



ANNO QUADRAGESIMO SEXTO

# GEORGI III. REGIS.

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## Cap. 135.

An Act to alter, amend, and enlarge the Powers of an Act, passed in the Twenty-first Year of His present Majesty, for the more easy and speedy Recovery of Small Debts, within the Town and Liberties of *Beverley*, in the County of *York*.

[21st July 1806.]

**W**HEREAS an Act was passed in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for the more easy and speedy Recovery of Small Debts, within the Town and Liberties of Beverley, in the County of York, and the several Parishes of the same Town*, which said Act hath been found useful and beneficial, but the same is in some Respects defective, and insufficient fully to answer the good Purposes thereby intended: And whereas it would greatly tend to the Improvement and Encouragement of Trade, and to the necessary Support and Protection of useful Credit within the said Town and Liberties of *Beverley*, and the several Parishes of the same, if the Powers of the Court of Requests, constituted by the said recited Act of Parliament, were extended to the Recovery of Small Debts, not exceeding Five Pounds, and if the Number of the Commissioners of the said Court were enlarged: And whereas it would be attended with very beneficial Effects to the Publick if certain Debts, not exceeding the Sum of Five Pounds were recoverable in the said Court; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

[Loc. & Per]

So much of  
recited Act as  
restrains the  
Jurisdiction  
of the Court  
to Debts  
under Forty  
Shillings,  
repealed.

the Authority of the same, That so much and such Parts of the said recited Act of the Twenty-first Year of the Reign of His present Majesty, as confine or restrain the Cognizance or Jurisdiction of the Court of Requests for the said Town and Liberties of *Beverley*, and the several Parishes of the same Town, to Debts under the Value of Forty Shillings, shall, from and after the Thirtieth Day of July One thousand eight hundred and six, be and the same are hereby repealed.

Commissioners.

II. And be it further enacted, That the Mayor, Recorder, Aldermen, and Capital Burgesses of the Town of *Beverley* for the Time being, *Thomas Aldridge, John Amery, John Andus Grocer, Charles John Berkeley* Doctor of Physic, *Samuel Bland, Benjamin Blaydes*, the Reverend *Thomas Bowman, William Brigham, Wilfrid Burnham, Robert Carr, Samuel Clemesha*, the Reverend *Joseph Coltman*, the Reverend *Charles Constable, Thomas Curtis, William Dargavel, Peter Denton, Henry Eccles, William Edwards, Robert Ellis, John Ellis, Henry Ellison, John Fleming, John Gardham, Christopher Goldart, George Gibson, Henry Gill, Thomas Hull* Doctor of Physic, the Reverend *John Jackson, John Jackson, John Jackson Surgeon, Richard Jameson, William Jewison, John Kirkus, Robert Leadam, Teasill Leason, John Lee, Thomas Lee, Henry Legard, John Lawson, Christopher Macbell, William Mair, John Muschamp, Thomas Oxtoby, Abraham Peacock, Thomas Peacock, Thomas Pitts, John Pratman, William Richardson, Robert Richardson, Mowld Robinson, John Robinson, Thomas Sherwood, Thomas Skipstone, William Stephenson, Robert Stephenson, Lawrence Stephenson, Edward Stickney, Henry Thompson, Matthew Turner, William Wardell, and John Wilkinson*, shall be and are hereby appointed and declared Commissioners for putting the said recited Act and this Act into Execution; and that they the said Commissioners now and hereafter to be from Time to Time elected and appointed, or any Three or more of them, shall and may from Time to Time have full Power and Authority to hear, examine, and determine all such Matters of Debt as are herein mentioned; and the said Commissioners and their Successors are hereby constituted a Court of Justice, by the Name of *The Court of Requests* for the Town and Liberties of *Beverley*, and the several Parishes of the same Town; and they the said Commissioners, or any Three or more of them, shall and they are hereby empowered and required to meet and hold the said Court on every Fourth Wednesday throughout the Year, or oftener if there shall be Occasion, in the Guildhall of the said Town, or at any other convenient Place within the said Town or Liberties or Parishes of the same, to be appointed by the major Part of the Commissioners assembled at any such Meeting; and that the First Meeting of the said Commissioners shall be held on Wednesday the Twentieth Day of August One thousand eight hundred and six.

How new  
Commissioners  
may be  
chosen.

III. And be it further enacted, That from Time to Time, on the Death, Incapacity, or Refusal to act of any of the Commissioners herein before particularly named, or of any of their Successors to be elected in Manner herein after mentioned, it shall be lawful for the Mayor and Aldermen of the said Town of *Beverley* for the Time being, or the major Part of them, when assembled together (and they are hereby required to assemble together within the Space of One Month next after such Decease, Incapacity, or Refusal to act shall happen or be known, or as soon after as conveniently may be), to elect and appoint One Commissioner in the Stead of every such Commissioner so dying, becoming incapable or refusing to act;



act; and every such Commissioner so elected shall have the like Powers and Authorities, for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the same Rules, Regulations, and Restrictions, as fully and effectually, to all Intents and Purposes whatsoever, as if he had been particulaly named herein as a Commissioner.

IV. And be it further enacted, That the said Commissioners already appointed and to be appointed as aforesaid, or any or either of them, shall not be capable of acting as Commissioners or Commissioner in the Execution of any of the Powers and Authorities given by this Act or by the said recited Act, after the said Thirtieth Day of July One thousand eight hundred and six, until they and he respectively shall have taken an Oath to the Effect following; (that is to say),

Commissioners not to act until they have taken the following Oath.

I A. B. do swear [or, being one of the Persons called Quakers, do solemnly affirm], That I will faithfully, honestly, and impartially, according to the best of my Skill and Judgement, execute the several Powers and Truſts reposed in me as a Commissioner of the Court of Requests in and for the Town and Liberties of Beverley, and the several Parishes of the same Town, conformably to the Directions, true Intent, and Meaning of an Act, passed in the Twenty-first 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 Town and Liberties of Beverley, in the County of York, and the several Parishes of the same Town*; and of an Act passed in the Forty-sixth Year of the Reign of His Majesty King George the Third, intituled, *An Act* [here set forth the Title of this Act] or conformably to the Directions and true Intent and Meaning of such or so much of the same Two Acts as now are or is in force, and that without Favour or Affection, Prejudice or Malice; and also that I am a Householder within the Jurisdiction of the said Court, and that I am possessed of a Real Estate of the annual Value of Fifty Pounds, or of a Personal Estate of the Value of One Thousand Pounds, above all Charges or Incumbrances whatsoever.

Oath.

So help me GOD.

Which Oath shall be in lieu and stead of the Oath mentioned or prescribed to be taken by a Commissioner in the said recited Act; and which said Oath herein before mentioned or contained, the Clerk of the said Court for the Time being, or his sufficient Deputy, is hereby empowered and required to administer; and they the said Commissioners shall and they are hereby required, after taking the said Oath, to sign or subscribe their respective Names upon a Roll or Rolls of Parchment to be provided for that Purpose, with the said Oath written or printed thereon; and such Roll or Rolls shall be carefully kept among the Records of the said Court.

Clerk or Deputy to administer the Oath.

V. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act, unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and possessed of a Real Estate of the annual Value of Fifty Pounds, or of a Personal Estate of the Value of One thousand Pounds, above all Charges and Incumbrances whatsoever; and if any Person not being qualified

Qualification of Commissioners.



as aforesaid, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence (over and above any Punishment that he may be subject and liable to for wilful and corrupt Perjury) forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and in every such Action, Bill, Plaint, and Information, the Proof of such Qualification shall be on the Defendant, and it shall be sufficient for the Plaintiff or Prosecutor, to prove that the Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Judgements, Orders, Decrees, Acts, and Proceedings of all and every Person and Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Acts of Commissioners good before Conviction.

Officers appointed by former Act, to continue until removed.

VI. And be it further enacted, That each and every Clerk, Serjeant, or other Officer nominated or appointed by virtue of the said recited Act, shall hold and enjoy their several and respective Offices and Employments, until he or they shall be removed therefrom respectively by the Commissioners acting by virtue of this Act; and every such Clerk, Serjeant, and other Officer and Servant, shall be subject to the like Pains and Penalties, and Power of Removal, and to the like Rules and Regulations, as if he had been nominated or appointed by virtue of this Act.

Time of hearing Causes.

VII. And, for better regulating the Sittings of the said Court, be it further enacted, That the said Commissioners shall not hold the said Court or hear or determine any Case or Cases, Cause or Causes, to be heard or determined by the said Commissioners by virtue of this Act, but between the Hours of Eleven of the Clock in the Forenoon and Five of the Clock in the Afternoon; and nothing in this Act contained shall extend, or be construed to extend, so as to require or compel the Attendance of any Plaintiff or Plaintiffs, Defendant or Defendants, Witnesses or Witnesses, in the said Court, in pursuance of any Action or Summons issued out of the said Court, or by any Person or Persons whomsoever acting as an Officer or Officers of the said Court, save and except between the said Hours of Eleven of the Clock in the Forenoon and Five of the Clock in the Afternoon.

Debtors to be summoned before Commissioners, who may make Orders between Parties as they think fit.

VIII. And be it further enacted, That from and after the First Meeting of the said Commissioners, it shall and may be lawful to and for any Person or Persons (whether such Person or Persons shall reside within the Jurisdiction of the said Court or not) having any Debt or Debts on the Balance of Account, or in respect of Wages, Rent, or Arrears of Rent, or otherwise howsoever, not exceeding the Value of Five Pounds, due or owing or belonging to him, her, or them, in his, her, or their own Right, or in the Right of any other Person or Persons, or as Executor or Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due or owing to him as Chamberlain, Town Clerk, or other Officer, to any



Body Corporate, as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners, or to any Club or Friendly Society, duly associated and constituted by the Statutes in that Case made and provided, or in any other Manner, whatsoever, which the said Commissioners are by this Act enabled to judge and determine, and not expressly prohibited by this Act, by or from any other Person or Persons whomsoever, inhabiting residing, or being within the said Town and Liberties of *Beverley*, or the several Parishes of the same Town, or keeping or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or using or frequenting the Markets there, or seeking a Livelihood, or in any way trading or dealing within the same, to apply to the Clerk of the Court for the Time being, or his Deputy, who shall immediately make out and deliver to the Serjeant of the said Court for the Time being, a Summons in Writing, under the Hand of the said Clerk, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, and stating the Particulars of such Demand or Cause of Action, together with the Name of the Party demanding the same, and requiring him, her, or them to appear at a certain Time and Place to be mentioned in such Summons, before the Commissioners of the said Court, to answer such Demands; and such Serjeant shall forthwith serve or cause such Summons to be served on such Debtor or Debtors, either personally or by leaving the same with his, her, or their Servant or other Person belonging to him, her, or them, or at the Dwelling House, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, of such Debtor or Debtors, being within the Jurisdiction of the said Court, and upon due Proof made of such Summons having been duly served in manner aforesaid, the said Commissioners present in Court (the Number of such Commissioners present not being less than by this Act directed) are hereby empowered and required to make due Enquiry concerning such Demands or Complaints, and make such Order or Orders and Decrees therein, and pass such final Sentence or Judgement thereupon, and award such Costs of Suit as to them shall seem most agreeable to Equity and good Conscience; and they are also hereby empowered to order and direct the Payment of any such Debts to be made, either in one Sum at once, or by Instalments at stated Periods, as they shall see Cause, and deem just and reasonable, all which Order or Orders, Decrees, Judgements, and Proceedings so to be made, shall be registered in a Book or Books to be kept for that Purpose by the Clerk of the said Court or his sufficient Deputy, as they have been accustomed to be; and as well the Plaintiff or Plaintiffs, as the Debtor or Defendant, Debtors or Defendants, whom such Order or Orders, Decrees, Judgements, and Proceedings, shall respectively concern, shall observe, perform, and keep the same respectively in all Points; and no such Orders, Decrees, Judgements, or Proceedings shall be removed or removable into any other Court by *Certiorari* or otherwise howsoever.

IX. And be it further enacted, That it shall and may be lawful to or for any Plaintiff or Plaintiffs, Defendant or Defendants, in any Suit or Cause hereafter depending in the said Court of Requests, to cause any Person or Persons, as well residing within the Jurisdiction of this Court as elsewhere, to be warned or summoned as often as shall appear necessary, by one of the Officers of the said Court, either by serving such Summons personally, or by leaving the same at the last or usual Place or respective Places of

Officers of  
the Court to  
summon Wit-  
nesses.

[*Loc. & Per.*]

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Abode



Witnesses not appearing or refusing to give Evidence to forfeit 50s.;

and in default of Payment to be committed.

Application of Penalties.

Abode of such Person or Persons, to appear as a Witness or Witnesses to give Evidence in the said Court in or concerning any Suit or Cause; and in case any such Person or Persons so to be summoned to give Evidence as aforesaid (having been paid or tendered his, her, or their reasonable Expences) shall refuse or neglect to appear at the Time and Place to which he, she, or they shall be so summoned, or appearing upon any such Summons shall refuse to be examined upon Oath, or in case of a *Quaker* or *Quakers* on solemn Affirmation (which Oath or Affirmation the said Commissioners, or any Three or more of them, are hereby authorized and required to administer), and to give Evidence as aforesaid before such Commissioners, according to the true Intent and Meaning of this Act, then and in either of the said Cases, every such Person so neglecting or refusing shall forfeit and pay for every such Offence any Sum not exceeding Fifty Shillings, to be awarded by the said Commissioners, or any Three or more of them, unless a reasonable Excuse be offered to and allowed by the said Commissioners; and if the Person or Persons so offending, shall not forthwith pay into the said Court the Penalty or Forfeiture so imposed upon him, her, or them, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to order and cause such Person or Persons to be apprehended by an Officer of the said Court, and committed to the Gaol or Prison in the Town of *Beverley* aforesaid, there to remain for any Space of Time not exceeding Fourteen Days, unless such Penalty or Forfeiture shall be sooner paid; and every such Penalty or Forfeiture as last mentioned, which shall be received by virtue of this Act, shall thereupon (after deducting the reasonable Costs and Charges of apprehending and taking such Person or Persons so neglecting or refusing) be paid over into the Hands of the Churchwardens or Overseers of the Poor of the Parish wherein the Person or Persons respectively paying the same shall at the Time of his, her, or their Neglect or Refusal to appear or give Evidence as aforesaid, inhabit, dwell, or seek a Livelihood, and shall be applied towards the Support and Maintenance of the Poor of the said Parish.

If Debtors do not appear Commissioners may proceed.

X. And be it further enacted, That if any Debtor or Debtors who shall have been duly summoned as aforesaid, shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, before the said Court, at the Time and Place mentioned in the said Summons, then and in every such Case it shall and may be lawful to and for the said Commissioners assembled in the said Court, after Proof made upon Oath of the Service of the said Summons, in manner aforesaid, to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgement therein, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

If Plaintiff does not appear to prove his Demand, Defendant shall have Costs.

XI. And be it further enacted, That if upon any Day of the Return of any Summons issued on the Behalf of any Plaintiff or Plaintiffs, or at any Continuation or Adjournment of the said Court, or of the Cause on account of which such Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing, shall not make Proof of his, her, or their Demands, to the Satisfaction of the said Court, but shall become Nonsuited, or Judgement shall be pronounced against



against him, her, or them by the said Court, then and in every such Case it shall and may be lawful to and for the said Commissioners present in Court, to award to the Defendant or Defendants such reasonable Costs, and such reasonable Satisfaction for his, her, or their Trouble and Attendance, as they the said Commissioners in their Discretion shall think fit, and to order and compel the Plaintiff or Plaintiffs to pay the same, by such Ways or Means as are herein provided for the Recovery of Debts ordered or decreed by the said Court.

XII. And be it further enacted, That in case any Person or Persons shall make Oath, or being of the People called *Quakers* shall make Affirmation, or give Evidence in any Cause depending in the said Court of Requests, whereby he, she, or they shall commit any wilful or corrupt Perjury, or be guilty of wilful and false affirming, and thereof be duly convicted according to Law, then every such Person or Persons shall incur and suffer the like Pains and Penalties, as any other Person or Persons convicted of wilful Perjury according to the Laws and Statutes of this Realm.

Persons giving false Evidence to be punished for Perjury.

XIII. And be it further enacted, That in every Case where any Wages, or any other Sum or Sums of Money whatsoever, not exceeding the Sum of Five Pounds, shall be due and owing to any menial Servant, Clerk, Book-keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or any other Person whomsoever, under the Age of Twenty-one Years, it shall and may be lawful to and for such Servant, Clerk, Book-keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or other Person, to sue for and recover such Debt, in the said Court, in the same Manner as if he or she were of full Age; and the said Commissioners present in the said Court are hereby authorized and required to take Cognizance of, and proceed in all Causes concerning such Debts, in the same Manner, and shall have such and the same Powers in regard thereto, as if the Plaintiff or Plaintiffs were of full Age.

Debts due to Persons under Age may be recovered.

XIV. Provided always, and it is hereby declared, That this Act or any Thing herein contained, shall not extend to any Debt where any Title of Freehold or Lease for Years of any Lands or Tenements shall come in question, or to any Debt by Specialty, which shall not be for the Payment of a Sum certain, nor to any Debt for any Sum being the Balance of an Account on Demand originally exceeding Five Pounds, nor to any other Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments, situate elsewhere than in the said Town and Liberties, and the several Parishes of the said Town, or by reason of any Cause concerning Testament or Matrimony, or any Thing concerning or properly belonging to the Ecclesiastical Courts, or for or concerning any Agreement by way of Composition for or by way of Retainer of Tythes, nor to any Debt for any Money or Thing won at or by Means of any Horse Race, Cock Match, Wager, or any Kind of Gaming or Play, nor to any Debt which there has not been a Contract, Acknowledgment, Undertaking, or Promise to pay, within Six Years before the taking out of the Summons, although the same respectively shall not exceed Five Pounds; any Thing herein contained to the contrary notwithstanding.

This Act not to extend to certain Debts.

XV. And



Verdicts in any other Court, for Debts recoverable in this Court, not entitled to Costs, unless when the Judge shall certify that the Debt ought to have been recovered in this Court.

XV. And be it further enacted, That if any Action or Suit shall be commenced in any other Court than the said Court of Requests, for any Debt not exceeding the Sum of Five Pounds, and recoverable by virtue of the said recited Act and of this Act, or either of them, in the said Court of Requests, then and in every such Case the Plaintiff or Plaintiffs in such Action or Suit shall not, by reason of a Verdict for him, her, or them, or otherwise, have or be entitled to any Costs whatsoever; and if the Verdict shall be given for the Defendant or Defendants in such Action or Suit, and the Judge or Judges before whom the same shall be tried or heard shall think fit to certify that such Debt ought to have been recovered in the said Court of Requests, then and so often such Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs in any Case by Law.

Persons not prevented from recovering Rents by Distress, &c.

XVI. Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent or restrain any Person or Persons from making Distress, or bringing any Action or Actions whatsoever for Rent, and thereby recovering such Rent with Costs, although the same Rent shall not exceed the Sum of Five Pounds.

Actions not to be split, for the Purpose of bringing them before the Court.

XVII. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable any Plaintiff to split or divide any Cause or Action for Recovery of any Debt, where the whole Sum that shall appear to be due and owing shall exceed the Sum of Five Pounds, in order that the same may be made the Ground of 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 Commissioners, that any Plaintiff shall have so split or divided his or her Cause or Action as aforesaid, then and in every such Case the said Commissioners shall and they are hereby required to dismiss, with Costs, every such Cause or Action so split and divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or she may lawfully proceed.

But the Court may decree in such Action so split, if the Plaintiff shall be satisfied to receive the Money in full of all Demands in such Action.

XVIII. Provided always, That in case any Plaintiff who shall have so split or divided such his or her Cause or Action, shall be willing to accept such Sum of Money as the said Court is in and by this Act enabled to adjudge, decree, and pronounce, in full of the Whole of his or her Demand in such Cause or Action so split or divided, then and in every such Case, the said Commissioners shall and may adjudge, decree, and pronounce (on such Plaintiff proving his or her Cause or Case to the Satisfaction of the said Commissioners) such Sum to the Plaintiff, not exceeding the Sum of Five Pounds, as to the said Commissioners shall seem just and reasonable; and such Sum shall in the Judgement or Decree to be pronounced by the said Commissioners, be declared to be and shall be in full Discharge of all Demands from the Defendant to the Plaintiff in such Cause or Action so split or divided.

Time of Imprisonment of Debtors limited.

XIX. And be it further enacted, That no Person or Persons whomsoever shall be committed to the said Gaol or Prison by Order of the said Court, for any Debt or Debts, or kept or continued in Custody on any Pretence whatsoever



whatsoever (except in the Cases herein-after provided for) for any longer Space or Spaces of Time from the Time of his, her, or their Commitment to Prison; than is or are herein-after limited; that is to say, where the Debt (exclusive of Costs) does not exceed the Sum of Twenty Shillings, then he, she, or they shall not be kept or continued in Custody for more than Twenty Days; and where the Debt (exclusive of Costs), is above Twenty Shillings, and does not exceed Forty Shillings, then not more than Forty Days; and where the Debt (exclusive of Costs) is above Forty Shillings and does not exceed Three Pounds, then not more than Sixty Days; and where the Debt (exclusive of Costs) is above Three Pounds and does not exceed Four Pounds, then not more than Eighty Days; and where the Debt (exclusive of Costs) is above Four Pounds and does not exceed Five Pounds, then not more than One hundred Days from the Time of his, her, or their Commitment; and the said Keeper of the said Gaol or Prison is hereby directed and required to discharge such Person accordingly.

XX. And, in order the more effectually to prevent Persons summoned for Debt to the said Court from fraudulently concealing Money, Goods, or Effects; be it further enacted, That in case, upon the Summons of any Person for any Debt or Debts before the said Court, Information of any such fraudulent Concealment shall be given, such Court shall have Power to hear Evidence as to the Fact; and in case it shall be proved to their Satisfaction upon the Oath of one or more credible Witness or Witnesses (which Oath the said Court is hereby empowered to administer) then and in every such Case, it shall and may be lawful to and for the said Court to enlarge the aforesaid Time of Imprisonment of such Debtor to any Period, in addition thereto, not exceeding Three Calendar Months.

If any Debtor conceal Money or Goods, the Time of his Imprisonment shall be enlarged.

XXI. And be it further enacted, That from and after the passing of this Act, all and every Person and Persons who shall be taken in Execution, under or by virtue of any Process issuing from or out of the said Court of Requests, and who at the Time of being taken into Custody, or during his, her, or their Imprisonment, shall have more than one Execution against him, her, or them in the said Court, he, she, or they shall be imprisoned the limited Time for and in respect of each and every Execution; that is to say, after the limited Time is expired, on the first Execution, the Imprisonment shall commence on the second Execution; and after the limited Time is expired on the second Execution, the Imprisonment shall commence on the third Execution; and so on until he, she, or they shall have been imprisoned the limited Time for and in respect of each and every separate Execution to be issued against him, her, or them in the said Court, previous to his, her, or their being taken into Custody, or during his, her, or their Imprisonment; any Law, Statute, or Usage to the contrary notwithstanding.

Time of Imprisonment to extend to each Execution.

XXII. And be it further enacted, That it shall not be lawful to or for the said Commissioners, to issue any Process against the Body or Bodies of any Person or Persons, in any Case or Cases where the Party entitled to the Benefit of any Order, Judgement, or Decree, shall at the same Time have obtained any Warrant or Process against the Goods and Chattels of the same Person or Persons.

Process not to issue against the Person and Goods of the same Persons.

XXIII. And be it further enacted, That each and every Person imprisoned by virtue of this Act, shall, on the Expiration of his or her Time

Debtors not liable to pay Gaol Fees.

[Loc. & Per.]

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of



of Imprisonment, be discharged and set at liberty without paying any Sum or Sums of Money, Fee or Fees, or other Reward or Gratuity whatsoever, to the Keeper or Keepers, or Turnkey or Turnkeys of the said Gaol, or others, by way of Gaol Fees or Discharge Fees, or on any other Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of the said Gaol, or any other Person whatsoever, shall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatsoever, upon the Discharge of any such Person or Persons so committed to his or their Charge or Custody as aforesaid, or shall keep or detain any such Person or Persons a Prisoner or Prisoners after the Time by this Act limited for his, her, or their Imprisonment, every such Keeper, Turnkey, and other Person, shall for every such Offence forfeit and pay the Sum of Twenty Pounds; and it shall and may be lawful to and for any Two Justices of the Peace for the said Town and Liberties, to hear and determine every such Offence, and such Two Justices are hereby authorized and required, upon any Information exhibited, or Complaint made before them of such Offence having been committed (in case such Information shall be exhibited, or Complaint made, within Three Calendar Months after the Offence committed) to summon the Party accused, and also the Witnesses on each Side, and to examine into the Matter of Fact, and upon due Proof made thereof by the Oath of one or more credible Witness or Witnesses, or by the voluntary Confession of the Party accused, to give Judgement or Sentence for such Penalty or Forfeiture aforesaid; and in case such Penalty or Forfeiture shall not be forthwith paid, to issue a Warrant under their Hands and Seals for levying such Penalty and Forfeiture, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus (if any) after deducting such Penalty and Forfeiture, and the Costs and Charges of such Distress and Sale, to the Owner or Owners thereof; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justices to commit such Offender or Offenders, to the Common Gaol or House of Correction for the East Riding of the County of York, for any Time not exceeding Three Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged; and one Moiety of such Penalty or Forfeiture, when paid or received, shall be paid to the Person or Persons informing or suing for the same, and the other Moiety thereof to the Clerk to the said Commissioners, and the same shall be by the said Commissioners distributed amongst the Poor of the said Town and Liberties and the Parishes of the same Town, in such Shares and Proportions as to the said Commissioners shall seem right and proper.

Two Justices  
may deter-  
mine such  
Offence.

Record of  
Judgement  
may be re-  
moved into  
the superior  
Court, and  
Writs of Exe-  
cution issued  
to the Sheriff  
of any Coun-  
ty.

XXIV. And whereas it may happen that Persons served with Process issuing out of the said Court of Requests may, in order to avoid Execution, remove their Persons and Effects beyond the Limits of the Jurisdiction of the said Court; be it therefore enacted, That in all Cases where a final Decree or Judgement for any Sum or Sums exceeding Ten Shillings shall have been obtained in the said Court, it shall and may be lawful to and for any of His Majesty's Courts of Record at Westminster, upon Affidavit made and filed of such Decree or Judgement being obtained, and of diligent Search and Enquiry having been made after the Person or Persons of the Defendant or Defendants, or his, her, or their Goods and Chattels, and of the Precept of Execution having issued against the Person or Persons, or Effects, as the Case may be, of the Defendant or Defendants, and that the Person or Persons, Goods and Chattels, or



such Defendant or Defendants, is or are not to be found within the Jurisdiction of the said Court (which Affidavit may be made before a Judge or Commissioner authorized to take Affidavits) it shall and may be lawful to and for such superior Court to cause the Record of the said Decree or Judgement to be removed into such superior Court, and to issue Writs of Execution thereupon to the Sheriff of any County, City, Liberty, or Place, against the Person or Persons, or Effects, of the Defendant or Defendants, in the same Manner as upon Judgements obtained in the said Courts at *Westminster*; and the Sheriff upon every such Execution shall, and he is hereby authorized to detain the Defendant or Defendants until the Sum of Twenty Shillings be paid to him, or to levy the same out of the Effects, according to the Nature of the Execution, for the extraordinary Costs of the Plaintiff or Plaintiffs in the said Court subsequent to the said Decree or Judgement, and of the Execution in the superior Court, over and above the Money for which such Execution shall be issued.

XXV. And be it further enacted, That the several Fees and Sums of Money herein-after limited and expressed, and no other, shall be taken by the Clerk and Serjeant, or other Officer of the said Court of Requests, for their several and respective Services in the Execution of the said recited Act, and of this Act, in lieu and stead of the Fees and Sums of Money limited and expressed in the said recited Act; (that is to say)

Fees to be taken.

	On Debts not exceeding Ten Shillings.		On Debts above Ten Shillings and not exceeding Forty Shillings.		On Debts above Forty Shillings and not exceeding Five Pounds.	
	s.	d.	s.	d.	s.	d.
<b>CLERK'S FEES.</b>						
Entering every Cause	0	4	0	8	1	0
Issuing every Summons	0	3	0	6	0	9
Issuing every Subpœna for the Attendance of not more than Two Witnesses	0	3	0	6	0	9
For a Nonsuit on the Plaintiff's not appearing	0	3	0	6	0	9
Entering and drawing up every Judgement, Decree, or Order, on Hearing	0	6	0	9	1	0
For receiving Money in Court, and entering same in his Book	0	3	0	6	0	9
For receiving Money out of Court in full	0	6	0	9	1	0
For receiving Money out of Court by Instalments	0	6	1	0	1	6
Issuing every Attachment, Precept, Order, or Execution	0	6	1	0	1	6
For every Search in the Book	0	2	0	3	0	6
<b>SERJEANT'S FEES,</b>						
For the Service of every Summons, Order, or Subpœna in the Town	0	3	0	6	0	9
If out of the Town, for every Mile extra	0	2	0	3	0	3
For the Execution of every Warrant, Precept, or Attachment against the Goods or Body in the Town	0	6	1	0	1	6
If out of the Town, for every Mile extra	0	2	0	3	0	3
If an Assistant Serjeant be necessary in the Judgement of the Commissioners, then for the Assistant in the Town	0	4	0	9	1	0
If out of the Town, for every Mile extra	0	2	0	3	0	3

Table of Fees.

A Table



Table of Fees  
to be hung up  
in the Court.

A Table of which said Fees shall be hung up by the Clerk of the said Court in some publick and conspicuous Part of the Court House, or other Place where the said Commissioners shall meet for the Purposes aforesaid, to the End that all Persons concerned may at all Times see and read over the same.

Costs to be  
awarded not  
to exceed a  
Sum limited.

XXVI. Provided always, and be it further enacted, That the Costs to be given, awarded, or allowed by the said Commissioners, shall not in any Case whatever exceed the Sum of Four Shillings and One Penny on the Recovery of a Debt not exceeding Ten Shillings nor the Sum of Seven Shillings and Eight Pence on the Recovery of a Debt above Ten Shillings and not exceeding Forty Shillings, nor the Sum of Eleven Shillings on the Recovery of a Debt above Forty Shillings and not exceeding Five Pounds (except where the Plaintiff or Defendant in any Action brought in the said Court of Requests shall not reside within the Town or Liberties of *Beverley* aforesaid, in which Case it shall and may be lawful to and for the said Commissioners to award such further or additional Costs as to them shall seem proper and reasonable); nor shall there be awarded or allowed any other or greater Fees when the Cause is against several Defendants, than if such Cause had been against one Defendant only (Fees for Copies and Service of any Process, Rule, or Order, only excepted).

Officers tak-  
ing other Fees  
or misbehav-  
ing in the  
Execution of  
their Office,  
to forfeit  
Twenty  
Pounds, and  
full Costs.

Actions to be  
commenced  
within One  
Month.  
Commission-  
ers may for  
Misbehaviour  
suspend or  
remove the  
Clerk or Ser-  
jeant.

XXVII. And be it further enacted, That in case the Clerk or Serjeant, or other Officer for the Time being of the said Court, shall at any Time hereafter take or demand any greater or other Fees than as above-mentioned, or shall otherwise misbehave himself in the Execution of his Office, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Privilege, Protection, or Wager of Law, or any more than one Impar- lance shall be allowed, so that such Action or Suit be commenced within One Calendar Month after the Offence committed, and not otherwise; and if the Clerk or Serjeant of the said Court, or either of them, for the Time being, shall be guilty of any notorious Misbehaviour, either by frequently taking or demanding greater or other Fees as aforesaid, or otherwise in the Execution of their respective Offices, upon Complaint made, the said Commissioners, or any Three or more of them, shall in open Court hear and enquire into the Matter of the said Misbehaviour, by the Oath or Oaths of one or more credible Witness or Witnesses, and shall; if they (being a Majority of the said Court) think fit, certify the Particulars of the said Misbehaviour, with the Proofs thereof, unto the Mayor of the said Town for the Time being, who shall thereupon cause all the said Commissioners to be summoned to meet at a convenient Time and Place, and shall lay the same before the Commissioners assembled pursuant to such Summons, who shall take the same into Consideration, and may, according to their Discretions, suspend or remove the said Clerk or Serjeant so offending from his said Office, and nominate and appoint another fit and able Person to exercise the said Office in the Place and Stead of him so removed.

Recovery and  
Application  
of Penalties.

XXVIII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof



whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals, of any Three or more of the said Commissioners (which Warrant such Commissioners are hereby empowered to grant) upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting such Fines and Penalties and the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Clerk to the said Commissioners, and shall be by the said Commissioners distributed amongst the Poor of the said Town, and the Liberties thereof, and the said Parishes and Places within the Jurisdiction of the said Court of Requests, in such Shares and Proportions, and in such Manner as the said Commissioners, or any Three or more of them, shall think right and proper; and in case such Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol for the said Town, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

**XXIX.** And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said recited Act, and of this Act, or either of them, or on account of any Order, Determination, Judgement, or Decree of any of the said Commissioners, until Twenty-one Days Notice thereof shall be given in Writing, to be left at the Office of the Clerk of the said Court, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Cause of Action shall arise; and the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon; and if the Plaintiff or Plaintiffs shall be nonsuited, or if a Verdict or Judgement shall be given for the Defendant or Defendants therein, then and in either of the said Cases such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any Cases by Law.

**XXX.** Provided always, That the said recited Act, and all Powers, Provisoes, Clauses, Matters, and Things therein respectively contained, shall, so far as the same are not hereby expressly repealed or otherwise provided for, and are not inconsistent with any of the Provisions of this Act, continue and be in full Force, and extend to all and every Person and Persons to whom this Act doth or shall extend.

[Loc. &amp; Per.]

31 X

XXXI. And

Limitation of Actions.

General Issue.

Treble Costs.

Said recited Act, except where hereby repealed, or otherwise provided for, extended to this Act.



Commence-  
ment of the  
Act.

Publick Act.

6° GEORGH III Cap. 135

XXVI. And it is further enacted, That this Act shall commence and take Effect from and after the said Twentieth Day of July One thousand eight hundred and six, and is deemed and shall be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
(Printers to His Majesty.) 1806.

GEORGH III. REGIS.

Cap. 135  
An Act for supplying the City and Suburbs of Glasgow with Water.

WHEREAS the City and Suburbs of Glasgow in the County of Glasgow are at present very scantily supplied with Water, and whereas it being of great Consequence to the Inhabitants of the said City and Suburbs that they should have a constant supply of Water, the several Persons herein after named are willing to undertake to procure and supply the same, to be raised from the River Clyde into Reservoirs to be formed on Part of the Lands of Glasgow in the Parish of Glasgow in the County of Glasgow, which the said Persons have purchased from John Clark Writer in Glasgow, and to be conveyed from thence in Pipes under Ground through the Lands of Glasgow, the Property of John Buchanan the late Merchant of Glasgow, and along the Street or Road leading to and situate within the Burgh of Glasgow called the Road to Cambray, and along Sney Street into Reservoirs which are to be formed in Part of the Lands of Middle and New Galleries within the said City, which the said Persons have purchased from Robert Murray Writer in Glasgow, from whence such Water is to be distributed in Pipes through the City and Suburbs of Glasgow; but these Objects cannot be accomplished without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Magistrates and Town Council of the City of Glasgow, Alexander Oswald, John M'Call, Henry Hamilton, Archibald Smith, Charles Hagar, Robert Hagar, John Tennant, James Paterson, Robert Farley, James Sward, James Hill, Charles Hutchinson [and others]