets.

XXIII. And be it further enacted, That it shall be lawful for any Assistant Barrister, in any Action or Proceeding for a Legacy, or a distributive Share of the Property or Assets of a Testator or an Intestate, to require the Party suing to give Notice, either by Advertisement or otherwise, requiring Persons having Claims on the Property or Assets of the Deceased to produce and verify such Claims; and no such Advertisement shall be charged with or liable to any Duty, and all Costs relating to such Notice shall be borne and paid in such Manner and by such Parties as such Assistant Barrister shall order or direct; and the Assistant Barrister may, if he shall think fit to direct such Notice to be given, adjourn the Civil Bill to some future Sessions, so as to allow sufficient Time for publishing or giving such Notice.

Executors de son tort to be liable.

XXIV. And be it enacted, That any Person rendering himself an Executor *de son tort* shall be liable to be sued by Civil Bill in the Manner herein-before mentioned, and shall be liable to the same Extent as if sued in a Superior Court.

Money may be required by Assistant Barrister to be paid into the Bank.

XXV. And be it enacted, That in any such Action or Proceeding the Assistant Barrister may, if he thinks fit, direct Money to be paid into the Bank of *Ireland*, Savings Bank legally established, or such Branch Bank of the Bank of *Ireland* as he shall direct, in the Name of such Clerk of the Peace, to the Credit of the Cause in question, and such Money shall be applied and disposed of according to the Order and Directions of the Assistant Barrister; and all Payments of such Monies shall vest in the Clerk of the Peace for the Time being, and shall be made upon an Order in Writing under the Hand of the Clerk of the Peace for the Time being, countersigned by the Assistant Barrister; which Order shall be a good and sufficient Warrant to all Intents and Purposes.

Legacies not exceeding 20*l.* charged on Real Estate to be recoverable.

XXVI. And be it enacted, That it shall and may be lawful for any Legatee of any pecuniary Legacy not exceeding Twenty Pounds, charged upon or payable out of any Real Estate, or any Person to whom Arrears not exceeding Twenty Pounds are due in respect of any Rent-charge or Annuity charged upon or payable out of any Real Estate, to proceed by Civil Bill against the Person who shall be entitled to the Real Estate charged with such Legacy or Arrears; and it shall and may be lawful for the Assistant Barrister, upon due

Proof by the Plaintiff that such Real Estate is liable to such Legacy or Arrears, and that the Owner thereof has received therefrom, for his own Use and Benefit, more than the Amount of the Legacy or Sum sought to be recovered, and that no Personal Property liable to the Payment thereof is available for that Purpose, to order or decree the Payment of such Legacy or Arrears by the Owner of such Real Estate.

Attested Copy of Will good Evidence.

XXVII. And be it enacted, That in all Proceedings under this Act to recover any Legacy, or Lands, Tenements, or Hereditaments, an examined or attested Copy of the Will bequeathing it, or of any Will giving Title to it, shall be received as Evidence as if the original Will or Probate thereof was produced.

Civil Bills, &c. to be in Form prescribed in Schedule.

XXVIII. And be it enacted, That the several Civil Bills, Orders, Proceedings, Decrees, and Dismisses which shall be brought, prosecuted, and pronounced in pursuance of this Act, shall be in the Form or to the Effect prescribed by the First Schedule to this Act annexed, or as near thereto as Circumstances will admit.

Provision of Civil Bills Acts relating to Employment of Counsel, &c. shall extend to Proceedings under this Act.

XXIX. And be it enacted, That all and every the Provisions of the several Acts now in force relating to Civil Bill Courts in respect of the Employment of Counsel and the Duties of Sheriffs and of Clerks of the Peace in relation to any Proceedings by Civil Bill, and all other Regulations and Provisions of the said Acts in relation to Proceedings by Civil Bills, shall apply and extend to the Proceedings under this Act, so far as the same are applicable thereto, or not repugnant to or inconsistent with the Provisions of this Act, and that all such Provisions and Regulations shall also extend and be applicable to Proceedings in the Court of the Recorder of the City of *Dublin*, and in the Court of the Chairman of the Sessions of the Peace for the County of *Dublin*.

Appeal.

XXX. And be it enacted, That in any Case where any Party shall be dissatisfied with the Judgment or Decree or Dismiss of the Assistant Barrister touching or concerning any Proceedings which may be instituted or prosecuted under or by virtue of the Provisions of this Act, it shall be lawful for such Party to appeal against such Decision or Decree, in like Manner, and upon the like Terms and Stipulations, as Appeals in other Cases are allowed to be brought under or by virtue of the Acts now in force relating to Proceedings by Civil Bill.

In case of Absence of Plaintiff or Defendant, how Appeal may be prosecuted.

XXXI. And whereas Plaintiffs and Defendants appearing by Attorney and not attending in Person at the Quarter Sessions are deprived of their Right of Appeal by reason of their being necessary Parties to the Recognizance to prosecute such Appeal; be it therefore enacted, That in case of the Absence of any such Plaintiff it shall and may be lawful for him to enter an Appeal, without entering into such Recognizance, upon paying the Defendant or depositing with the Clerk of the Peace Double the Costs of such Dismiss, and performing the other Requisites now required by Law in Cases of Appeal (save as to such Recognizance); and it shall and may be

lawful for any such Defendant to enter an Appeal on a like Payment to the Plaintiff or depositing with the Clerk of the Peace Double the Costs of such Decree, and performing the other Requisites as to Appeals now required by Law (save as to such Recognizance); but a Recognizance, in case of the Absence of the Defendant, shall in every Case be entered into on his Behalf by Two solvent Sureties, to prosecute the Appeal, and to pay the Amount to be decreed against the Defendant, and Costs.

Assistant Barrister may dismiss Civil Bill.

XXXII. And be it enacted, That wheresoever the said Assistant Barrister shall in any Civil Bill brought under and by virtue of this Act grant a Decree, the same shall be with Costs; but in case the Plaintiff in any Civil Bill brought under or by virtue of this Act or any other Act shall not proceed in the same, or shall fail to establish his Case to the Satisfaction of the Assistant Barrister, such Assistant Barrister shall and he is hereby authorized and empowered to dismiss such Civil Bill with Costs, and either without Prejudice to the Plaintiff's Proceedings by a new Civil Bill, or on the Merits, as he shall think fit.

Decrees or Dismisses may be renewed.

XXXIII. And be it enacted, That it shall be lawful for any Plaintiff or Defendant, or surviving Plaintiff or Defendant, or the Executor or Administrator of any Plaintiff or Defendant, or Assignee or Assignees of any Plaintiff or Defendant who shall have become bankrupt or insolvent, or the Husband of any Plaintiff or Defendant, by whom any Decree or Dismiss was obtained, to renew any Decree or Dismiss, or any Affirmance or Reversal of any Decree or Dismiss of the Assistant Barrister affirmed or reversed on Appeal; provided that all such Renewals shall be subject to the same and the like Conditions and Regulations as are now required by Law in case of any Renewal which may now be made; and provided also, that no Civil Bill Decree, or Affirmance of a Decree, or Affirmance of a Decree for Possession, shall be renewed, save for the Costs thereby decreed; and provided that it shall not be lawful for any Assistant Barrister to grant a Renewal of any Civil Bill Decree or Dismiss, Affirmance or Reversal, when Two Years shall have elapsed after such Decree or Dismiss, Affirmance or Reversal, shall have been pronounced, nor at any Time to grant such Renewal to or against any Person not being an original Party to such Civil Bill, unless upon Proof made in open Court that the Party seeking such Renewal caused Notice in Writing to be served upon the Person against whom it is sought to renew such Decree or Dismiss, Affirmance or Reversal, setting forth the Particulars of such Decree and the Amount for which the Application to renew such Decree is proposed to be made, such Notice to be served in like Manner as Civil Processes are required by Law to be served, Six Days previous to the first Day of holding the Civil Bill Court to which such Application is intended to be made, and to be entered with the Clerk of the Peace, and heard and determined in like Manner as an original Civil Bill.

Decrees of Assistant Barrister may be signed by his Successor.

XXXIV. And be it enacted, That in case of the Death, Removal, or Incapacity of the Assistant Barrister of any County or Riding, it shall and may be lawful for his Successor, or the Barrister for the

Time being acting for him, to sign any Order or Decree pronounced by the Barrister so dying or removed or becoming incapable as aforesaid, and to act in all respects in reference to the Orders made as the Barrister so dying or removed or being incapable as aforesaid might have done; and the Order and Decree so signed shall be as valid and effectual as if the same had been signed by the Assistant Barrister who pronounced the same.

Verbal or technical Errors not material

XXXV. And be it enacted, That no Action or Proceeding under or by virtue of this or any other Act relating to Civil Bill Courts shall be treated or considered as invalid on account of any verbal or technical Error in the same; and it shall be lawful for every Assistant Barrister to decide and determine what is a verbal or technical Error or Mistake in any Action or Proceeding, but all Errors or Mistakes which have not a Tendency to mislead the opposite Party shall in all Cases be deemed merely verbal or technical.

Parties may appeal to the Oath of each other.

XXXVI. And be it enacted, That both Parties shall be mutually at liberty to appeal each to the Oath of the other on the Subject of the alleged Cause of Action; provided that a Notice in Writing be served on the Party so intended to be examined at least Five Days previous to the Commencement of the Sessions; but the Assistant Barrister may prevent and dispense with such Appeal in such Cases as he may think it expedient to do so.

Regulating Hours of sitting of Court of Quarter Sessions.

XXXVII. And be it enacted, That the Court of Quarter Sessions shall, after the first Day of every Session, commence its Sittings in the Months of *December* and *January* not earlier than Nine nor later than Ten of the Clock in the Forenoon, and in other Months not later than Nine of the Clock in the Forenoon, save when prevented by the Illness or unavoidable Absence of the Assistant Barrister or other Fatality, and shall at once proceed with the Criminal or Civil Business after the Magistrate may be in attendance, but no Decree or Proceeding shall be in any Manner impeached or questioned in consequence of any Trial or Civil Bill having been commenced or heard at any Time before or after any of those Hours; and that no Trial or Case, Criminal or Civil, or other Business, shall be entered upon after the Hour of Six of the Clock in the Afternoon of any Day, nor shall any Civil Bill be called on after that Hour, except at the Request of both Parties: Provided always, that it shall and may be lawful for the Assistant Barrister to proceed in the Criminal Business although no Magistrate shall be in attendance; any Statute, Law, Charter, or Usage to the contrary notwithstanding.

In case of Death of Clerk of the Peace during Sessions.

XXXVIII. And be it enacted, That in case of the Death or Disability of any Clerk of the Peace during Sessions, and of no immediate Appointment of a Successor or sufficient Deputy being made, the Assistant Barrister shall appoint a fit and proper Person to act as Clerk of the Peace in the meantime, and allocate a due Proportion of the Fees or Salary in Remuneration of the Person so acting.

Order in which Actions are to be heard.

XXXIX. And be it enacted, That all Disputes and Differences shall be heard and determined at every Sessions in alphabetical Order

Order according to the Surnames of the Plaintiffs, and be entered accordingly in the Book of the Clerk of the Peace, save and except in any Case or Cases where the Assistant Barrister shall see Reason to vary the same.

Assistant Barrister may hear and determine Disputes in Baronial or other Divisions.

XL. Provided always, and be it further enacted, That nothing herein contained shall prevent any Assistant Barrister from hearing and determining such Disputes and Differences in such baronial or other Divisions as to him shall seem meet; provided that within such Divisions they shall be heard and determined in alphabetical Order as aforesaid, and provided that such Assistant Barrister shall give Three Months Notice of his Intention to hear and determine Disputes and Differences in such baronial or other Divisions, and provided that after an Alteration in the Mode of hearing Disputes and Differences shall be made by the Assistant Barrister no further or other Alteration shall be made for the Space of One Year.

Bailiffs to be appointed to execute Decrees of Civil Bill Court.

XLI. And be it enacted, That the Assistant Barrister for the Time being shall appoint a sufficient Number of proper and responsible Persons in every County to act as Bailiffs for the Execution of the Decrees or Orders of the Civil Bill Court for the County, and no Person shall be authorized or empowered to execute any Decree or Order of any Civil Bill Court (save only Decrees for Possession) unless he shall have been so appointed Bailiff as aforesaid; and all Persons to be appointed Bailiffs as aforesaid shall and may have and exercise all the Powers and Authorities which Sheriffs of Counties in *Ireland* or Special Bailiffs are enabled or empowered by Law to have or exercise in the Execution of the Decrees or Orders of the Civil Bill Courts; and such Bailiffs are hereby empowered and required to execute all Decrees and Dismisses, and all Orders and Decrees which shall be made by the Assistant Barrister of the County in which such Order or Decree shall be made, and any other Assistant Barrister, save only Decrees for Possession of Lands, which shall be executed by the Sheriff, and also Decrees so far as respects Costs in Ejectment Cases: Provided always, that the Assistant Barrister in Ejectment Cases shall, besides pronouncing a Decree for Possession or Dismissal, as the Case may be, issue his Warrant for the Levy of Costs, and which shall be executed by the said Bailiffs, and have the same Effect as Decrees on Civil Bills.

Fees payable to Bailiffs.

XLII. And be it enacted, That the Bailiffs so to be appointed as aforesaid shall be entitled to receive, on the Execution of Decrees and Orders, the Fee and Poundage set forth in the Second Schedule hereunto annexed, and no other Fees or Payments shall be recoverable or receivable by them, and the same shall be taxable against the Party.

Bailiffs to give Security.

XLIII. And be it enacted, That every Person appointed to act as Bailiff as aforesaid shall, before he acts in his said Office, together with Two responsible and sufficient Sureties, give and execute to the Clerk of the Peace for the County in which such Bailiff shall be appointed to act a Bond in the Penalty of Fifty Pounds, conditioned for the proper Performance of the Duties of his Office, and such Bond shall

shall vest in the Clerk of the Peace of the County for the Time being, and may from Time to Time be sued on in his Name, or in the Name or Names of any Person or Persons to whom it may be assigned under any Order of the Assistant Barrister, which Assignment shall be made by an unstamped Indorsement by the acting Clerk of the Peace for the Time being; and it shall be the Duty of the Clerk of the Peace for the Time being to inquire and ascertain from Time to Time whether any of the Sureties have become insolvent or have died, and to require the Bailiff to give further or other Security, and such Clerk of the Peace shall certify to the Assistant Barrister at each Session that such Sureties are alive, and have not become insolvent; and any Person who shall sustain any Damage by the Neglect or Misconduct of any such Bailiff may proceed before the Assistant Barrister by Civil Bill to recover from him and his Sureties the Amount of such Damages not exceeding Fifty Pounds; and the Bond so given shall stand and be an additional Security for such Damages, and shall, if necessary, be put in suit to recover the Sum and Costs from the Parties thereto or any of them; and it shall be lawful for any Assistant Barrister to dismiss any such Bailiff for Misconduct, and he shall report such Dismissal to the Lord Lieutenant.

36 G. 3. (I.) repealed so far as respects the Payment of 1*s.* to the Sheriff.

Fee of 10*s.* 6*d.* for executing Decree for delivering Possession.

XLIV. And be it enacted, That from and after the First Day of *February* the Sum or Fee of One Shilling now payable to the Sheriffs in *Ireland* for every Special Warrant granted at the Peril of the Party requiring the same shall be no longer payable; and that the said Act of the Thirty-sixth of King *George* the Third, so far as respects the Payment to the Sheriffs of the said Sum or Fee of One Shilling, be repealed; and that every Sheriff shall be entitled to and be paid a Sum of Ten Shillings and Sixpence, and no more, for executing every Decree for delivering Possession made by an Assistant Barrister or Judge on Appeal; all which Decrees the said Sheriffs are hereby required to execute in Person or by his Deputy within a Week after the same is delivered to him, and required by the Party to execute the same.

Books of Process Servers to be Evidence in certain Cases.

XLV. And be it enacted, That in case of the Illness or unavoidable Absence of any Process Server, the Entries made in his Book verified by his Affidavit, or, in case of his Death, verified as to his Handwriting by some credible Person, shall be received as Evidence of the Service of the several Processes stated in such Book to have been served, and that the Fee of Sixpence allowed to such Process Server on each Civil Bill be in future taxed and allowed against the Defendant, in like Manner as other Costs taxable against the Party.

Bailiffs may sell Goods taken in Execution.

XLVI. And be it enacted, That the Bailiffs so to be appointed as aforesaid shall have full Power and Authority to sell Goods taken in Execution by them by public Auction, without the Assistance of a licensed Auctioneer.

Fees specified in Second Schedule to be deemed lawful Fees.

XLVII. And be it enacted, That in all Actions and Proceedings by Civil Bill the Fees specified in the Second Schedule to this Act annexed shall be established and be deemed and taken as the lawful Fees and Emoluments for the Discharge of the several Duties therein specified,

specified, and no other Fees or Payments shall be recoverable for the Discharge of such Duties.

Penalty for taking larger Fees.

XLVIII. And be it enacted, That every Clerk of the Peace, Attorney, Sheriff or his Deputy, Bailiff, or Process Server, who shall receive any greater Fee, Gratuity, or Emolument, or other Consideration, for any of the Services specified in the said Schedule, shall forfeit and pay the Sum of Twenty Pounds Sterling for every such Offence, to be recovered by Civil Bill or otherwise by any Person who may sue for the same.

Fees payable to the Registers of the City and County of Dublin.

XLIX. Provided always, and be it further enacted, That such of the Fees specified and set forth in the said Second Schedule as are thereby made payable to Clerks of the Peace of the different Counties in *Ireland* for entering Civil Bills, and for signing Decrees or Dismisses, and signing and entering Renewals, shall be payable to the Register of the Chairman of the County of *Dublin* and the Clerk or Register of Civil Bills for the City of *Dublin* respectively only in Ejectment, Replevin, and Legacy Cases, and in Cases over which an entirely new Jurisdiction is hereby created, and in all other Cases the Fees at present payable to the said respective Registers shall continue payable and remain unaltered during the Lives of the said present Registers.

Table of Fees to be exposed in some conspicuous Parts of Office of the Clerk of the Peace and Court of Quarter Sessions.

L. And be it enacted, That every Clerk of the Peace shall cause to be constantly exposed, as well in his Office as also in some conspicuous Place accessible to the Public, in every Court of General or Quarter Sessions within his County, a fair and legible Table, painted or printed in Letters and Figures not less than One Half Inch in Length, of the Fees payable upon all Proceedings upon all Civil Bills, and likewise the Penalty to which any Person may become liable for receiving any greater Fee than is set forth in the said Second Schedule to this Act annexed for any of the Services therein specified; and that on Proof made on summary Application to the Court of any Neglect or Omission of such Exposure, the Clerk of the Peace so neglecting shall forfeit any Sum not exceeding Five Pounds, to be paid to the Treasurer of the County within which such Penalty shall be incurred, and accounted for and applied by such Treasurer to the Aid of the Expenditure of such County; and it shall be lawful for the Grand Jury of every County, at any Assizes to be held in and for such County, to present the reasonable and actual Expences of preparing and exposing such Tables to be raised by Presentment upon such County, and to be paid to such Clerk of the Peace.

So much of Civil Bill Acts as require Oaths to be taken by Attornies every Sessions repealed, and an Affidavit substituted.

LI. And be it enacted, That so much of the said Acts relating to Civil Bills as requires Oaths to be taken by the Attornies practising in Civil Bill Courts at the Commencement of every Session be repealed; and that in future such Attornies, on their Commencement of Practice in each County, shall make and sign an Affidavit in Writing, to be attested by the Assistant Barrister, and to be deposited in the Office of the Clerk of the Peace amongst the Records of the Court, in the Form following; (that is to say,)

'I *A.B.*,

'I *A. B.*, one of the Attornies, do swear, That I will faithfully discharge all such Duties and Business as may be intrusted to my Charge.' Form of Affidavit.

LII. And whereas it is considered that under the Provisions of an Act passed in the Fifty-sixth Year of the Reign of His Majesty *George* the Third, intituled *An Act to amend the Law of* Ireland *respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants, and for the Protection of the Tenant from undue Distress*, which Act is explained, amended, and extended by Two other Acts respectively passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third and in the First Year of the Reign of His late Majesty King *George* the Fourth, the Tenant or Defendant only is entitled to the Right of Appeal in Proceedings instituted under the Provisions of the said Acts; be it therefore enacted, That the Landlord or Plaintiff shall in all Proceedings under the said recited Acts have and be entitled to all and every the same Rights of Appeal, under the same Restrictions, Conditions, and Limitations, as in other Cases of Decrees on Civil Bills, as by the Acts in force relating to Civil Bill Courts are provided for or given to Defendants. Appeal given to the Landlord in same Manner as to the Tenant under 56 G. 3. c. 88.

LIII. And whereas it would facilitate the Administration of Justice if a sufficient Number of Places were appointed for hearing and determining Causes by Civil Bill, and transacting Criminal and other Business at a General or Quarter Session of the Peace; be it therefore further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor of *Ireland* for the Time being from Time to Time, by and with the Consent and Advice of the Privy Council, to divide the several Counties in *Ireland* or any of them, or any Riding or Division of a County, into as many Districts as shall be thought proper or expedient for the Purpose of more conveniently hearing and determining Causes by Civil Bill, and of transacting all such Criminal or all such other Business as may be cognizable or determinable at any General or Quarter Sessions of the Peace, and to appoint One or more convenient Town or Place, Towns or Places in any such District in which a Civil Bill Court and a Court for transacting such Criminal and other Business as aforesaid shall be held, and every such District shall be distinguished by the Name of such Town or Place, and every such Session and Adjournment thereof shall be good and effectual for the Administration of Criminal Business and Civil Bill Cases, and doing all other Business that may by Law be done at the General Quarter Sessions of the Peace; and the Grand Juries of the several Counties in which such Districts shall be situated shall and they are hereby required to present such Sums as may be necessary for building or repairing Sessions Houses in such Towns or Places, and for paying the Rent or Hire of convenient Places for holding such Sessions until such Sessions Houses in such Towns or Places shall be built, in the same Manner as they are empowered and required to present for such Building and Repairs, and Hire or Rent, by the said Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, or any other Act now in force; and the Assistant Barristers and Justices of the Power to appoint additional Places for holding Sessions.

the Peace of such several Counties shall have the same Power in all respects of hiring such Place or Places for holding Sessions as is given to them by such recited Act in relation to the Places thereby directed to be provided for holding Sessions.

Assistant Barristers to appoint Times for holding Sessions in such additional Places.

LIV. And be it further enacted, That the Assistant Barristers of the several Counties in *Ireland* shall, at the Sessions by Law appointed for fixing the Times for holding the Sessions, fix the Times for holding the Sessions at any additional Place or Places, which shall be as near to the Time for holding the other Sessions as can conveniently be appointed by the Clerk of the Peace, who shall notify the Time for holding such additional Sessions in the same Manner as he is now required to notify the Time for holding the Quarter Sessions and other Sessions of the Peace.

56 & 58 G. 3. and 1 G. 4. amended, as relates to serving or affixing Processes on Civil Bills.

LV. And whereas by the said Act of the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third it is enacted, that in all Cases where any Process upon any Civil Bill is thereby directed to be served upon any Person, or to be affixed as therein mentioned, the said Process shall be so served or affixed Thirty clear Days at the least previous to the Day therein named for hearing and determining upon such Civil Bill: And whereas such last-mentioned Provision has been found to be in many Cases inconvenient, and it is expedient that the same should be altered or modified; be it therefore further enacted and declared, That from and after the passing of this Act, in all Proceedings to be had or taken under the said Acts of the Fifty-sixth and Fifty-eighth Years of His late Majesty King *George* the Third and the First Year of His late Majesty King *George* the Fourth, or this Act, where it would by virtue of the said recited Acts or any of them be necessary to serve or affix any such Process as aforesaid Thirty clear Days at the least previous to the Day therein named for hearing and determining upon such Civil Bill, the serving or affixing such Process in manner in the said recited Act mentioned Fifteen clear Days at the least previous to the Day therein named for hearing and determining upon such Civil Bill shall be to all Intents and Purposes good, valid, and sufficient.

Civil Bill Court to have Jurisdiction if One Defendant reside in the County.

LVI. And whereas Doubts are entertained respecting the Jurisdiction of the Assistant Barrister in Cases where One or more of the Defendants in an Action resides or reside out of the County wherein such Action is brought; be it therefore enacted, That if One or more Defendant or Defendants resides or reside in the County or Riding in which a Civil Bill shall be brought, the Assistant Barrister may make a Decree against him or them, though another or other Defendant or Defendants may reside out of the Jurisdiction of such Barrister.

Grand Jury of County of Cork to provide for Salaries of Criers at Sessions in 4 G. 4. c. 43.

LVII. And whereas by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Amount of Presentments by Grand Juries for Payment of the public Officers of the several Counties in* Ireland, a Salary of Thirty Pounds of the late Currency of *Ireland* is provided for the Crier

at Sessions in and for the County of *Cork*, which said County has been since divided into Two Ridings for the Purpose of having separate and distinct Sessions in each of the said Ridings, but no Provision was then made respecting the said Salary of Thirty Pounds; be it therefore enacted, That it shall and may be lawful for the Grand Jury of the County of *Cork* and such Grand Jury are hereby required to present, to be raised off the respective Portions of the said County constituting the said East Riding and West Riding, in lieu of the said annual Sum of Thirty Pounds, the Two several Sums not exceeding Twenty-five Pounds yearly, as and for the Salary of each of the Criers at Sessions in the said Two Ridings, and that all Enactments in the said last-mentioned Act relative to the Salaries of Criers at Sessions shall extend to the said Two Salaries in like Manner as if the same had been embodied in this present Act.

General Orders to be made.

LVIII. And be it enacted, That it shall and may be lawful for the Assistant Barristers in *Ireland* for the Time being, or the Majority of them, by and with the Advice and Consent of the Chief Justice or One of the Justices of the Court of King's Bench, and they are hereby required, to make and issue such General Orders as they shall think fit for regulating the Forms and Manner of proceeding in the Civil Bill Courts in *Ireland*, and for the settling and ascertaining the Fees to be allowed to Attornies on Proceedings by Civil Bill in Cases where such Fees are not specified or regulated by this Act or any Act heretofore made and provided, and for carrying the Provisions of this Act into execution, and for simplifying, establishing, and settling the Course of Practice in the said Courts or any of them, and from Time to Time to annul, alter, or vary any Order or Orders so as aforesaid made, and to make any new General Order or Orders for the like Purpose; and Copies of all such Orders shall be transmitted to the Clerks of the Peace of the respective Counties in *Ireland*, to be by them kept and preserved in their Offices, and there to remain open at all Times to public Inspection; and such Orders shall have the same Effect and be as binding as if they were contained in this Act.

Lord Lieutenant may direct Sessions to be held Four Times in every Year in any Town.

LIX. And be it enacted, That from and after the Commencement of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor of *Ireland* for the Time being, by and with the Advice of the Privy Council, to direct that a General Session of the Peace and Civil Bill Court shall be held Four Times in every Year in all or any of the Towns appointed for holding Sessions, and the Lord Lieutenant or other Chief Governor of *Ireland* for the Time being shall nominate and appoint the Baronies or Half Baronies or Parishes for which respectively such Sessions shall be held.

Perjury.

LX. And be it enacted, That if any Person taking an Oath or making a Declaration or Affirmation in any Action, Examination, or other Proceeding under the Provisions of this Act, shall wilfully and corruptly swear, declare, or affirm falsely, he shall be deemed guilty of Perjury, and shall be liable to be prosecuted and punished accordingly; and if in any such Action, Examination, or other

Proceeding, the Assistant Barrister shall deem any Witness or Party to have so far wilfully and corruptly sworn, declared, or affirmed falsely as that in his Opinion such Witness or Party ought to be prosecuted at the Expence of the County within which the Witness or Party shall have so sworn or affirmed or declared, and shall certify such Opinion in Writing, then and in every such Case, if any Prosecution takes place, the Court in which such Prosecution shall take place shall make an Order for Payment of the Expences of such Prosecution by the Treasurer of the County.

Former Acts to remain in force.

LXI. And be it enacted, That all Acts heretofore passed and now in force relating to Civil Bill Courts shall remain in full Force and Effect, except so far as the same or any Part thereof respectively are or is hereby expressly varied.

Decree of Civil Bill Court may be given in Evidence under a Plea of the General Issue.

LXII. And be it further enacted, That in any Case where the Decree of any Civil Bill Court may be set up as a Defence to any Action in any Superior Court it shall not be incumbent on the Party to plead such Decree specially, but it shall be lawful for him to plead the General Issue, and to give the Decree in Evidence as special Matter.

Interpretation Clause.

LXIII. And be it enacted, That in the Construction of this Act all and every the Powers and Authorities conferred on Assistant Barristers in *Ireland* shall and may be exercised and performed in the County of *Dublin* by the Chairman of the Sessions of the Peace for the County of *Dublin*, and in the City of *Dublin* by the Recorder of the City; and so far as relates to the several Matters and Things to be done by or within the Jurisdiction of the Chairman of the County of *Dublin*, or of the Recorder of the City of *Dublin*, the several Proceedings and Duties hereby directed to be had and done in the Office of and by the Clerk of the Peace shall be had and done in the Office of and by the Register of the Chairman of the County of *Dublin*, and in the Office of and by the Clerk or Register of Civil Bills for the City of *Dublin*; and the Provisions of this Act in relation thereto shall extend to such Register of the Chairman of the County of *Dublin*, to such Clerk or Register of Civil Bills; and wherever the Clerk of the Peace is named in this Act, the Provision shall extend to the Acting or Deputy Clerk of the Peace, or other Officer discharging the Duties of a Clerk of the Peace under the Civil Bill Acts; and that the Words "Party and Person," whenever used in this Act, shall extend to and include any Corporation; and that all Words importing the Singular Number or Masculine Gender shall be construed to extend to and include many Persons as well as one Person, and Females as well as Males, unless there be something in the Context or Provision repugnant to or inconsistent with such Construction.

Certain Powers, &c. conferred upon Chairman of Sessions and

LXIV. And be it further enacted, That all Jurisdictions, Powers, and Authorities conferred upon the Assistant Barristers of Counties in relation to Proceedings by Civil Bill previously to the passing of this Act, are hereby conferred upon the Chairman of the Sessions of

of the Peace for the County of *Dublin* and the Recorder of the City of *Dublin*. Recorder of Dublin.

LXV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and thirty-six. Commencement of this Act.

LXVI. And be it enacted, That this Act may be repealed, altered, or amended in this present Session of Parliament. Act may be repealed, &c. this Session.

SCHE-

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

Form of Civil Bill to be served upon the Defendant pursuant to this Act.

By the Assistant Barrister at the Sessions for the said County.

County of Division of to wit.

A. B. of in the County of [*Residence and Addition of Plaintiff*] Plaintiff.
Do. of Defendant.

THE Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of to answer the Plaintiff's Bill for [*state the Cause of Action*], or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain. Dated this Day of One thousand eight hundred and .
Signed by [*or* on behalf of] the Plaintiff.

Form of a Decree for Recovery of Lands.

By the Assistant Barrister at the Sessions for said County.

County of Division of to wit.

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

IT appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant for Recovery of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that the Plaintiff is entitled to the said It is therefore ordered and decreed by the Court, That the Plaintiff do recover from the Defendant the said together with Costs; and the Sheriff for the said County of is hereby commanded to take possession of the said and deliver up the same to the Plaintiff; and the said Sheriff or the Bailiffs for the said County, and the several Bailiffs of the several other Counties of Ireland, is and are hereby commanded to take in Execution the Body or Goods of the said Defendant to satisfy the said Costs. Dated this Day of One thousand eight hundred and .

Attorney for the Plaintiff.
Clerk of the Peace.
Assistant Barrister.

[*Assistant Barrister's Warrant to be added.*]

Order of Replevin.

THE Sheriff of the County of is hereby required without Delay to cause to be replevied to *A.B.* (if he shall give sufficient Security) the Goods and Chattels which *C.D.* unjustly detains. Signed the Day of One thousand eight hundred and thirty .

Y.Z.
Clerk of the Peace for the said County of .

Form of a Decree for Payment of Damages for improper Distress.

By the Assistant Barrister at the Sessions for said County.

County of Division of to wit.

Plaintiff. } IT appearing to the Court that Plaintiff caused a Civil Bill
Defendant. } to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained by the Defendant; and it appearing to the Court that the Distress in dispute was improperly made, or that the Amount due at the Time of the Distress, with reasonable Costs of Distress, had been duly tendered: It is therefore ordered and decreed by the Court, That the Plaintiff do recover from Defendant the Sum of for Damages and Costs; and the Bailiffs for the said County are hereby commanded to take in Execution the Body or Goods of the said Defendant to satisfy the same. Dated this Day of One thousand eight hundred and .

Attorney for Plaintiff.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[*Assistant Barrister's Warrant to be added.*]

Form of a Decree for Defendant in case of Distress.

Plaintiff. } BY the Assistant Barrister at the Sessions for the
Defendant. } said County.

County of Division of to wit.

IT appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained, and it appearing to the Court that the Distress in dispute was not improperly made: It is therefore ordered and decreed by the Court, That the Defendant do recover from the Plaintiff the Sum of for Rent due, and for Costs; and the Bailiffs for the said County, and the Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execu-

tion the Body or Goods of the said Plaintiff to satisfy the same. Dated this Day of One thousand eight hundred and

Attorney for Defendant.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[*Assistant Barrister's Warrant to be added.*]

Form of Replevin Bond.

County of Division of to wit.

KNOW all Men by these Presents, That we, *A.B.* of [Tenant] and *C.D.* and *E.F.* [Sureties], are and each of us is jointly and severally held and firmly bound to *Y.Z.* Sheriff of the County of in the Sum of of lawful British Money, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which Payment well and truly to be made we bind ourselves, our Heirs, Executors, and Administrators, and each and every of us binds himself, his Heirs, Executors, and Administrators, firmly by these Presents, sealed with our Seals, and dated this Day of One thousand eight hundred and thirty-

The Condition of the above-written Obligation is such, that if the above-bounden *A.B.* do prosecute his Suit against *G.H.* of in the Court of the Assistant Barrister for the said County of at the Sessions which will be held for the said County in the Month of next, for the taking and unjustly detaining of his Goods and Chattels, to wit [*specify the Goods and Chattels*], or do return all the said Goods and Chattels to the said *G.H.*, his Executors or Administrators, then the above-written Obligation shall be void, otherwise the same shall be and remain in full force and virtue.

Form of a Decree for Payment of a Legacy.

By the Assistant Barrister at the Sessions for said County.

County of Division of to wit.

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

IT appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant as Executor of *A.B.* for Recovery of the Sum of [*here state the Cause of Action, as in Civil Bill*], and it appearing to the Court that is due to the Plaintiff for his Legacy, and that the Defendant ought to pay the same and the Costs of this Civil Bill [*or Part of the same, as the Case may be*]: It is therefore ordered and decreed by the Court, That the Plaintiff do recover from Defendant the said Sum of together with Costs; and the Bailiffs for the said County, and the Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execution the Body or Goods of the said Defendant to satisfy the

the said Debt and Costs. Dated this Day
of One thousand eight hundred and .

Legacy
Costs
Warrant

Attorney for the Plaintiff.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[*Assistant Barrister's Warrant to be added.*]

Form of a Decree for Payment of a distributive Portion of the Assets of an Intestate.

By the Assistant Barrister at the Sessions for said County.

County of Division of to wit.

Plaintiff. / Defendant. } It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of the Sum of for his distributive Portion as one of the next of Kin of the Assets of of who died intestate, and it appearing to the Court that the Plaintiff is one of the next of Kin of the said and entitled to and that the Defendant is the Administrator of the said and that the Defendant has in his Hands of the Assets of the said a Sum sufficient to pay the Plaintiff's Demand [*or Part of same, as the Case may be*]: It is therefore ordered and decreed by the Court, That the Plaintiff do recover from Defendant the said Sum of together with Costs; and the Bailiffs for the said County, and the Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execution the Body or Goods of the said Defendant to satisfy the said Debt and Costs. Dated this Day of One thousand eight hundred .

Distribution Share, £
Costs
Warrant

Attorney for Plaintiff.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[*Assistant Barrister's Warrant to be added.*]

Form of a Dismiss of a Civil Bill.

By the Assistant Barrister at the Sessions for said County.

No. County of Division of to wit.

Defendant. / Plaintiff. } It appearing to the Court that the Plaintiff caused the Defendant to be served with Process to appear here this present Session for [*here state the Cause of Action from the Civil Bill*], and that the Plaintiff hath failed to prove his said Demand [*or* Right, *as the Case may be*]: It is therefore decreed by the Court, That the Plaintiff's Bill be and the same is hereby dismissed, and

and that the Defendant do recover against the Plaintiff the Sum of for Costs; and the Bailiffs for the said County, and the Sheriffs and Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execution the Plaintiff's Body or Goods to satisfy the said Costs. Dated this Day of One thousand eight hundred and .

Costs, £
Warrant

Attorney for Defendant.
Clerk of the Peace for said County.
Assistant Barrister.

Form of Assistant Barrister's Warrant.

County of Division of to wit.

I AUTHORIZE and empower *A.B.* of one of the Bailiffs of this County, and his Associates, to execute the above Decree. Given under my Hand and Seal this Day of One thousand eight hundred .

Assistant Barrister of said County. [*Seal.*]

Form of Warrant for Costs in Ejectment Cases.

C.D. Plaintiff. *E.F.* Defendant. } WHEREAS a Decree for Possession has been pronounced in this Cause; I do hereby authorize *A.B.* one of the Bailiffs of this County, to levy the Sum being the Amount of the Costs given in the said of Action.

SECOND SCHEDULE;

Containing a LIST of the FEES to be paid to the ASSISTANT BARRISTERS, CLERKS of the PEACE, ATTORNIES, SHERIFFS, REPLEVINGERS, and BAILIFFS, for the Discharge of the several Duties in this Schedule specified.

	£	s.	d.
To the Plaintiff's Attorney, for drawing or signing Civil Bill	0	0	6
To the Plaintiff's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, entering the Civil Bill, for attending the hearing, (except in Ejectment, Replevin, and Legacy Cases,) and preparing any Summons required for Witnesses, and every Notice to produce Documents, to require the Attendance of any Party, or for any other Purpose - - - - -	0	2	6
To the Defendant's Attorney, for the like, and entering Defence - - - - - - -	0	2	6
To the Plaintiff's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, and attending the hearing of Ejectment Cases under this Act, and preparing all such Notices and Summonses	0	7	6

	£	s.	d.
To the Defendant's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, and attending the hearing of Ejectment Cases under this Act, and preparing all such Notices and Summonses -	0	7	6
To the Plaintiff's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount of Rent distrained for shall not exceed the Sum of £20, and preparing all such Notices and Summonses - - -	0	7	6
To the Plaintiff's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount distrained for shall exceed the Sum of £20, and preparing all such Notices and Summonses - - - -	1	1	0
To the Defendant's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount distrained for shall not exceed the annual Sum of £20, and preparing all such Notices and Summonses - -	0	7	6
To the Defendant's Attorney, for like, where the Amount shall exceed £20 - - - - -	1	1	0
To the Plaintiff's Attorney, for attending the hearing of Cases relating to Legacies and Distribution of Intestate's Effects, and preparing all such Notices and Summonses	0	5	0
To Defendant's Attorney, for the like, and preparing all such Notices and Summonses - - - -	0	5	0
To the Plaintiff's Attorney, for attending and taking Instructions, and attending hearing in any Case for Recovery of a Penalty - - - - -	0	10	6
To Defendant's Attorney, for the like - - -	0	10	6
To the Plaintiff's Attorney, for drawing up and signing any Decree or Renewal - - - -	0	1	0
To the Defendant's Attorney, for drawing up and signing any Dismiss or Renewal - - -	0	1	0
To the Clerk of the Peace, for entering any Civil Bill -	0	0	3
To the same, for signing any Decree or Dismiss -	0	0	3
To the same, for signing and entering any Renewal -	0	0	4
To the same, for any Recognizance of Bail and Certificate of Appeal lodged, and entering the Appeal with Judges Register - - - - - -	0	1	0
To the same, for issuing Order to replevin, and entering Civil Bill thereon, and in lieu of all Charges relating to the Proceedings in Replevin Cases under this Act -	0	1	6
To same, for each Copy of any Inventory of Assets lodged with him, and attesting same, per Folio of 90 Words -	0	0	4
To the same, for entering any Verdict of a Jury - -	0	1	0
To the Assistant Barrister, for signing any Decree or Dismiss (except Ejectment and Replevin Cases, and Cases relating to Legacies and Distribution of Intestate's Effects) - - - - - -	0	1	0
To same, for signing Decree or Dismiss in Ejectment, and in Cases relating to Legacies and Distribution of Intestate's Effects - - - - - -	0	5	0
To same, for Ditto in Replevin Cases - - - -	0	10	0

	£	s.	d.
To the same, for signing a Renewal of any Decree or Dismiss, and Affidavit to ground same - - -	0	1	0
To the Sheriff, for giving the Possession to any Party under a Civil Bill Ejectment Decree - - - - -	0	10	6
To the Sheriff or his Replevinger, in drawing Affidavit of the Value of Goods distrained, and taking any Recognizance in Replevin Cases under this Act, and in full of all Charges for any Duties to be discharged by him relating thereto - - - - - - - -	0	3	4
To the Bailiffs to be appointed pursuant to this Act, for executing any Decree or Order, not exceeding for any Sum £1—1s.; and for any larger Sum, 2s. 6d. - - And 3d. in the Pound on the Amount recovered under such Execution.	0	2	6
To the Sheriff, for summoning a Jury - - -	0	1	0

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1836.