

AT the Court at *Windsor*, the 17th day of *May*, 1890.

PRESENT,
The QUEEN's Most Excellent Majesty in Council.

WHEREAS by section seven of "The County Courts Act 1888" it is provided that—
"If the Council of any city or borough, or a majority of the ratepayers of any parish, within the limits of which a court of local jurisdiction, other than a County Court, is established, or into the limits of which city, borough, or parish the jurisdiction of such court of local jurisdiction shall extend, shall petition Her Majesty in Council that the jurisdiction of such court of local jurisdiction may be excluded in any causes whereof the County Court has cognizance and if notice of such petition shall be given two months before it is presented by public advertisement in such city borough or parish and in some newspaper therein circulated, Her Majesty, by Order in Council, may declare the exclusion of the jurisdiction of such court of local jurisdiction throughout the whole or any part of the district assigned or which may hereafter be assigned to such County Court, if no petition against declaring the exclusion is presented and no caveat entered at the Council Office; and if any counter-petition is presented, or any caveat entered, then Her Majesty may refer such petition and counter-petition to the Judicial Committee of the Privy Council, upon whose report Her Majesty may make such Order in Council as she shall be advised touching the matter of the said petitions in respect of excluding the jurisdiction of such court of local jurisdiction, and may award compensation to any persons entitled to appoint officers of such court, or to any officers thereof appointed before the passing of this Act, to be given by the Treasury, who are hereby empowered to pay the same."

And whereas the Mayor, Aldermen and Councillors of the city of York, being the Council of the said city by their petition, dated the sixth day of March one thousand eight hundred and ninety, humbly prayed that Her Majesty would be pleased to issue an Order excluding the jurisdiction of the Court of Record of the city of York in all actions for the recovery of sums not exceeding ten pounds in respect of which the County Court has cognizance, which petition sets forth:—

"That York is a city and county of itself, and possesses a Court of Record, of which Court the Recorder of the city is the Judge.

"That such Court is one of the most ancient institutions of the city, there being records of its proceedings for centuries past. Its procedure is regulated under the Common Law Procedure Acts, and it has jurisdiction in actions of debt and damages to an unlimited amount within the city, but, as a matter of practice, it is chiefly resorted to by tradesmen for the recovery of small debts, very few trials of disputed actions or of cases where important principles are involved taking place owing, in great measure, if not wholly, to the infrequency of the sittings of the Court (the Court only sitting once a quarter), and to the cumbrous and antiquated pleadings under the old Common Law Procedure Acts, which are incident to every action, and necessarily entail considerable cost and delay, without any corresponding advantage to suitors.

"That although the Court is extensively resorted to for the recovery of small debts, yet the advantages gained by plaintiffs are secured at a great and altogether disproportionate cost to the

debtors, the fees and charges incident to the procedure of the Court being exceedingly and unreasonably heavy not only in connection with the issue of the writ, and the proceedings to judgment, but also on the commitment summonses obtained after judgment.

"That the Court fees and solicitors' costs, and also the fees payable to the bailiff of the Court on executing warrants in respect of small debts are much in excess of those allowed by the County Court.

"That section one hundred and seventeen of the County Courts Act, 1888, reduces the costs payable in actions for sums under ten pounds to the County Court scale in those cases only where a verdict is recovered, but the costs in actions settled out of Court, or in which judgment is obtained by default, are allowed according to the scale of the Court of Record. These latter actions are by far the more numerous, and consequently the beneficial operation of the above section is only limited in extent.

"That numerous complaints have been made to your petitioners by debtors of the great hardships suffered by them owing to the excessive costs imposed upon them in actions brought in the Court.

"That if the powers of the Court of Record were restricted to actions of ten pounds and upwards, the hardships referred to in the case of small debts would be removed, and the recovery thereof would consequently be sought for in the County Court where the costs are allowed in more reasonable proportion to the amount at issue."

And whereas notice of the said petition was duly given two months before it was presented by public advertisement in the said city and county, and in a newspaper therein circulated;

And whereas no petition against declaring the exclusion prayed has been presented, and no caveat has been entered at the Council Office;

And whereas the provisions of the County Courts Act one thousand eight hundred and eighty-eight have been in all respects observed and complied with;

Her Majesty having taken the said petition into consideration is pleased by and with the advice of Her Privy Council to accede to the prayer thereof, and to order and declare, and it is hereby ordered and declared that from and after the thirtieth day of June one thousand eight hundred and ninety the jurisdiction of the said Court of Record of the city of York shall be excluded throughout the whole of the district assigned, or which may hereafter be assigned, to the County Court of Yorkshire holden at York in all causes whereof the said County Court hath, for the time being, by law cognizance, and wherein the debt or damages sought to be recovered shall not exceed the sum of ten pounds. Whereof the Judge and Officers of the said Court of Record, and all other persons whom it may concern, are to take notice and govern themselves accordingly. *C. L. Peel.*

AT the Court at *Windsor*, the 17th day of *May*, 1890.

PRESENT,
The QUEEN's Most Excellent Majesty in Council.

WHEREAS by an Order in Council, dated the third day of May, one thousand eight hundred and eighty-eight, made in pursuance of section thirty-two of "The Merchant Shipping Act Amendment Act, 1862," Her Majesty, on the application of the Mersey Docks and Harbour