





Provisions of former Act extended to this Act.

Borough of *Newark*, and the several Parishes, Townships, Hamlets, and Places mentioned in the said Act, and would further tend much to the Support and Protection of useful Credit within the same, if the Judge of the said Court was authorized to try and decide all Actions for the Recovery of Debts (except such as under the said recited Act are excepted) where the Sum sought to be recovered does not exceed the Sum of Fifteen Pounds, and for such Purpose if the Powers and Provisions of the said Act were amended: 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 all the Powers, Provisions, Matters, and Things whatsoever contained in the said recited Act shall extend to this Act, and to all Actions for the Recovery of Small Debts where the Sum sought to be recovered does not exceed the Sum of Fifteen Pounds, and shall operate for such Purpose and all the Purposes of this Act, as effectually as if the same were re-enacted in this Act.

Court constituted for Recovery of Debts not exceeding 15*l*.

II. And be it enacted, That from and after the passing of this Act the Judge and his Successors, appointed and to be appointed as in the said recited Act mentioned, shall be and is and are hereby constituted a Court of Justice for the Recovery of Small Debts (except such Debts as by the said recited Act are excepted from the Jurisdiction of the Court) where the Sum sought to be recovered does not exceed the Sum of Fifteen Pounds, and is claimed from any Person liable to be summoned as a Defendant under the Provisions of the said recited Act, wherever the Cause of Action may have arisen or the Plaintiff may reside: Provided always, that all such Actions shall be determined according to the Laws and Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England* for the Time being (except in so far as such Laws and Statutes are altered and varied by the said recited Act or this Act).

In Actions for Sums exceeding 5*l*, either Party may require a Jury.

III. And be it enacted, That in all Actions where the Sum of Money sought to be recovered in the said Court shall exceed Five Pounds, it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the said Actions; and in every such Case a Jury shall be summoned, according to the Provisions herein-after contained, to try the Action: Provided always, that the Party requiring a Jury shall give Notice to the Clerk of the said Court that he requires a Jury to be summoned Five Days at least prior to the holding of the Court at which the said Action shall be tried, and the said Clerk shall cause such Notice, given either by the Plaintiff or Defendant, to be communicated to the other Party to the said Action, either by Post or by causing the same to be delivered at his usual Place of Business or Residence.

Parties requiring Juries to make a Deposit.

IV. And be it enacted, That every Party requiring any Jury to be summoned shall, at the Time of giving the Notice hereby required, and before he shall be entitled to have such Jury summoned, pay to the Clerk of the said Court such Sum of Money as the Judge shall by any general Order of the said Court direct, for or towards the Payment



Payment of the Expences of the said Jury, and the same shall be considered as Costs in the Cause: Provided always, that each Juror shall not receive less in respect of each Day's Attendance than the Sum of Five Shillings; and if the Sums of Money paid by the Party requiring a Jury shall not be sufficient for that Purpose, the Deficiency shall be made up out of the general Fund of the said Court.

V. And be it enacted, That the Sheriff of the said County of *Nottingham*, and the Sheriff of the said County of *Lincoln*, and the Clerk of the Peace for the said Borough of *Newark*, shall respectively cause to be delivered to the Clerk of the said Court a List of Persons qualified to serve as Jurors in the Courts of Sessions of the Peace for those Counties and Borough respectively, residing within the said Borough, and the several Parishes, Townships, Hamlets, and Places mentioned in the said recited Act; and the Clerk of the said Court shall cause so many of the Persons named in the List as shall be needed in the Opinion of the Judge to be summoned in Rotation to attend the Court, at a Time and Place to be mentioned in the Summons, and shall administer or cause to be administered, to such of them as shall be impannelled to try any Cause, an Oath to do Justice between the several Parties who may be heard before them, according to the best of their Skill and Ability, and the Persons so summoned shall attend at the same Court at the Time mentioned in such Summons, and in default of such Attendance, shall forfeit such Sum of Money as the Judge of the said Court shall direct, not exceeding the Sum of Forty Shillings for every such Default; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against any of the said Jurors in like Manner as he would in any Superior Court: Provided always, that no Person shall be liable to be summoned as such Juror if his usual Place of Residence be situate above Seven Miles from the Town Hall of the said Borough of *Newark*.

Who shall  
be Jurors.

VI. And be it enacted, That at the Opening of the Court, and so from Time to Time as Occasion shall require, a certain Number of Jurors, not more than Five, nor less than Three, in the Discretion of the Judge, shall be impannelled and sworn to give their Verdicts in such Causes as shall be brought before them in the said Court.

Number of  
Jurors to be  
sworn.

VII. And be it enacted, That all Causes brought before a Jury under the Provisions of this Act shall be decided by the Verdict of the Jury so impannelled and sworn, and Judgment shall be given accordingly, except it shall appear to the Judge that a wrong Verdict shall have been returned in consequence of some Error or Mistake on the Part of the said Jury; in which Case it shall be lawful for the said Judge, on the Application of either Party to the Action, to order a new Trial to be had in any such Cause, and in the meantime to stay the Proceedings thereon: Provided always, that if a Verdict be given for the same Party in a Second Trial, such Verdict shall be final, and no new Trial shall in any Case be granted after an absolute Order issued for Execution: Provided also, that no new Trial shall be granted in any Case unless the Party applying for the same shall, prior to the same being granted, pay the Costs of the first Trial, and shall

New Trials  
may be  
granted in  
certain  
Cases.



shall give such Security as shall be approved by the Judge of the said Court for the Costs of such new Trial, or, being a Defendant in such Action, for the Debt found by the Verdict given on such former Trial, as well as for the Costs of such new Trial.

Judgments  
or Plaints  
how far final.

VIII. And be it enacted, That no Plaintiff entered in the said Court, nor any Proceeding therein, shall be removed into any Superior Court, except by Leave of a Judge of one of the Superior Courts at *Westminster*, and then only in Cases where the Debt claimed shall exceed Five Pounds; and in all such Cases it shall be lawful for any such Judge, by an Order in Writing under his Hand, to stay all Proceedings in the said Court constituted by the said recited Act and by this Act, upon such Terms as to giving Security for the Costs incurred in the said Court constituted by the said recited Act and this Act, and for the Costs which may be incurred in any Action to be brought in the Superior Courts for the same Matter, or otherwise as such Judge shall direct, which Security may be taken by way of Recognizance or otherwise, as such Judge shall think fit.

Provisions  
of Imprison-  
ment for  
Debt Act to  
be applicable  
to Execu-  
tions under  
this Act.

IX. And be it 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 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 of that Act a Barrister of not less than Seven Years standing should act as Judge, Assessor, or Assistant on 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 by the Court by the said recited Act and by this Act constituted; and such Provisions shall also be applicable to the Removal into any one of the said Superior Courts of Record of Judgments, Rules, and Orders of the said Court by the said recited Act and by this Act constituted, for the Payment of Money exceeding the Sum of Five Pounds, 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 Court by the said recited Act and by this Act constituted had been an inferior Court of Record, in which at the Time of the passing of the said Act "for abolishing Arrest on Mesne Process, 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*," a Barrister of not less than Seven Years standing had acted as Judge, Assessor, or Assistant in the Trial of Causes.

Fees to be  
taken ac-  
cording to  
Schedule.

X. And be it enacted, That from and after the passing of this Act there shall be payable to the Judge of the said Court, and to the Clerk and Bailiffs thereof, on every Proceeding in the said Court



Court for the Recovery of Debts exceeding the Sum of Five Pounds, where the Sum sought to be recovered does not exceed the Sum of Fifteen Pounds, such Fees as are set down in the Schedule to this Act annexed, and which Fees may be from Time to Time lessened, and again from Time to Time increased, in Manner provided by the said recited Act in respect to the Schedule of Fees to the said recited Act annexed, so that under the Powers or Provisions of the said recited Act or this Act the Scale of such Fees given in the Schedules to the said recited Act and this Act respectively annexed be not in any Case exceeded.

XI. And be it enacted, That the Costs, Charges, and Expences of preparing and passing this Act shall be paid and discharged out of the Monies forming the Fund called "The General Fund of the *Newark* Court of Requests," and in preference to providing Court Houses or Offices, or such other general Purposes. Expences of Act, how to be paid.

XII. And be it enacted, That all Persons who shall be committed by virtue of the said recited Act or this Act, under any Warrant of Execution or other Process against the Body of any Defendant in the said Court, shall, if residing, trading, or dealing within the Limits of the said Borough, be committed to the Common Gaol of the said Borough, and if residing, trading, or dealing out of the Limits of the said Borough, to any Common Gaol of the County of *Nottingham* or County of *Lincoln*. Committals to be to the Borough Gaol or County Gaol, as the Case may be.

XIII. And be it enacted, That so much of the said recited Act as enacts that every Person who shall be taken in Execution upon any Warrant shall be committed to any House of Correction, shall be and the same is hereby repealed. Repeal of Power to send to House of Correction.

XIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to alter, change, take away, prejudice, or annul any of the Rights, Privileges, Franchises, and Jurisdictions of Her most Excellent Majesty's Court of Record of Her Honour of *Peeveril*, and additional Limits of the same, and of the several County Courts in and for the several Counties of *Nottingham* and *Lincoln*, the Court of Record of the said Borough of *Newark* in the said County of *Nottingham*, the Court of the Hundred of *Loveden* in the said County of *Lincoln*, or any other Courts Baron, Courts Leet, or other Courts within the Jurisdiction of the said Court constituted by the said recited Act and by this Act, but that the same Courts respectively shall be, remain, and continue in as full and ample Power, Jurisdiction, and Authority as if this Act had not been passed, any thing herein contained to the contrary notwithstanding. Saving of Rights.

XV. Provided always, and be it 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 be inconsistent with the Powers given by this Act as to the said Borough of *Newark*, and the said several Parishes, Townships, Hamlets, and Places in the Act of the Second and Third Years of the Reign of Her present Majesty mentioned, every Clause, This Act to cease on the passing of any general Act.

Matter, and Thing in this Act contained, which shall extend or be construed to extend to give to the said Court or Judge hereby appointed any local or separate Jurisdiction, shall cease and determine; and no Judge or Officer of the said Court appointed under this Act shall be deemed to be entitled to any Compensation for the Loss of his Office by reason of the passing of such general Act.

Act may be altered this Session.

XVI. And be it enacted, That this Act may be altered or repealed during the present Session of Parliament, either by an 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.

Public Act.

XVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.



## SCHEDULE to which the foregoing Act refers.

## SCHEDULE OF FEES.

| JUDGE'S FEES.   | On Debts exceeding 5 <i>l.</i> and not exceeding 10 <i>l.</i> |           | On Debts exceeding 10 <i>l.</i> |           |
|---|---|-----------|---------------------------------|-----------|
|   | <i>s.</i>   | <i>d.</i> | <i>s.</i>                       | <i>d.</i> |
| For every Summons   | 2   | 0         | 3                               | 0         |
| For every Hearing or Trial without a Jury   | 7   | 6         | 10                              | 0         |
| For every Hearing or Trial with a Jury  | 10  | 0         | 15                              | 0         |
| For every Order, Decree, or Judgment  | 2   | 0         | 3                               | 0         |
| CLERK'S FEES.   |   |           |                                 |           |
| For entering every Plaintiff  | 1   | 6         | 2                               | 0         |
| Issuing every Summons or Subpœna  | 1   | 6         | 2                               | 0         |
| For every Hearing or Trial without a Jury   | 2   | 0         | 2                               | 6         |
| Adjournment of any Cause  | 0   | 6         | 0                               | 8         |
| Entering and giving Notice of any Set-off or special Defence  | 1   | 3         | 1                               | 6         |
| Swearing any Witness, Plaintiff, or Defendant   | 0   | 8         | 1                               | 0         |
| Entering and drawing up every Judgment, Decree, or Order  | 2   | 0         | 2                               | 6         |
| Copy of every Order or Judgment   | 1   | 0         | 1                               | 3         |
| Every Nonsuit   | 2   | 0         | 2                               | 6         |
| Paying Money into Court, and entering same in Books   | 0   | 6         | 0                               | 8         |
| Every Search, including Payment of Money into and out of Court, and entering same   | 1   | 0         | 1                               | 3         |
| Every Receipt on Payment of Money out of Court (exclusive of Stamps)  | 1   | 0         | 1                               | 3         |
| Issuing every Attachment, Precept, Order, or Execution  | 2   | 6         | 3                               | 0         |
| Entering Acknowledgment of Satisfaction in full   | 2   | 0         | 2                               | 6         |
| For every Warrant of Commitment for an Insult or Misbehaviour in the Court to the Judge, Clerk, or other Officer of the Court | 1   | 0         | 1                               | 0         |
| Entering and giving Notice to opposite Party of Jury being required   | 2   | 0         | 3                               | 0         |
| Summons for Jury and Copies in each Case  | 2   | 0         | 3                               | 0         |
| Swearing Jury   | 1   | 0         | 2                               | 0         |
| For every Hearing or Trial with a Jury  | 4   | 0         | 5                               | 0         |
| Taking Recognizance or Security for Costs   | 2   | 6         | 3                               | 0         |
| For inquiring into Sufficiency of Sureties proposed, and taking Recognizance on Removal of Plaintiff or Grant of new Trial    | 3   | 4         | 6                               | 8         |
| Notice of Payment of Debt into Court  | 1   | 6         | 2                               | 0         |
| Taxing Costs  | 2   | 0         | 3                               | 0         |

|   | On Debts exceeding 5 <i>l.</i> and not exceeding 10 <i>l.</i> |           | On Debts exceeding 10 <i>l.</i> |           |
|---|---|-----------|---------------------------------|-----------|
|   | <i>s.</i>   | <i>d.</i> | <i>s.</i>                       | <i>d.</i> |
| <b>BAILIFF'S FEES.</b>  |   |           |                                 |           |
| For calling every Plaintiff or Defendant  | 0   | 5         | 0                               | 6         |
| For serving every Summons, Notice, Order, or Subpoena within One Mile of the Court House                                  | 0   | 10        | 1                               | 0         |
| If above One Mile, then extra for every Mile not exceeding Ten Miles from the Court House                                 | 0   | 4         | 0                               | 4         |
| For the Execution of any Warrant, Precept, or Attachment against the Goods or Body  | 2   | 6         | 3                               | 0         |
| If above One Mile, then extra for every Mile not exceeding Ten Miles from the Court House                                 | 0   | 4         | 0                               | 4         |
| If an Assistant Bailiff be necessary in the Judgment of the Court, then for an Assistant                                  | 2   | 0         | 2                               | 6         |
| If above One Mile, then extra for every Mile not exceeding Ten Miles from the Court House                                 | 0   | 4         | 0                               | 4         |
| For conveying every Plaintiff, Defendant, or Delinquent to Prison (including all Expences and Assistants), for every Mile | 1   | 0         | 1                               | 0         |

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