

ANNO PRIMO

VICTORIÆ REGINÆ.

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CAP. XLIII.

An Act to amend the Laws for the Recovery of Small Debts by Civil Bill in *Ireland*.

[12th *July* 1837.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to regulate the Service of the Process of the several Courts for the Recovery of Small Debts by Civil Bill in* Ireland, it was enacted, that at the several Sessions of the Peace in and for the several Counties in *Ireland* which should be holden in the Month of *October* next after the passing of the said Act each and every of the Assistant Barristers appointed under the Authority of the Act therein recited, or of any Act for amending the same, should in manner therein enacted nominate and appoint such Number of fit and proper Persons, being Householders residing in the principal Market Towns within the said Counties, to be Officers for the Service of Civil Bill Processes in the said County or Division thereof, as should be specified and set forth in any such Warrant respectively: And whereas Officers for the Service of Civil Bill Processes have been appointed in the several Counties in *Ireland* under the Authority of the said Act, but the Number thereof has in many Counties been found to be insufficient for the effective Service of Civil Bill Processes therein, and it has been doubted whether any new Appointments can be made under the Authority of

7 G. 4. c. 36.

the said Act of a greater Number of such Officers at any Time after the Sessions of the Peace holden next after the passing of the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at any Sessions of the Peace in and for the several Counties in *Ireland* or any Riding thereof which shall be holden after the passing of this Act, each and every of the Assistant Barristers appointed under the Acts for the Recovery of Small Debts by Civil Bill in *Ireland*, or any of them, to be Assistants to the Justices at such Sessions, may and shall, by Warrant or Warrants under the Hand and Seal of each such Assistant Barrister respectively, nominate and appoint such Number of fit and proper Persons, qualified as in the said Act of the Seventh Year of the Reign of His late Majesty is mentioned, as to the said Assistant Barrister shall from Time to Time appear to be necessary, to be Officers for the Service of Civil Bill Processes within such County, or within any Riding thereof, or within such Division of such County or Riding as shall be specified in any such Warrant; and such Officers shall be in addition to the Officers already appointed and acting in such County, Riding, or Division under the said recited Act of the Seventh Year of the Reign of King *George* the Fourth, and shall have the same Powers, Privileges, and Emoluments, and observe the several Rules and Regulations prescribed by the said Act respecting the Officers appointed under the Authority thereof, and shall be removeable in like Manner, and their Appointment shall be promulgated and made known in the Manner directed by the said Act.

Power to Assistant Barristers to appoint Process Servers in addition to those appointed under 7 G. 4. c. 36.

II. And be it enacted, That in any Case when it shall appear to the Assistant Barrister, by Examination on Oath in open Court at any Court of General or Quarter Sessions or any Adjournment thereof, that any Officer appointed to serve the Process of the said Civil Bill Court has been prevented by forcible Resistance or by reasonable Apprehension of personal Injury from effecting good Service of any Process of the said Court, it shall and may be lawful to and for such Assistant Barrister to direct, by an Order to be signed by him, and entered in the Book of the Clerk of the Peace, that posting a Copy of such Process on the Court House in which the Court may be then sitting, and on the usual Place for posting Notices in the nearest Market Town to the Residence of the Defendant named in such Process, or of One of the Defendants if there be more than One, at least One Calendar Month before the first Day of the next Sessions to be holden for the same Division of the County or Riding, shall be deemed good Service of such Process; and at foot of every such Copy shall be affixed a Notice that the same is so posted by Order of the said Assistant Barrister, and that such posting will be held good Service thereof; and upon its being proved on Oath to the Satisfaction of the Assistant Barrister at the next Sessions holden for the same Division at the first Town in which such Sessions shall be holden that such Copy and Notice have been so duly posted on some conspicuous Part of the said Court House, it shall be lawful for such Assistant Barrister and he is hereby authorized and required to proceed to hear

In case of forcible Resistance to serving the Process, a Copy thereof may be posted on the Court House and on the Posting Place in the nearest Market Town.

and determine such Civil Bill in all respects as if the Process thereon had been personally served on the Defendant or Defendants named therein.

Repeal of Parts of Sections 41, 42, 43, and 44 of 6 & 7 W. 4. c. 75.

III. And be it enacted, That so much and such Parts of an Act passed in the last Session of Parliament, intituled *An Act to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in* Ireland, as relate to the Appointment of Bailiffs for the Execution of the Decrees or Orders of the Civil Bill Court for the County, and as provide for the Payment of any Fee or Poundage to such Bailiff, and as enact that the Sum or Fee of One Shilling payable to Sheriffs for special Warrants shall be no longer payable, and as repeals the Act of the Thirty-sixth Year of the Reign of King *George* the Third therein mentioned, so far as respects the Payment of the said Sum or Fee of One Shilling, shall be and the same are hereby repealed, and the Appointments of all Bailiffs appointed under the said recited Act of the last Session shall henceforward cease and determine.

Decrees now unexecuted to be executed by the Sheriff.

IV. And be it enacted, That all Decrees and Orders of the said Civil Bill Court which shall have been signed before the passing of this Act, and remaining unexecuted at the Time of the passing hereof, and all Decrees and Orders hereafter to be signed, shall be executed by the Sheriffs of the several Counties in *Ireland*, or by Persons authorized by them by special Warrant, as if the said Act of the last Session of Parliament had not been passed, and as if the said Decrees or Orders had been directed to such Sheriffs: Provided always, that Decrees for delivering Possession made by an Assistant Barrister or Judge on Appeal shall be executed by the Sheriff or his Deputy in Person, in manner and within the Time and for the Fee in the said Act of the last Session directed in that Behalf; and all Decrees and Orders of the said Court shall henceforward be directed to the Sheriffs of the several Counties in *Ireland* as before the passing of the said Act.

Salary of Interpreter.

V. And be it enacted, That whenever it shall be certified by the Assistant Barrister of any County to the Grand Jury of such County that an Interpreter is necessary at the Quarter Sessions for such County, it shall and may be lawful for the Grand Jury to present, without any previous Application at Sessions, to be levied off such County, any Sum not exceeding Fifteen Pounds at each Assizes as a Salary or Payment for such Interpreter.

Assistant Barrister to appoint Interpreter or Interpreters.

VI. And be it enacted, That it shall be lawful for such Assistant Barrister to appoint either one Interpreter for the whole of such County or separate Interpreters for each District in which Sessions shall be holden, at his Discretion, and to direct the Salary to be presented as aforesaid to be paid among such Interpreters, if more than One shall be appointed, in such Manner as he shall think fit; and that upon a Certificate signed by such Assistant Barrister, specifying the Amount of such Payment, being produced to the Treasurer of such County, it shall be lawful for such Treasurer to pay to such Interpreter or Interpreters after every Assizes the Amount of the Payment mentioned in such Certificate, not exceeding in the whole the Sum presented by the Grand Jury for that Purpose.

VII. And

Assistant Barrister may remove Interpreter.

VII. And be it enacted, That each and every such Interpreter may be removed at the Will and Pleasure of the Assistant Barrister of such County for the Time being, and that any other Person or Persons may be appointed in his Place by such Assistant Barrister.

Definition of "Assistant Barrister."

VIII. And be it enacted, That the Term "Assistant Barrister" in this Act shall be construed to include the Chairman of the Sessions for the County of *Dublin* and also the Recorder of the City of *Dublin*.

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