



ANNO SECUNDO & TERTIO

# VICTORIÆ REGINÆ.

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## Cap. lxxxv.

An Act for the more easy and speedy Recovery of Small Debts and Damages within the Honor of *Pontefract*, Parcel of Her Majesty's Duchy of *Lancaster*, in the West Riding of the County of *York*; and for altering the Practice and extending the Jurisdiction of the Court Baron of the said Honor. [29th July 1839.]

**W**HEREAS the Queen's most Excellent Majesty, in right of Her Duchy of *Lancaster*, is seised of and in the Honor of *Pontefract* in the West Riding of the County of *York*, within which Honor a Court Baron hath been from Time immemorial holden for the Recovery of all Debts and Damages arising within the said Honor where the same do not exceed the Sum of Forty Shillings: And whereas the Jurisdiction of the said Court Baron was extended by an Act of Parliament made and passed in the Seventeenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more easy and speedy Recovery of Small Debts within the Parishes of Halifax, Bradford, Kighley, Bingley, Guiseley, Calverley, Batley, Birstal, Mirfield, Hartishead cum Clifton, Almondbury, Kirkheaton, Kirkburton, and Huddersfield*,

[Local.]

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field,

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1 & 2 Vict.  
c. 90.

The present  
Jurisdiction  
and Practice  
of the Court  
Baron of the  
Honor of  
Pontefract  
to cease,  
except, &c.

field, and the Lordship or Liberty of Tong, in the West Riding of the County of York; and for extending the Jurisdiction of the Courts Baron of the Honor of Pontefract, Manor of Wakefield, and Manor of Bingley, in the said County, whereby the said Court Baron of the Honor of Pontefract aforesaid was enabled to hold Pleas of Debt and all other Personal Actions arising within the said Honor not exceeding the Sum of Five Pounds: And whereas the Limits of the said Honor of Pontefract are very extensive, and comprise the populous Towns of Leeds, Bradford, Birstal, Mirfield, Pontefract, and Part of the Parish of Huddersfield, and divers other Parishes, Townships and Places within the said West Riding, in which are carried on very extensive Manufactures and Trades, employing great Numbers of People, who contract Small Debts amounting yearly to a very large Sum of Money; And whereas the said Court Baron of the Honor of Pontefract hath been found beneficial to the Inhabitants and others trading within its Limits in the Recovery of their just Debts and Demands as aforesaid; nevertheless the said Court is in some respects defective and insufficient fully to answer the Purposes intended by the above-recited Act, the Form of Proceedings in such Court being too dilatory, and the Costs greater than they reasonably ought to be, and the Judgments and Executions therein being frequently evaded and rendered of none Effect by the Parties against whom they are obtained fraudulently removing their Goods out of the Jurisdiction aforesaid, by reason whereof many honest Persons are discouraged from seeking to recover in such Court their just Debts or other Demands: And whereas the Usefulness of the said last-mentioned Court Baron would be much increased, and the Public considerably benefited, if its Jurisdiction in Actions of Debt were still further extended, and its Practice simplified, and the Fees and Charges payable in respect of Proceedings therein altered and reduced, and the said recited Act in several other respects amended and enlarged, so far as it relates to the said Court Baron of the Honor of Pontefract, except with respect to the Town of Barnsley, and such other Parishes, Townships, and Places within the Honor of Pontefract as are within the Jurisdiction of the Courts constituted by an Act passed in the Second Year of the Reign of Her Majesty Queen Victoria, intituled *An Act for the more easy and speedy Recovery of Small Debts within the Town of Barnsley and other Places in the West Riding of the County of York*; that is to say, the Barnsley Lower Court of Requests and the Barnsley Upper Court of Requests: May it therefore please Your Majesty that it may be enacted; and 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 from and after the First Day of November One thousand eight hundred and thirty-nine the present Jurisdiction and Practice of the Court Baron of the Honor of Pontefract aforesaid shall, except with respect to the Town of Barnsley, and such other Parishes, Townships, and Places within the Honor of Pontefract as are also within the Jurisdiction of the said Barnsley Lower Court of Requests and the said Barnsley Upper Court of Requests, cease and determine, (except as to any Cause or Matter commenced or pending therein before or on the said last-mentioned Day, as to which Cause or Matter



Matter the Jurisdiction and Practice of the said Court Baron shall continue the same as if this Act had not passed,) and thenceforth the said Court shall be constituted and be a Court of Record under the Name of "The Court of the Honor of *Pontefract*."

Style of the Court hereby established.

II. And be it further enacted, That the Jurisdiction of the said Court of the Honor of *Pontefract* to be constituted by this Act shall extend to such Places within the Honor of *Pontefract* as are not within the Jurisdiction of the said *Barnsley* Lower Court of Requests and the said *Barnsley* Upper Court of Requests.

Not to extend to Places in Jurisdiction of the *Barnsley* Courts of Requests.

III. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to annul, enlarge, alter, prejudice, or affect the present Jurisdiction and Practice of the said Court Baron within the said Town of *Barnsley*, and such other Parishes, Townships, and Places as are within the Jurisdiction of the said *Barnsley* Lower Court of Requests and the said *Barnsley* Upper Court of Requests, but that within the said Town of *Barnsley*, and the said other Parishes, Townships, and Places, the present Jurisdiction and Practice, and the Fees and Charges payable in respect of Proceedings, in the said Court Baron, shall be and continue the same, to all Intents and Purposes, as if this Act had not passed; and that the Powers and Jurisdictions of the said Court of the Honor of *Pontefract* to be constituted by this Act shall not extend to or comprise, or be construed to extend to or comprise the said Town of *Barnsley*, or such or any of such of the said several Parishes, Townships, or Places within the said Honor as are within the Jurisdiction of the said *Barnsley* Lower Court of Requests and the said *Barnsley* Upper Court of Requests, or to take away, alter, prejudice, or affect the Jurisdiction of the Two last-mentioned Courts of Request, or to repeal, alter, prejudice, or affect any of the Powers or Authorities given under the said Act passed in the Second Year of the Reign of Her said Majesty.

This Act not to affect the Practice of the present Court Baron within the Honor of *Pontefract* which is within the Jurisdiction of the *Barnsley* Courts of Requests, nor to extend within that Jurisdiction.

IV. And be it further enacted, That the said Court of the Honor of *Pontefract* shall have the same Power, Practice, and Jurisdiction in Proceedings in Replevin as the Court Baron of the Honor of *Pontefract* now has, and shall be empowered and authorized to hold Pleas of Debt where the Debt sought to be recovered shall not exceed the Sum of Fifteen Pounds, and all other personal Actions arising within the Jurisdiction of the said Court where the Damages sought to be recovered shall not exceed the Sum of Five Pounds, and where the Defendant or Defendants in any such Action, or any One or more of such Defendants, shall at the Time of the Commencement of such Action reside within the said Jurisdiction, or keep any House, Warehouse, Shop, Counting-house, Stall, or other Place of Business or Dealing whatsoever, or otherwise trade or deal therein.

Jurisdiction of the Honor Court.

V. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to enable the said Court to determine the Right or Title to any Lands, Tenements, or Hereditaments whatsoever, or to adjudge, determine, or decide on any Debt or Claim where the Title to the Freehold or Leasehold

Court not to determine any Cause where the Title to Land shall come in question.



Leasehold for Years, of any Lands, Tenements, or Hereditaments, or to any Chattels Real, shall be brought or come in question, or on any Debt or Claim arising out of or relating to any Will or Settlement, Tithes, Tolls, or other Franchises.

Actions not to be split.

VI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Plaintiff to split or divide any Cause or Action for the Recovery of any Debt where the whole Sum that shall appear to be due and owing or be claimed shall exceed the Sum of Fifteen Pounds, or any Cause or Action for the Recovery of any Damages exceeding the Sum of Five Pounds, in order that the same may be made the Ground of any Two or more Causes or Actions for the Purpose of bringing such Causes or Actions within the Jurisdiction of the said Court; and in case it shall appear to the said Court that any Plaintiff shall have so split or divided his Cause or Action for the Purpose aforesaid, then and in every such Case such Cause or Action so split or divided shall be dismissed, with Costs: Provided always, that in Case any Plaintiff who shall have so split or divided his Cause or Action shall be willing to accept such Sum of Money or Damages as the said Court is by this Act enabled to adjudge or award in full of the whole of his Demand, then and in every such Case the said Court may adjudge and award such Sum to the Plaintiff, not exceeding the Sum of Fifteen Pounds in Actions of Debt, and of Five Pounds in other personal Actions, as to the said Court shall seem just and reasonable; and such Sum shall be respectively received and taken in full Discharge of all Demands of the Plaintiff against the Defendant in respect of such Cause of Action so split or divided as aforesaid.

No Privilege to be allowed to Attornies.

VII. And be it further enacted, That no Privilege shall be allowed to exempt any Person liable to be summoned by virtue of this Act from the Jurisdiction of the said Court by reason of his being an Attorney or Solicitor or other Officer of any of Her Majesty's Courts at *Westminster*, or of any other Court whatsoever, but all such Attornies, Solicitors, and other Officers shall be subject to the several Processes, Orders, Judgments, and Executions of the said Court of the Honor of *Pontefract* in the same Manner as any other Person is subject to the same.

Jurisdictions of the Courts at *Westminster* and of certain other Courts not to be affected.

VIII. And be it further enacted, That nothing in this Act shall extend or be construed to extend to take away, prejudice, alter, or affect the Jurisdiction of any of Her Majesty's Courts at *Westminster* within the Limits of the said Honor of *Pontefract*, or of the Sheriff of the County of *York*, or of Her Majesty's Court Leet of the Honor of *Pontefract*, or of the several Courts of Requests and Courts Baron and Courts Leet, or of any other Courts whatsoever, within the said Honor, but that all and every the Rights, Franchises, Privileges, and Jurisdictions of such Courts respectively shall be and be continued in the same Force and Authority, to all Intents and Purposes, as if this Act had not been passed.

Orders, &c. not to be removed by Certiorari.

IX. And be it further enacted, That no Summonses, Orders, Judgments, or other Proceedings of the said Court of the Honor of *Pontefract*,



*Pontefract*, issued, made, or taken in pursuance of this Act, shall be removed or removeable to any other Court by Writ of Certiorari or otherwise howsoever, except as is herein-after directed.

X. Provided always, and be it further enacted, That if any Defendant in any Suit or Action brought in the said Court of the Honor of *Pontefract* for any Debt exceeding the Sum of Five Pounds shall be desirous of having such Debt determined in any of Her Majesty's Superior Courts at *Westminster*, it shall be lawful for such Defendant, at any Time before the Hearing of such Suit or Action, to take out a Summons before any of the Judges of Her Majesty's Superior Courts of Law to show Cause why such Suit or Action should not be discontinued; and it shall be lawful for the Judge last aforesaid, and he is hereby required, on the Hearing of the said Summons, to make such Order as to the discontinuing of such Suit or Action, and upon such Terms as to the Payment of Costs, or otherwise, as to him shall seem just and reasonable; and which Order shall be binding upon the Parties to the said Suit or Action, and upon the said Steward and all other Officers of the said Honor Court.

Actions to be discontinued under certain Circumstances.

XI. And be it further enacted, That it shall and may be lawful for the Chancellor of Her Majesty's Duchy of *Lancaster* for the Time being, after the Death or Resignation of *John Hardy* Esquire, Barrister at Law, (who is hereby continued in his Office of Steward and Judge of the said Court of the Honor of *Pontefract*,) to nominate and appoint a practising Barrister at Law who shall have been called to the Bar, and shall have actually practised as a Barrister for the Space of Seven Years at least, to be the Steward and Judge of the said Court of the Honor of *Pontefract*, and on the Death, Resignation, or Removal of such Barrister, or of any other Barrister to be afterwards nominated by virtue of this Act, to nominate and appoint some other Barrister duly qualified as aforesaid to succeed such Barrister so dying, resigning, or being removed as Steward and Judge of the said Court.

Steward and Judge of the Court.

XII. And be it further enacted, That it shall be lawful for the Chancellor of the said Duchy of *Lancaster* to remove or displace any such Barrister so nominated and appointed as aforesaid from such Office of Steward and Judge of the said Court for any Neglect of Duty or Misconduct, in case it shall seem right and proper to the said Chancellor so to do.

Steward or Judge may be displaced.

XIII. And be it further enacted, That every Steward or Judge of the said Court shall have Power from Time to Time, by and with the Consent and Approbation of the Chancellor of the said Duchy, to appoint by Writing under his Hand some other practising Barrister at Law who shall have been called to the Bar, and shall have actually practised as a Barrister for the Space of Seven Years at least, to act as Deputy Steward or Deputy Judge of the same Court, who shall have the like Powers and Authorities for carrying this Act into execution as the Steward or Judge himself; and such Deputy Steward or Judge shall be at any Time removeable from his Office

Deputy Steward or Judge.



at the Discretion of the Steward or Judge, or of the Chancellor of the said Duchy.

Under  
Steward or  
Clerk.

Deputy  
Under  
Steward.

XIV. And be it further enacted, That it shall be lawful for the said Steward of the said Court, by Writing under his Hand, with the Consent and Approbation of the Chancellor of the said Duchy, to appoint from Time to Time a fit and proper Person, being an Attorney of one of Her Majesty's Superior Courts at *Westminster*, to be the Under Steward or Clerk of the said Court; and such Under Steward or Clerk shall be at any Time removeable from his Office at the Discretion of the Steward or Judge, or of the Chancellor of the said Duchy; and it shall be lawful for such Under Steward, with the Consent and Approbation of the said Steward, to appoint One or more sufficient Deputy or Deputies, being an Attorney or Attornies of one of Her Majesty's Courts at *Westminster*, to act for him in the Office of Under Steward or Clerk; and every such Deputy Under Steward shall have the same Powers and Authorities and be required to do and perform all the Duties of such Under Steward, and shall be removeable at the Pleasure of the said Steward or Under Steward; and the said Steward shall also nominate and Appoint by Writing under his Hand so many Bailiffs, Criers, and other Officers of the said Court as may appear to him to be necessary for carrying any of the Purposes of this Act into execution, who shall hold their respective Offices during the Pleasure of the said Steward, and he shall also require and take from such Under Steward, Bailiffs, Criers, and other Officers respectively such Security for the due Discharge of the Duties of their respective Offices as shall to such Steward seem necessary and proper.

Seal of the  
Court.

XV. And be it further enacted, That the Under Steward or Clerk of the said Court shall cause to be sealed or stamped with a Seal having the Words "Court of the Honor of *Pontefract*" engraved thereon all Summonses, Processes, Orders, Executions, and other Proceedings of the said Court; and all such Summonses, Processes, Orders, Executions, and other Proceedings, sealed as aforesaid, and having the Name of the Steward or Deputy Steward, or Under Steward or Deputy Under Steward, written thereon, shall be received in Evidence in all Courts whatsoever, without any further Proof of their Authenticity; and no such Summons, Process, Order, Execution, or other Proceeding shall be valid, or have any Force or Effect, unless the same shall be so sealed or stamped, and have the Name of the Steward or Deputy Steward, or Under Steward or Deputy Under Steward, written thereon, as aforesaid.

Punishment  
of Persons  
counterfeit-  
ing the Seal.

XVI. And be it further enacted, That if any Person shall forge or counterfeit, or do any Act with the Intent that such Person or any other Person may forge or counterfeit the Seal of the said Court, or the Name or Signature of the Steward, Deputy Steward, Under Steward, or Deputy Under Steward, to any Instrument or Writing being or purporting to be any Summons, Judgment, Execution, Order, or other Proceeding of the said Court, or shall serve or enforce, or attempt to serve or enforce, any such forged Summons, Judgment, Execution, Order, or other Proceeding of the said Court, knowing



knowing the same to be forged, such Person shall be guilty of Felony, and being thereof convicted shall be transported beyond the Seas for any Term not exceeding Fourteen Years, or imprisoned, with or without hard Labour, for any Term not exceeding Four Years, at the Discretion of the Court before whom such Person shall be so convicted.

XVII. And be it further enacted, That the Steward or Deputy Steward of the said Court shall make or cause to be made fair and regular Entries, in a Book or Books to be provided for that Purpose, of all the Judgments, Acts, Orders, Directions, Regulations, and other Proceedings of the said Steward or Deputy Steward relating to any Action or Cause commenced in the said Court, or any other Matter or Thing done by such Steward or Deputy Steward in execution of the several Powers and Authorities given by this Act; and such Entries shall be signed by the said Steward or Deputy Steward, and when so signed they, or any Office Copies thereof under the Seal of the said Court, and signed by the Under Steward or his Deputy, shall be receivable and received in Evidence in proof of the Proceedings of such Court in all other Courts whatsoever.

Entries of Proceedings and Evidence thereof.

XVIII. And be it further enacted, That the Steward or Deputy Steward of the said Honor Court shall (subject to such Power of taking out a Summons before a Judge of the Superior Courts, and to such Order of such Judge thereupon, as is herein-before provided for,) be the sole Judge to determine and decide all Actions and Suits brought in the said Court, and all Matters and Questions of Fact and Law relating thereto, except where the Debt claimed shall exceed the Sum of Five Pounds, and either of the Parties in such Case shall require a Jury to be summoned as herein-after mentioned.

Duties of Steward and his Deputy.

XIX. And be it further enacted, That such Steward or Deputy Steward shall hold Courts for the Trial of Causes once every Month, or oftener if it shall become necessary, at *Pontefract, Leeds, Bradford, Huddersfield*, and such other Places within the said Honor as he shall deem most convenient for the Suitors in the said Court.

When and where Courts to be held.

XX. And be it further enacted, That the Under Steward of the said Court shall have an Office in the Town of *Leeds*, and in such other Places as the said Steward shall from Time to Time direct, in which he shall keep all the Books of the Court, and all the Proceedings and Documents relating to all Causes and Matters brought therein, which may be filed or deposited with him, and shall enter in such Books all Processes, Orders, Judgments, and other Proceedings of the said Court, and keep an Account of all Sums of Money from Time to Time paid into Court or deposited by any Party under and by virtue of this Act, and shall also make Entries in such Books of all the Costs and Court Fees due and payable, and of those actually received by him or any of his Deputies or Clerks; and all Books and Documents kept by the Under Steward or his Deputies shall be open to the Inspection of any Suitor or other Person, on Payment of the

Duties of the Under Steward.



the Fee for searching the same specified in the Schedule of Fees herein-after contained.

Punishment  
of Bailiff or  
other Officer  
neglecting  
his Duty.

XXI. And be it further enacted, That if any Bailiff or other Officer of the said Court, acting under colour or pretence of the Process of the said Court, shall be guilty of Extortion or Misconduct, or shall not duly pay or account for any Money levied by him under the Authority of this Act, it shall be lawful for the said Court at its Sitting, if the Party aggrieved shall complain thereto, to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties, 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 to the Parties aggrieved, as the Court shall think just; and in default of Payment of any Money so ordered to be paid by such Bailiff or other Officer within the Time specified for the Payment thereof in such Order, it shall be lawful for the Judge of the said Court, by Warrant under his Hand and Seal, to cause such Sum to be levied by Distress and Sale of the Goods of the Offender, together with the reasonable Charges of such Distress and Sale, and in default of such Distress to commit the Offender to any Common Gaol or Prison in the said West Riding of the County of *York* for any Period not exceeding Three Calendar Months.

Debts and  
Demands  
how recover-  
able.

XXII. And be it further enacted, That on the Application of any Person or Persons or Corporation entitled by Law to sue for any Debt or Damages recoverable in the said Court of the Honor of *Pontefract* by virtue of this Act, the Under Steward of the said Court, or his Deputy, shall make out and deliver to One of the Bailiffs or Officers of the said Court a Summons directed to the Party or Parties against whom such Debt or Damages is or are claimed, expressing the Sum demanded of him or them, with the Name of the Party or Parties or Corporation demanding the same, and the Particulars of such Debt or Demand, so far as the same can be conveniently set forth in such Summons, and requiring such Party or Parties to whom such Summons is directed to appear at a certain Time and Place to be named in the Summons before the Steward of the Court, or his Deputy, to answer such Debt or Demand, or otherwise to satisfy the same, together with the Costs, to be also named in the said Summons, before such Return Day thereof; and such Summons shall also inform the Party or Parties to whom it is directed what Proceedings he or they is or are required to take by the Rules of the said Court in case he or they shall dispute or deny the Whole or any Part of such Debt or Claim, or in case he or they have any such Answer or Defence thereto, or to any Part thereof, other than the mere Denial that the Debt or Cause of Action stated in the said Summons ever existed in fact within the Jurisdiction of the said Court, of which Notice is required to be given as herein-after mentioned; and such Bailiff or Officer to whom such Summons is delivered as aforesaid shall duly serve the same on such Party or Parties named therein, either personally or at his or their usual or last known Place of Abode, or Place of trading or dealing, by serving the same on his  
Wife

Service of  
Summons.



Wife or Servant, or in their Absence on any Person apparently residing at or being employed therein, such Service as aforesaid to be made Fourteen Days at the least previous to and exclusive of the Day appointed in the said Summons for the Hearing thereof, but exclusive of the Day of the Service of such Summons; and upon due Proof made of such Summons having been served as aforesaid the Court, at the Time and Place appointed for the Hearing of such Cause or Action, shall make Inquiry concerning such Demand or Claim stated in the said Summons, whether the Defendant or Defendants shall then appear or not, and shall make such Order and Decree therein, and pass such Sentence or Judgment thereupon, and award such reasonable Costs of Suit to either Party, as to such Court shall seem right and proper, consistently with the Powers, Authorities, and Directions in and by this Act given and contained; provided always, that if it shall appear to the said Court at the Time appointed for the Hearing of any such Cause or Action that the Defendant or Defendants therein, or any of them, is or are unable to attend the Court from any reasonable Cause, the Trial or Hearing of the said Action shall be adjourned to the next or some following Court; and if the Plaintiff shall not appear at the Time and Place mentioned in the Summons, or at any Adjournment of the Court or of the Cause, or appearing as aforesaid shall not make Proof of his Demand to the Satisfaction of the said Court, but shall become nonsuited, or Judgment shall be pronounced against him, the said Court shall award to the Defendant such Sum of Money as the said Court shall think reasonable and proper for his Costs, such Costs to be recoverable by Execution against the Goods or Person of the Plaintiff, in the same Manner as Costs payable by a Defendant are recoverable by virtue of this Act; and if neither the Plaintiff nor the Defendant shall appear at the Time and Place mentioned in such Summons, or such Adjournment as aforesaid, then the Cause shall be struck out of the List of Causes for Trial, and the Plaintiff shall be liable to the Costs of the Defendant, and the Cause shall not be brought before the Court without a fresh Summons and other Proceedings as in the first instance.

XXIII. And be it further enacted, That no Barrister, Attorney, or other Person shall be entitled of right to be heard to argue any Question as Counsel or Advocate for any other Person in any Proceeding in the said Court; and no Person appearing for any Plaintiff or Defendant as aforesaid, except he be an Attorney practising in one of Her Majesty's Superior Courts at *Westminster*, shall be allowed or entitled to receive any Costs in the Cause for such Attendance or otherwise, and no such Costs shall be allowed to any such Attorney appearing on behalf of a Plaintiff except where the Debt or Damages recovered shall exceed Forty Shillings, or to such Attorney appearing on behalf of a Defendant except the Plaintiff claim a larger Sum than that Amount: Provided always, that the Expence of employing any Attorney or other Advocate, either by the Plaintiff or Defendant, shall not be considered as Costs in the Cause, unless the Judge of the said Court shall so order.

[Local.]

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XXIV. And

Hearing.

Adjournment of Hearing.

Attornies and Agents practising in Court.



Examination  
of the Par-  
ties and  
Witnesses,  
&c.

XXIV. And be it further enacted, That for the better Discovery of the Truth of the Matters and Causes which shall be depending in the said Court, it shall be lawful for the said Court to administer an Oath or Affirmation to any Officer of the Court, or to all or any of the Parties in any Cause, or their Wives, Attornies, Agents, or other Parties appearing on their Behalf, whom the Judge of the Court shall think proper to examine touching the Matters then in question, and also to such Witnesses as shall be produced by each Party, and also to any other Person competent by Law to give Evidence concerning the Matter in question, whose Evidence shall seem to the Court material towards the hearing or determining of any of the said Matters or Causes, or the making of any Order or Judgment therein, or for any other Purpose requisite to the due Execution of this Act.

Falsely  
swearing,  
Perjury.

XXV. And be it further enacted, That if any Person shall, in his or her Examination on Oath or Affirmation before the said Court in any Action, Cause, or Matter depending therein, or before any Justice of the Peace acting in execution of this Act, as herein-after mentioned, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm any Matter or Thing which shall be untrue, every such Person so offending shall be and is hereby declared to be guilty of wilful and corrupt Perjury, and shall be subject and liable to all the Fines and Penalties inflicted by Law on that Offence.

Adjourn-  
ment of  
Action.

XXVI. And be it further enacted, That if on the Hearing of any Cause it shall appear, by the Oath or Affirmation of any Person, or otherwise, to the Satisfaction of the said Court, that in consequence of the Nonattendance of any Witness, or for the Want of the Production of any Deed, Instrument, Writing, or other Document, or other Evidence whatsoever, or on account of the Illness or Absence from any reasonable Cause of any Party, or otherwise, the said Court shall not be able fully to investigate or determine to its Satisfaction any Action, Cause, or Matter in controversy, then and in such Case it shall be lawful for the Judge of the said Court to adjourn such Action, Cause, or Matter from Time to Time and upon such Terms as he shall think proper and direct, of which Adjournment the Under Steward shall cause due Notice to be given to such Parties as shall be necessary.

Debts, &c.  
may be paid  
by Instal-  
ments, &c.

XXVII. And be it further enacted, That it shall be lawful for the said Court to order and adjudge that any Debt or Damages recovered shall be paid by several Instalments, in such Manner and under such Terms and Conditions as may appear reasonable and just, for the Ease of the Defendant and the Security of the Plaintiff; and it shall be lawful for the said Court, in case of any Default or Failure in the Payment of any such Instalments, at the Instance of the Plaintiff, and upon due Proof of the said Default or Failure, to award Execution against the Defendant for the whole Debt or Damages recovered, or for such Part thereof as shall then remain unpaid: Provided always, that if it shall at any Time appear to the Satisfaction of the



said Court, by the Oath or Affirmation of any Person, or otherwise, that any Defendant is unable, from Sickness or unavoidable Accident, to pay and discharge the Debt or Damages recovered against him in any Action, or any Instalment thereof ordered to be paid as aforesaid, it shall be lawful for the said Court, in its Discretion, to suspend, stay, or supersede any Judgment, Order, or Execution made or issued in such Action, until it shall appear upon the like Proof aforesaid that such Defendant is able to pay such Debt or Damages, or Instalment thereof as aforesaid.

XXVIII. And be it further enacted, That at the Trial of any such Cause or Action the Plaintiff shall not be permitted to give Evidence of any Demand or Cause of Action except such as shall be stated in the said Summons as above mentioned: Provided always, that the Plaintiff may, with the Consent of the Defendant, given in open Court, give Evidence of any Demand or Cause of Action, although it be not stated in the said Summons, and the Court may then adjudicate on any such Demand or Cause of Action as if the same had been stated in the said Summons; nor shall the Defendant, except by the Consent of the Plaintiff, be permitted to set up or give Evidence of any Answer or Defence to any such Debt, Demand, or Cause of Action, or any Part thereof, by way of Set off, any Statute limiting the Time within which an Action may be brought or Proceeding instituted, Bankruptcy, or Discharge under any Act for the Relief of Insolvent Debtors, unless Notice in Writing of such Answer or Defence shall have been given to the Under Steward of the said Court, or his Deputy, Five Days before the Day of Hearing or Trial of the Cause if the Debt or Demand do not exceed Five Pounds, and Ten Days before such Day of Hearing or Trial of any Action of Debt if the Debt claimed exceed that Sum; such Days to be calculated exclusive of the Day of giving such Notice, but inclusive of the Day of Trial; and such Notice of Defence, when so given as aforesaid, shall be forthwith communicated by the Under Steward or his Deputy to the Plaintiff.

Evidence at the Trial to be confined to Particulars in the Summons.

Defendant's Grounds of Defence.

XXIX. And be it further enacted, That in any Cause or Action where the Debt sought to be recovered shall exceed Five Pounds it shall be lawful for either the Plaintiff or Defendant to require a Jury consisting of not less than Three nor more than Five Men, at the Discretion of the Steward or Judge, to be summoned to try the Cause, on giving Notice thereof in Writing to the Under Steward, or his Deputy, Five clear Days before the Day of Trial; and on the Receipt of such Notice, and Payment by the Party so requiring of the Fees for summoning and payable to such Jury, such Under Steward or his Deputy shall cause such Number of Jurymen as may be required to be summoned for the Purpose aforesaid, and shall also give immediate Notice of the Demand of such Jury having been made to the opposite Party in the Cause.

Jury may be required by either Party.

XXX. And be it further enacted, That all Persons who are liable to serve as Jurymen at the Quarter Sessions of the Peace for the West Riding of the County of York shall be liable to serve on any Jury required to be summoned by virtue of this Act, provided they reside

Persons liable to serve as Jurymen.



reside within the said Honor, and also within Three Miles of the Place appointed for the Trial of the Cause, on which they are so summoned; and any such Juryman, not attending as aforesaid, after having been duly summoned for that Purpose as aforesaid, shall be liable to the same Fine, to be imposed by the Steward or his Deputy, to which he would have been subject in case he had refused or neglected to attend any Quarter Sessions of the Peace after having been duly summoned as a Juryman to attend the same; and such Fine shall be enforced and recoverable in the same Manner as for refusing or neglecting to serve as a Juryman at the Quarter Sessions as aforesaid.

Steward may  
arrest Judgment.

XXXI. And be it further enacted, That it shall be lawful for the Steward of the Court, or his Deputy, to arrest any Judgment given in any Cause in the said Court, or to set aside the Verdict of any Jury, or to revoke any other Order or Decision of the Court, or to stay or set aside any Execution or other Process issuing out of the same Court, as it may seem just and equitable or expedient to such Steward or his Deputy, who shall in any such Case have Power and Authority, in his Discretion, to make any Order as to the Payment of Costs by or to impose any other Terms upon either of the Parties in the Cause or Action, as a Condition for arresting, setting aside, or revoking any such Judgment, Verdict, Order, Decision, Execution, or other Process as aforesaid.

Witnesses to  
be summoned

XXXII. And be it further enacted, That it shall be lawful for any Plaintiff or Defendant in any Suit or Cause to be depending in the said Court to cause any Person to be warned or summoned to such Court, either by serving a Subpœna or Summons, to be issued by the Under Steward of such Court or his Deputy, and to be served by a Bailiff or other Officer of the same Court personally, or by leaving such Subpœna or Summons at the last or usual Place of Abode of such Person, to appear as a Witness to give Evidence in the said Court in or concerning the Suit or Cause there depending; and in case any Person, after having been so subpœnaed or summoned to give Evidence as aforesaid, and having been paid or tendered his reasonable Expences to attend and give his Evidence at the Time and Place in such Subpœna or Summons mentioned, shall neglect or refuse to appear pursuant to such Subpœna or Summons, due Proof having been made of the Service thereof, and no sufficient Cause for his Absence or Nonappearance being shown to the Satisfaction of the said Court, and on Oath or Affirmation being made before the Court, by or on behalf of the Party at whose Instance such Subpœna or Summons issued, that the Person served therewith was a Witness by such Party adjudged necessary for the Proof of his Cause, Action, Complaint, or Defence, or if any such Witness shall appear, and shall refuse to be examined upon Oath, or in case of a Quaker, Moravian, or Separatist, upon solemn Affirmation, and to give Evidence as aforesaid, according to the true Intent of this Act, then and in every such Case every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds, in the Discretion of the Steward of the Court or his Deputy, which Fine shall be recoverable by such Means as Forfeitures are by this Act generally directed to be recovered, and shall

Penalty on  
Witnesses  
not attending.



shall be paid to the Party at whose Instance or Request such Subpœna or Summons shall have been issued; provided that no Person shall be summoned as a Witness to attend any Court of the said Honor who shall be resident at a greater Distance than Twenty Miles from the Place where such Court shall be holden.

XXXIII. And be it further enacted, That in any Action or Cause in which any Judgment or Order shall have been given or made by the Court for the Payment of Money, it shall be lawful for the Court immediately, or in case of Default of Payment of such Money at the Times and in Manner thereby directed, to award Execution either against the Goods and Chattels or the Body of the Party against whom such Judgment or Order shall have been given or made, and thereupon it shall be lawful for the Under Steward, or his Deputy, at the Request of the Party on whose Behalf such Judgment or Order shall have been given or made, to issue a Precept or Warrant in the Nature of a Writ of Fieri facias or Capias, as the Case may be, to One of the Bailiffs or other Officers of the Court, who by virtue of such Precept or Warrant shall and may and is hereby empowered to levy, by Distress and Sale of the Goods and Chattels of the Party mentioned in such Precept or Warrant, such Sum of Money and Costs, or to take the Body of such Party into Custody, to be imprisoned as herein-after directed, as shall be directed, ordered, and specified in such Precept or Warrant.

Execution may be awarded against Body or Goods.

XXXIV. Provided always, and be it further enacted, That no Precept or Warrant shall issue against the Goods and Chattels of any Party after he shall have been taken in Execution as aforesaid, and that no Precept or Warrant shall issue against the Person of any Party after any Precept or Warrant shall have issued against his Goods and Chattels as aforesaid, until all proper and effectual Means shall have been taken to execute such last-mentioned Precept or Warrant, and there shall have been a previous Return of Nulla bona thereon by the Bailiff or Officer executing the same, or unless the Goods and Chattels, when so taken and sold in Execution as aforesaid, shall have been insufficient to pay the Sum of Money directed to be levied by such Precept or Warrant, or shall have been secreted or removed in order to evade such Execution; but where such Goods and Chattels shall either prove insufficient, or shall have been secreted or removed as aforesaid, it shall be lawful for the Court, on due Proof thereof, and on the Application of the Party in whose Favour such Execution shall have issued, to order and award such Precept or Warrant to issue against the Body of the said Debtor as is herein-before mentioned, for the whole or so much of such Money and Costs so ordered or adjudged to be paid as shall then remain unsatisfied.

Execution not to issue against both Body and Goods, except in certain Cases.

XXXV. Provided always, and be it further enacted, That the Provisions contained in an Act of Parliament passed in the Second Year of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Law for the Relief of Insolvent Debtors in England*, relating to any Writ of Fieri facias to be sued out of any Inferior

Certain Provisions of 1 & 2 Vict. c. 110. to be applicable to Executions under this Act.

[Local.]

25 Y

Court,



Court, and to the Removal into any one of Her Majesty's Superior Courts of Record at *Westminster*, of any Judgment, Rule, or Order of any Inferior Court of Record in which at the Time of the passing that Act a Barrister of not less than Seven Years standing should act as Judge, Assessor, or Assistant in the Trial of Causes, and to the Force and Effect of any such Judgment, Rule, or Order when so removed, shall, notwithstanding any thing herein contained, be applicable and applied to Executions against Goods, Chattels, and Personal Estate issued in pursuance of the Provisions herein contained, and to the Removal into any one of the said Superior Courts of Record of Judgments, Rules, and Orders for the Payment of Money exceeding the Sum of Five Pounds, made or given by the said Honor Court, and to the Force and Effect of such Judgments, Rules, and Orders when so removed, in as full and ample a Manner as if the said Honor Court had been an Inferior Court of Record in which at the Time of the passing of the said recited Act a Barrister of not less than Seven Years standing had acted as Judge, Assessor, or Assistant in the Trial of Causes.

No Sale of Goods taken under Execution to take place until after Eight Days.

XXXVI. And be it further enacted, That no Sale of any Goods which shall be taken under or by virtue of any Precept or Execution to be issued in manner aforesaid shall take place or be made until after the Expiration of Eight Days at least next following the Day on which such Goods shall have been so taken; and in the meantime and until any such Sale shall be made the Goods taken by virtue of any Precept as aforesaid shall be deposited by the Bailiff or other Officer taking or levying the same in some fit and convenient Place: Provided also, that it shall be lawful for the said Steward of the Court from Time to Time, and he is hereby required, when and so often as it shall be necessary, to nominate and appoint such and so many Sworn Brokers and Appraisers, for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under or by virtue of this Act, as he shall think proper.

Costs of such Sales not to exceed those allowed by 57G. 3. c. 93.

XXXVII. Provided always, and be it further enacted, That the Costs and Charges of any such Sale or Valuation shall not exceed the Costs and Charges specified in the Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of small Rents*.

If a Defendant or his Goods be out of the Jurisdiction of the Court, a Justice of the Peace to endorse the Precept

XXXVIII. And be it further enacted, That in all Cases where a final Order or Judgment shall have been obtained in the said Court, and the Body or Goods and Chattels of any Party against whom such Order or Judgment shall be made shall be out of the Jurisdiction of the Court, it shall be lawful for any Bailiff of the said Court to apply to any Justice of the Peace acting for the County, Riding, or Place whereto or wherein any Defendant, or his Goods and Chattels, shall be removed or be found; and upon Proof being made upon Oath, which Oath such Justice is hereby authorized and required to administer, of the Precept of Execution having issued against the Person or Effects, as the Case may be, of the said Party, and that the Person or Goods and Chattels of such Party are not to be found



within the Jurisdiction of the said Court, but are believed to be within the County, Riding, or District where such Justice of the Peace shall act, such Justice of the Peace is hereby authorized and required to sign or endorse his Name on the said Precept of Execution, and thereupon the Bailiff or other Officer of the said Court shall be and he is hereby authorized and empowered to take and seize the Person or Effects of the said Party wheresoever the same shall be found within the County, Riding, or District for which such Justice of the Peace who shall have so signed or endorsed the said Precept of Execution as aforesaid shall act, and to deal therewith in like Manner as if the same had been taken or seized within the Jurisdiction of the said Court.

XXXIX. And be it further enacted, That in or upon each Precept of Execution awarded against the Body or Goods and Chattels of any Person whomsoever, the Under Steward of the said Court or his Deputy shall insert or endorse, or cause to be inserted or endorsed, the Sum of Money and the Costs ordered and adjudged to be paid or levied; and if the Party against whom such Execution shall be awarded shall, before an actual Sale of the Goods and Chattels, or before he is apprehended, or before the Expiration of the Term of his Imprisonment, pay or cause to be paid or tendered unto the Under Steward of the said Court or his Deputy such Sum of Money as aforesaid, or such Part thereof as the Plaintiff shall agree to accept in full for his Debt, together with the Costs and Fees herein-after directed to be paid to the Under Steward as a Compensation for his Trouble in receiving the same, and in entering an Acknowledgment and Satisfaction in full for such Sum of Money and Costs, then and in every such Case the Execution shall be superseded.

Debt and  
Costs to be  
endorsed  
upon the  
Precept

XL. And be it further enacted, That every Person who shall be taken into Custody by virtue of such Precept or Warrant as aforesaid shall be committed to such Gaol or Prison as herein-after mentioned, and shall there remain until he shall obey and perform such Order or Judgment, or be discharged by due Course of Law, or for such Space of Time, not exceeding in the whole Forty Days from the Day of his Arrest, as the Court in its Discretion shall award and determine, and specify in such Precept or Warrant.

No Person  
to remain in  
Custody  
more than  
Forty Days.

XLI. And be it further enacted, That every Keeper for the Time being of any Common Gaol or Prison shall be and he is hereby required to receive and take into Custody all Persons who shall be committed or ordered to stand committed to such Gaol or Prison under or by virtue of this Act; and in case any Keeper of any such Gaol or Prison shall neglect or refuse to receive into Custody any Person so committed, or shall, before the Expiration of the Time for which any Person shall be committed to Custody, discharge such Person out of Custody, or wilfully suffer such Person to go at large, without a Warrant or Order for that Purpose in Writing signed by the Steward of the Court or his Deputy, or the Under Steward or his Deputy, such Keeper so offending in any of the said Cases, and being thereof convicted before any One or more of Her Majesty's Justices of the Peace for the Riding, County, or Place in which

The Keeper  
of every Gaol  
to receive  
into Custody  
Persons com-  
mitted under  
this Act.



which such Person shall live or reside, upon the Oath or Affirmation of One or more Witness or Witnesses, which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer, or upon his Confession, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the said Justice or Justices, over and above the Sum for which such Party shall have been taken in Execution, and for which such Keeper shall be liable to the Party at whose Instance such Execution shall have issued as for an Escape; and in case any such Fine shall not be immediately paid by the Person so offending into the Hands of the said Justice or Justices before whom such Offender shall be convicted, then and in every such Case such Fine shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any), upon Demand, to such Offender, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture, when so paid, levied, or recovered, shall be applied in like Manner as the several other Fines and Penalties are by this Act directed to be applied.

Allowance to  
Defendant  
for Support  
in Prison.

XLII. And be it further enacted, That in any Case in which any Person shall be committed in Execution to any Common Gaol or Prison by virtue of this Act, it shall be lawful for the Judge of the said Court, and he is hereby empowered, to direct the Party so taking such other Party in Execution as aforesaid to pay to the latter Sixpence *per* Day for his Support and Maintenance during his Imprisonment.

Rules and  
Regulations  
as to the  
Practice of  
the Court.

XLIII. And be it further enacted, That it shall be lawful for the Steward of the said Court, with the Sanction of the Chancellor and Council of the said Duchy, from Time to Time to make any Rules, Orders, and Regulations for the due Regulation, Management, and Practice of the said Court, and for the Government, Conduct, and Direction of the Under Steward and his Deputies, and the several Bailiffs, Criers, and other Officers of the said Court; and for regulating the Amount of Costs and Expences to be allowed to the Attornies and the Witnesses employed or summoned in any Cause or Action, and also as to the keeping of the Accounts, and the Entry in Books of the several Proceedings of the said Court by this Act directed to be kept and entered in Books, and all other Matters relating thereto: Provided always, that such Rules, Orders, and Regulations shall not be contrary or repugnant to the Laws of the Realm, or to any of the Provisions of this Act.

For Punish-  
ment of  
Persons in-  
sulting the  
Officers of  
the Court  
during their  
Attendance  
in Court.

XLIV. And be it further enacted, That if any Person shall contemptuously and wilfully insult or abuse the Steward of the Court or his Deputy whilst acting in Execution of this Act, or the Under Steward or his Deputy, or any of the Bailiffs, Criers, or other Officers of the said Court, during their Attendance in Court, it shall be lawful for any Bailiff, Crier, or other Officer of the Court, by Order of the Steward or Deputy Steward, to take such Offender into Custody; and the said Steward or Deputy Steward is hereby authorized and empowered, by a Warrant under his Hand sealed with the Seal  
of



of the Court, to commit such Offender to any such Gaol or Prison as is herein-before specified for any Period of Time not exceeding Seven Days, or to impose a Fine upon such Offender not exceeding Five Pounds for every such Offence as aforesaid, and in default of Payment thereof to commit the Party to such Gaol or Prison aforesaid until the said Fine be paid, or for any Period not exceeding Seven Days as aforesaid.

XLV. And be it further enacted, That the several Fees to be taken by the Steward, Under Steward, Bailiffs, Criers, and other Officers of the said Court shall not exceed the Sums mentioned and expressed in the Schedule annexed to this Act, nor shall any other Fees whatsoever be received or taken by the said Steward, Under Steward, Bailiffs, Criers, or other Officers for any Business, Service, or Proceeding done, performed, or taken in or about any Cause or Action in the said Court, or otherwise in the Execution of this Act, except those limited and expressed in such Schedule. Fees of Court.

XLVI. Provided always, and be it further enacted, That if at any Time hereafter it shall be made to appear to the Chancellor and Council of the Duchy of *Lancaster* that the Amount of Fees and Emoluments received by the Steward, Bailiffs, Crier, or other Officers of the said Honor Court, or by the Jury, as contained in the Schedule to this Act, or any of them, shall be more than sufficient to recompense such Steward, Bailiffs, Crier, or other Officer or Jury respectively for the due Performance of their several Duties imposed by this Act, it shall be lawful for the said Chancellor and Council of the Duchy to reduce or lessen to such Amount as they shall think fit, or entirely to abolish, any of such Fees or Emoluments respectively; provided also, that if at any Time thereafter it shall seem fit to the said Chancellor and Council to increase or restore any of such Fees or Emoluments so reduced or abolished as aforesaid, it shall be lawful for them so to do: Provided always, that the said Fees and Emoluments shall not nor shall any of them at any Time exceed the Sums in the said Schedule in that Behalf respectively named. Power to reduce the Fees.

XLVII. And be it further enacted, That the said Steward and Under Steward shall and they are hereby required to cause a Table of such Fees as aforesaid, and also a Table of such Costs and Expences allowed by the said Court to Attornies and Witnesses as aforesaid, to be written or printed, and hung up in the Office of the Under Steward of the said Court, and also in some conspicuous Part in each Court House or Room in which such Court of the Honor of *Pontefract* shall be held; and no Fees shall be taken except such as are so hung up as aforesaid, and during such Time only as the same shall appear on such Tables unobliterated and undefaced. Table of Fees to be exhibited in the Court.

XLVIII. And be it further enacted, That if any Under Steward or his Deputy, or any of his or their Clerks, or any Bailiff or Crier, or any other Officer employed by the said Court in putting this Act or any of the Powers thereof into execution, shall exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as Fine on Officers taking any Fees besides the Fees allowed by this Act.

[Local.]

25 Z



are appointed and allowed to them respectively by virtue of this Act 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, every such Person so offending, shall, upon Conviction thereof before any Justice of the Peace as aforesaid, forfeit and pay any Sum not exceeding Ten Pounds, which Fine or Penalty shall and may be recoverable, and when received or recovered shall be paid, applied, and distributed, by such Means and in like Manner as Forfeitures or Penalties are in and by this Act directed to be recovered, paid, applied, and distributed.

For the  
Recovery  
and Appli-  
cation of  
Penalties.

XLIX. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not hereby otherwise particularly directed,) shall, upon Proof of the Offences respectively before any Justice or Justices of the Peace for the Riding, County, or Place where such Offence shall be committed, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, which Costs shall be ascertained by the Adjudication of such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal of such Justice or Justices; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to any such public charitable Institution or Institutions within the Honor of *Pontefract* aforesaid as such Justice or Justices shall in his or their Adjudication declare; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before him or them 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; and which Security such Justice or Justices is and are hereby empowered to take by way of Recognizance, or otherwise, as to him or them shall seem right and proper; but 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 or Justices, either by the Confession of the Offender or otherwise, that he hath not Goods and Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender to any Common Gaol of the County, Riding, or Place where such Offence shall have been committed, or where such Offender shall live or reside, there to remain 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.

L. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act 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.

Justices may proceed by Summons in the Recovery of Penalties.

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

Form of Conviction.

to wit. } BE it remembered, That on this                    Day of                    in  
the                    Year of the Reign of                    A.B. is con-  
victed before                    of Her Majesty's Justices of the Peace by  
virtue of 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 him [*or her*] the said                    to forfeit and pay for the  
same the Sum of                    such Offence being contrary to the  
Provisions of the said Act; and I [*or we*] adjudge and declare  
that one Moiety of the said Sum of                    shall be paid to C.D.  
the Informer, and the other Moiety to                    being a public  
charitable Institution [*or public charitable Institutions*] within the  
Honor of *Pontefract*; and I [*or we*] have ascertained and do  
adjudge that the Costs attending this Information and Conviction  
amount to the further Sum of                    which Sum of                    I [*or*  
we] do hereby adjudge to be therefore payable by the said A.B.  
Given under my Hand and Seal [*or our Hands and Seals*] the  
Day and Year aforesaid.

LII. And be it further 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 or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by the Party so distraining, but the Person aggrieved by such Irregularity shall or may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

LIII. And



Proceedings  
not to be  
quashed for  
Want of  
Form.

LIII. And be it further enacted, That no Order or Judgment or other Proceedings made touching or concerning the Conviction of any Offender against this Act shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari, or by any other Writ or Process whatever. into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary in anywise notwithstanding.

List of  
unclaimed  
Money to be  
made out.

LIV. And be it further enacted, That the Under Steward of the said Court or his Deputy shall and he is hereby required, in the Month of *January* in every Year, to make out a correct List of all Sums of Money which shall have been paid into Court, and which shall have remained unclaimed for the Space of Twelve Calendar Months or for any longer Period next before the making out of such List, and the said List shall contain the Names of the Parties having paid such Sums of Money, and the Names of the Parties for whom or on whose Account the same were so paid into Court; and such List shall remain hung up in some conspicuous Part of the Office of the Under Steward, and also of the said Court; and on the Death, Resignation, or Removal of any Steward the Amount of such unclaimed Money shall be forthwith paid over to his Successor, and in default thereof such Successor shall be entitled to maintain an Action of Debt against such preceding Steward or his personal Representatives to recover the Amount of such unclaimed Money left in his Hands as aforesaid.

Expences of  
this Act.

LV. And be it further enacted, That for the Purpose of defraying the Expences incident to and attending the obtaining and passing of this Act it shall be lawful for the Under Steward of the said Court or his Deputy to deduct and retain, from and out of the Monies to be received for the Plaintiff in any Suit or Action to be commenced in the said Court, the Sum of Sixpence for each Pound or any fractional Part of a Pound so recovered as aforesaid, until by means of such Sums so retained the whole of such Expences shall be fully reimbursed and repaid, after which Period such Sum of Sixpence in the Pound as aforesaid shall cease to be deducted and retained as aforesaid; and such Sum of Sixpence in the Pound shall be payable and paid in all Cases by every Plaintiff after a Suit or Action commenced, whether the Amount of such Debt shall be paid into the Court or levied under its Process, or shall be paid, secured, or settled by the Defendant unto or with the Plaintiff; and if such Sum be not paid by any such Plaintiff the same may be recovered and levied by Execution against his Goods or Person, in the same Manner as any other Sum awarded to be paid by the said Court may be recovered and levied; and for the Purpose of enabling Suitors in the said Court and others to ascertain when the Expences of obtaining this Act shall have become satisfied by means of such Sums of Sixpence in the Pound retained or paid as last aforesaid, the Under Steward of the said Court is required to enter in a Book to be kept for that Purpose in his Office, and to be at all Times open to the Inspection of any Suitor, an Account of such Expences of obtaining this Act as aforesaid, and of all Sums from Time to Time retained by or paid to him as lastly herein-before mentioned.

LVI. Pro-



LVI. Provided always, and be it further enacted, That at the Expiration of Six Calendar Months next after any General Act shall be passed for the Recovery of Small Debts, and the Operation of which General Act shall affect or interfere with the Powers given to the said Court of the Honor of *Pontefract* by this Act, every Clause, Matter, and Thing in this Act contained which shall extend or be construed to extend to give to the Court hereby appointed any local or separate Jurisdiction shall cease and determine.

Certain Powers of this Act to cease on the passing of any General Act for the Recovery of Small Debts.

LVII. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall comprise and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and apply to Females as well as Males; and the Word "Corporations" shall include all Bodies Politic, Corporate, or Collegiate, and Corporations Aggregate or Sole; unless it be in any of the Cases aforesaid specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

Construction of certain Words in this Act.

LVIII. And be it further enacted, That this Act may be altered or repealed during the present Session of Parliament either by any Act passed for the express Purpose of altering or repealing the same, or by any Act of which the Provisions shall be inconsistent with the Provisions herein contained.

Act may be altered during the present Session.

LIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall, whether specially pleaded or not, be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.



## The SCHEDULE referred to by this Act.

## STEWARD'S FEES.

|   | s.    | £ s. d. | £ s. d. | £ s. d. |
|---|-------|---------|---------|---------|
| Where the Debt or Damages do not exceed - -   | 40    | 5 0 0   | 10 0 0  | 15 0 0  |
|   | s. d. | £ s. d. | £ s. d. | £ s. d. |
| For entering every Cause - - - - -  | 0 4   | 0 0 8   | 0 1 0   | 0 1 6   |
| For every Summons - - - - -   | 0 8   | 0 1 4   | 0 3 6   | 0 4 6   |
| Entering Ground of Defence, and Copy for Plaintiff - - -  | 0 6   | 0 0 9   | 0 1 6   | 0 2 6   |
| Every Hearing, Trial, or Nonsuit - - - - -  | 1 6   | 0 2 6   | 0 9 6   | 0 12 6  |
| Adjournment of any Cause - - - - -  | 0 6   | 0 1 0   | 0 2 6   | 0 3 6   |
| Every Order or Judgment on hearing a Cause - - - - -  | 1 6   | 0 2 6   | 0 4 0   | 0 5 6   |
| Copy of every such Order or Judgment - - - - -  | 0 4   | 0 0 8   | 0 1 0   | 0 1 6   |
| Issuing Subpœna for each Witness - - - - -  | 0 6   | 0 0 9   | 0 1 6   | 0 2 6   |
| Paying Money into Court, entering same in Books, and giving Receipt for the same (exclusive of Stamp), where under 20s. - - - - - 3d. | 0 6   | 0 0 10  | 0 1 6   | 0 2 6   |
| Every Search in Books - - - - -   | 0 4   | 0 0 6   | 0 0 9   | 0 1 0   |
| Every Execution against the Goods or Person - - - - -   | 1 0   | 0 1 6   | 0 2 6   | 0 3 0   |
| Entering Acknowledgment of Satisfaction or superseding of Execution - - - - -   | 0 6   | 0 1 0   | 0 2 0   | 0 2 6   |
| Summons for Jury - - - - -  | - -   | - -     | 0 2 0   | 0 3 0   |
| Notice to the opposite Party - - - - -  | - -   | - -     | 0 1 6   | 0 2 0   |
| For hearing and determining any Summons or other Application to the Court - - - - -   | 1 0   | 0 2 0   | 0 3 0   | 0 4 0   |

## BAILIFFS AND CRIERS FEES.

|  | s.  | £ s. d. | £ s. d. | £ s. d. |
|--|-----|---------|---------|---------|
| BAILIFF.—Where the Debt or Damages do not exceed - -   | 40  | 5 0 0   | 10 0 0  | 15 0 0  |
| Serving every Summons, Order, Notice, or Subpœna within One Mile of the Court House or Place of Trial - - - - -    | 0 4 | 0 0 6   | 0 0 10  | 0 1 0   |
| And for every extra Mile or Fraction of a Mile - - - - -   | 0 3 | 0 0 4   | 0 0 6   | 0 0 6   |
| For summoning a Jury - - - - -   | - - | - -     | 0 2 0   | 0 3 0   |
| Executing every Warrant or Precept of Execution against the Body or Goods - - - - -                                | 3 0 | 0 4 0   | 0 5 0   | 0 6 0   |
| For every extra Mile, from the Court House or Place of Trial - - - - -   | 0 3 | 0 0 4   | 0 0 6   | 0 0 6   |
| Keeping Possession of Goods till Sale, per Day - - - - -   | 1 0 | 0 1 6   | 0 2 0   | 0 3 0   |
| Costs of Sale same as allowed for Distresses for Rent.   |     |         |         |         |
| For every Assistant required (by Order of the Court) in the Execution of any Process or Warrant of the Court - - - | 1 0 | 0 1 6   | 0 2 0   | 0 3 0   |
| And for every Mile to be calculated as above - - - - -   | 0 3 | 0 0 4   | 0 0 6   | 0 0 6   |
| For conveying every Person to Prison (including all Expences), for every Mile - - - - -                            | 1 0 | 0 1 0   | 0 1 0   | 0 1 0   |
| CRIER.—For calling on every Cause at the Hearing - - - - -   | 0 3 | 0 0 4   | 0 0 6   | 0 0 6   |
| Swearing each Witness - - - - -  | 0 3 | 0 0 4   | 0 0 6   | 0 0 6   |

## JURY.

|  |     |     |       |       |
|--|-----|-----|-------|-------|
| Every Juryman to receive in each Cause - - - - - | - - | - - | 0 1 0 | 0 1 6 |
|--|-----|-----|-------|-------|