



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 43.

An Act for the more easy and speedy Recovery of Small Debts within the Parish of *Manchester* in the County Palatine of *Lancaster*. [27th May 1808.]

WHEREAS the Parish of *Manchester*, in the County *Palatine* of *Lancaster*, and the several Townships and Hamlets situate within the same, are very populous, and in the same Parish there are many very considerable Manufactories which employ great Numbers of People, who, along with divers other Persons residing and trading within the said Parish, contract Small Debts, which in the Whole amount yearly to a large Sum of Money; and although many of such Debtors are well able to pay their respective Debts, they often refuse to pay the same; by reason of which their respective Creditors are either obliged to forego their respective Debts, or for the Recovery thereof to incur an Expence sometimes far exceeding, and in all Cases greatly disproportionate, to the Sums in Dispute: And whereas it would greatly tend to the Promotion of Industry, and the Support and Encouragement of useful Credit, and would be of great Benefit to the Inhabitants of the said Parish, and the several Townships and Hamlets within the same, if a more easy and speedy Method of recovering Small Debts within the same Parish were provided: 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

[*Loc. & Per.*]

Commission-
ers.

sent Parliament assembled, and by the Authority of the same, That the Justices of the Peace for the Time being of the County Palatine of *Lancaster*, acting within and for the Division of *Manchester*; the Deputy Lieutenants for the Time being of the said County, acting within and for the same Division; the Warden and Fellows for the Time being of the Collegiate Church of *Christ* in *Manchester*; the High Constable for the Time being of the Hundred of *Salford*, acting within and for the Division of *Manchester*; the Boroughreeve and Two chief Constables for the Time being of the Town of *Manchester*; the Boroughreeve and Two chief Constables for the Time being of the Town of *Salford*; the Two chief Churchwardens for the Time being of the Parish of *Manchester*; James Achers, John Allen, Thomas Andrew, Thomas Appleton, Francis Armstrong, Joseph Aston, Joseph Atkinson, John Atkinson, Robert Aveyard, Charles Frederick Brandt, Jonathan Beever, William Beever, John Baldwin, Richard Barlow, Richard Bagshaw, John Bancroft, John Barker, James Barratt, William Bower, James Booth, William Bowman, James Brierley, James Brown, George Burges, John Barnes, Benjamin Brookes, John Burton, Isaac Clarke, Thomas Clayton, Edmund Clegg, John Cockbain, William Cooper, Richard Collins, John Drinkwater, Thomas Davenport, Smith Deavill, John Downes, Lin Dillon, Richard Entwistle, Ralph Ellam, Thomas Fosbrooke, Jeremiah Fielding, William Fox, George Fletcher, Peter Fletcher, William Foulds, Richard Fletcher, Joseph Fletcher, Edward Fogg, Nathaniel Gould, Samuel Grimshaw, George Grundy, Benjamin Goodall, Thomas Green, William Garnett, John Greaves, Hugh Greaves, John Gunson, Bernard Hartley Green, Dauntsey Hulme, James Hall of Sunny Side, James Hall of the Crescent, William Harper, James Heald, Samuel Heginbottom, James Holt Heron, William Tomlinson Hesketh, Thomas Hewitt, John Hewitson, William Heyward, Joshua Hibbert, Thomas Hilton, Samuel Holgate, David Holt, Richard Hoskins, Thomas Hoyle the younger, Robert Hardy, Robert Howarib, William Hutchinson, Thomas Holland, John Heywood, George Hadfield, John Jackson, Samuel Jackson, Frederick William James, Thomas Jenkins, Richard Jones, Joseph Jenkinson, John Kelsall, James Kennedy, Samuel Knight, Samuel Knott, William Kay, Thomas Leeming, Thomas Littlewood, Isaac Lees, Robert Lucas, John M'Murdo, John Makin, John Marsden, Martin Marshall, Joseph Mason, Richard Meadowcroft, James Meadows, Roger Merrick, John Miller, James Morris, Samuel Mottram, William Mouncey, Robert Marsh, Joseph Mycock, Francis Marris, Peter Marsland, John Nightingale, George Neden, Joseph Neild of Deansgate, John Orford, Thomas Ollivant, Joseph Owen, Thomas Ogden, Sir Robert Peel Baronet, Lawrence Peel, George Peel, Shakespeare Phillips, George Philips, Thomas Phillips of Ardwick, Thomas Pidgeon, William Pilling, John Pooley the elder, Richard Potter of Strangeways, Robert Potts, Andrew Preston, Samuel Prince, Thomas Preston, James Parkinson, John Ratcliffe, John Railton, Charles Goldney Rees, William Roberts, Thomas Robinson of Crumpsal, Charles Rowland, David Rome, Micah Rose, James Rose, Richard Routh, William Roylance, John Roylance, William Raby, Samuel Russell, Joshua Ryle of Salford, Joshua Ryle of Chetham, William Starkie, Joseph Seddon, William Sandford, John Satterfield, Thomas Smith, Thomas Seston the younger, Thomas Sharpe, John Spencer, John Shaw of Hulme, John Shaw of Manchester, Stephen Sheldon, George Stirrup, John Stonehouse, Robert Shorrocks, Joseph Smith, John Shore, Robert Scarr, Richard Spencer, Thomas Sterndale, Thomas Sterrs,

Storrs, Matthew Shawcross, James Touchet, John Touchet, Peter Taylor, Thomas Tebbutt, James Thompson, Joseph Turner, Josiab Twyford, Thomas Townley, Benjamin Wilson, Thomas Williams, Richard Walker, Edward Walklett, James Wallis, John Wadkin, John Wheeler, John Whitaker, Nicholas Whitworth, William Wilson, Daniel Wolstenholme, Thomas Worthington, Henry Wilson, Job Wragg, George Wardley, James Wood, and Joseph Yates, shall be and are hereby appointed Commissioners for the Recovery of Small Debts within the Parish of *Manchester*, in the County Palatine of *Lancaster*, and the several Townships, Hamlets, and Places situate within the same Parish; and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of "The Court of Requests for the Parish of *Manchester*, in the County Palatine of *Lancaster*."

II. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to meet and hold the said Court weekly on every *Wednesday* in each Week, or oftener if there shall be Occasion, in some convenient Place within the Towns of *Manchester* or *Salford*, to be appointed by the major Part of the said Commissioners for that Purpose assembled; and the First Meeting of the said Commissioners shall be holden on the Sixth *Wednesday* next after the passing of this Act; and the said Commissioners, or the major Part of them, who shall be present, such Number present not being less than Three, at their Meetings, to be holden in pursuance of this Act, are hereby authorized and empowered to hear and determine such Actions and Causes as are herein-after mentioned, and to give such Judgments, and to make such Orders and Decrees therein, and to award Execution thereupon, with the Costs, against the Body or Bodies, or against the Goods of all and every the Person or Persons against whom they shall give any such Judgment, or make any Order or Decree, as to them shall seem just in Law or Equity; and in case of an Equality of Votes in any Action, Cause, or Question before the said Commissioners, then and in every such Case the Commissioner present who stands first in the List of Names of the said Commissioners (which List the said Commissioners shall and they are hereby required to hang or cause to be hung up in the Court or Place where the Commissioners meet) shall have the decisive or casting Vote, in the Absence of the Barrister to be nominated and appointed in Manner by this Act directed by His Majesty in Right of his Duchy of *Lancaster*, or by the Chancellor of the Duchy and County Palatine of *Lancaster*, as a Commissioner for the Purposes of this Act.

Meetings.

III. And be it further enacted, That it shall and may be lawful to and for His Majesty in Right of his Duchy of *Lancaster*, or the Chancellor of the Duchy and County Palatine of *Lancaster*, to nominate and appoint a practising Barrister at Law, who shall have been called to the Bar for the Space of Six Years at the least, and who shall have actually practised as a Barrister for the Space of Six Years at least, as Assistant to the said Commissioners, and such Barrister, when so appointed, shall be and be deemed to be one of the said Commissioners, and shall always be the Chairman to the said Commissioners at their several Meetings to be holden in pursuance of this Act; and in case of any Equality of Votes in any Action, Cause, Complaint, Matter, or Thing that shall come before the

A Barrister of Six Years standing to be appointed

the said Commissioners, such Chairman shall have the decisive or casting Vote, although such Chairman shall have voted before : And in case any such Barrister so nominated and appointed, or any Barrister to be nominated and appointed by virtue of this Act to be Chairman to the said Commissioners shall die, refuse, or neglect to act, or be incapable of acting as such Chairman, or shall be removed from such Office of Chairman ; then, and in every such Case it shall and may be lawful to and for His Majesty, His Heirs or Successors, in Right of the said Duchy, or the Chancellor of the said Duchy and County Palatine for the Time being, to nominate and appoint some other practising Barrister at Law who shall be called to the Bar for the Space of Six Years at least, and who shall have actually practised as a Barrister for the Space of Six Years at least as Assistant to the said Commissioners, and so *toties quoties* ; and every Barrister so appointed shall have the like Powers and Authorities for carrying this Act into Execution as the Barrister in whose Room or Stead he shall be so nominated or appointed.

Barrister may
be removed.

IV. And be it further enacted, That it shall and may be lawful to and for the said Chancellor of the said Duchy and County Palatine to remove or displace any such Barrister so nominated or appointed from being one of the said Commissioners, and from such Office of Chairman, in case it shall seem right to the said Chancellor.

In case of Ab-
sence or Death
of Barrister
Commissioners
may act.

V. Provided always, and be it enacted, That in case any such Barrister shall be removed or displaced, or shall resign such Office, or shall die, or be prevented from Illness from attending the said Court, or shall be unavoidably absent in the Exercise of his Profession, or at the Assizes, Quarter Sessions, or in Attendance under any Commission from the Courts of Record at *Westminster*, or as Commissioner or Arbitrator named in any Act of Parliament, then and in every such Case such Court shall be holden by the said Commissioners ; and in case of an Equality of Votes in any Action, Cause, Question, Matter, or Thing that shall come before the said Commissioners, the senior Commissioner in the List present shall have the decisive or casting Vote.

Providing for
Absence of
Assisting Bar-
rister,

VI. Provided always, and be it enacted, That the said Commissioners shall not act in the Execution of this Act without being satisfied by special Inquiry and Report of the unavoidable or other Absence from Home or Illness of such Barrister ; and in case of the Absence of such Barrister the said Commissioners shall and they are hereby required to allow the Defendant or Defendants in any Cause of Action for more than the Sum of Forty Shillings, to postpone the Trial of such Cause or Action until the next Day of Attendance of such Barrister, if such Defendant or Defendants shall wish so to do ; and in case such Trial shall be so postponed, the Clerk to the said Commissioners shall and is hereby required to give Two Days Notice in Writing, both to the several Plaintiffs and Defendants, or left at their respective last or usual Places of Abode of the next appointed Day of Attendance of such Barrister, and an Entry or Entries of all such Proceedings shall be made and preserved in the Proceedings of the said Court of Requests.

Time of hear-
ing 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 and 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 Ten 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, Witness 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 Ten of the Clock in the Forenoon and Five of the Clock in the Afternoon.

VIII. Provided always, and be it enacted, That on the Decision of each and every Action, Cause or Question for the Recovery of any Sum not exceeding Forty Shillings in the said Court, Three at least of the Commissioners shall be present in Court; and on the Decision of each and every Action, Cause, or Question, for the Recovery of any Sum exceeding Forty Shillings, Five at least of the Commissioners shall be present.

Three Commissioners for Sums not exceeding 40s. and Five Commissioners for Sums above 40s.

IX. And be it further enacted, That when any of the said Commissioners, save and except the said Barrister and the said Justices and other Commissioners not herein mentioned by Name, shall die or refuse to act, or shall cease to be qualified, in Manner herein directed, to act as a Commissioner in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving and remaining Commissioners acting in the Execution of this Act, or the major Part of them present at a Meeting to be holden for that Purpose, within the Space of Twenty-one Days next after such Decease or Refusal to act, or ceasing to be qualified, shall happen to be known, or so soon after as conveniently may be, to elect and appoint one other Commissioner in the Room and Stead of every such Commissioner so dying, or refusing to act, or ceasing to be so qualified; and Notice in Writing of the Time and Place of Meeting for every such Election, and of the Purpose thereof, shall be given by the Clerk to each of the said Commissioners, or left at their last or usual Places of Abode, and such Notice shall also be affixed on the Door of the said Court House Fourteen Days at least before such Meeting shall be holden; and every such Commissioner so elected shall have the like Powers and Authorities for carrying 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 particularly named herein as a Commissioner.

Choice of new Commissioners.

X. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (save and except in administering the Oath herein contained to the other Commissioners) until he shall have taken an Oath to the Effect following; that is to say,

Commissioners to be sworn.

‘ I A. B. do swear [or, being one of the People called Quakers, do solemnly affirm, according to the Form in that Case made and provided] That I will faithfully, honestly, and impartially, according to the best of my Skill and Judgement, hear and determine such Matters and Things [Loc. & Per.] 8 M ‘ as

' as shall be brought before me, by virtue of an Act, made in the Forty-
 ' eighth Year of the Reign of His present Majesty, intituled, *An Act*
 ' [*here set forth the Title of this Act*] without Favour or Affection,
 ' Prejudice or Malice, to any Person or Persons whomsoever; 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
 ' Forty Pounds, or of a Personal Estate of the Value of One thousand
 ' Pounds above all Charges or Incumbrances whatsoever.

' So help me GOD.'

Which Oath or Affirmation the said Commissioners, or any One or more of them, is and are hereby empowered and required to administer in open Court; and each and every such Commissioner shall and he is hereby required (after taking the said Oath or Affirmation) to sign and subscribe his Name upon a Roll or Rolls of Parchment to be provided for that Purpose, with the said Oath or Affirmation written or printed thereon; and such Roll or Rolls shall be carefully kept amongst the Records of the said Court.

Qualification
of Commis-
sioners.

XI. 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 seised of a Real Estate of the annual Value of Forty Pounds, or possessed of a Personal Estate of the Value of One thousand Pounds above all Charges and Incumbrances whatsoever; and if any Person not being qualified 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 Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and in every such Action, Bill, Plaint, or Information, the Proof of such Qualification shall lie 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.

Commission-
ers required
to qualify
within a cer-
tain Period.

XII. And be it further enacted, That if any Commissioner named or appointed by virtue of this Act shall neglect or refuse to qualify himself for acting as a Commissioner in the Execution of this Act by taking and subscribing the Oath herein-before mentioned within Two Years from the passing of this Act, or if any Person hereafter to be elected and chosen a Commissioner shall neglect or refuse to qualify himself for acting in the Execution of this Act within Two Years next after he shall have been so elected

electd and chosen, such Commissioner so neglecting or refusing shall from thenceforth be disqualified, and be incapable of acting as a Commissioner in the Execution of this Act; and it shall be lawful for the remaining Commissioners, or the major Part of them present at Meeting to be convened as herein-before directed, from Time to Time to elect one other Person to be a Commissioner in the Room of every Person so neglecting or refusing to qualify or act as last aforesaid; and if any Person so neglecting or refusing to qualify or act shall presume to act contrary to the Intent and Meaning hereof, every Person so offending in each of the Cases aforesaid, shall for every such Offence forfeit and pay the like Sum as is herein-before directed to be forfeited in case of any Person presuming to act not being qualified; to be recovered, paid, and applied in like Manner as such Forfeiture or Penalty herein-before mentioned is directed to be recovered, paid, and applied.

XIII. Provided always, and be it further enacted, That if any Person so becoming disqualified shall at any Time thereafter be desirous of being re-elected on any subsequent Vacancy, it shall be lawful for the Commissioners for the Time being again to re-elect and chuse him to be a Commissioner, subject nevertheless to the several Restrictions aforesaid.

Persons becoming disqualified may nevertheless be re-elected Commissioners.

XIV. And whereas His Majesty in Right of his Duchy of *Lancaster* is Lord of the Wapentake or Hundred of *Salford* in the said County Palatine of *Lancaster*, and holds a Wapentake Court for the Recovery of Debts under the Sum of Forty Shillings, the Jurisdiction of which extends over the said Hundred, and includes the said Parish of *Manchester*: And whereas the Right Honourable *William Philip* Earl *Seston*, by virtue of Letters Patent under the Seals of the Duchy and County Palatine of *Lancaster*, is entitled as Tenant in Tail Male to the Office of Steward of the said Wapentake Court: And whereas Sir *Oswald Mosley* Baronet, as Lord of the Manor of *Manchester*, holds a Court Baron for the Recovery of Debts under Forty Shillings, the Jurisdiction of which extends over the Township of *Manchester*; be it therefore enacted, That it shall and may be lawful to and for the said *William Philip* Earl *Seston* and the said Sir *Oswald Mosley*, and they are hereby respectively authorized and required, within Thirty Days from and after the passing of this Act, to nominate and appoint, each of them under their respective Hands, one Clerk, one Serjeant, and one Half of the other necessary Officers of the said Court of Requests, to continue during the Pleasure of the Person or Persons entitled for the Time being to appoint such Officer or Officers and no longer; and that when and so often as it shall happen that the Office of Clerk, Serjeant, or other Officer or Officers appointed by the said *William Philip* Earl *Seston*, shall become vacant, then that the said *William Philip* Earl *Seston*, or the Person entitled to the Office of Steward of the said Wapentake Court under the said Letters Patent for the Time being, and in failure of any Person so entitled from the Extinction of the said Estate in Tail-male, then that the Chancellor of the Duchy and County Palatine of *Lancaster* for the Time being shall, and they are hereby respectively authorized and required within Thirty Days after such Vacancy shall happen, to nominate and appoint, under their Hands respectively, another fit and proper Person to be Clerk or Serjeant, or other Officer or Officers of and for the said Court of Requests;

Appointment of Officers.

Requests; and in case of the Death, Resignation, or Removal of any Clerk, Serjeant, or other Officer nominated and appointed by the said Sir *Oswald Mosley*, or the Lord or Lady of the Manor of *Manchester* for the Time being, he or she is hereby authorized and required within Thirty Days after any such Vacancy, to nominate and appoint under his or her Hand, another fit and proper Person to be Clerk or Serjeant, or other Officer of and for the said Court of Requests during Pleasure and no longer: Provided always, that the said Officer or Officers so to be nominated and appointed by the said *William Philip Earl Sefton*, or by any Person entitled from Time to Time to fill up a Vacancy in such Office, in his Right, or in Right of the said Duchy, shall have, receive, and be entitled to Two-third Parts of the Fees and Rewards payable to and received by such Officer or Officers by virtue of this Act; and that the said Officer or Officers, so to be nominated and appointed by the said Sir *Oswald Mosley*, or the Lord or Lady of the Manor of *Manchester* shall be entitled to have and receive the remaining One-third Part of such Fees and Rewards: And for the better Regulation of the Division and Receipt of such Fees and Rewards by the said Officers, and of the Labour and Services which each of them should perform, according to the said Proportion of their Fees and Rewards, it shall and may be lawful to and for the said Commissioners or any Five or more of them assembled as aforesaid, and they are hereby required to ratify and confirm any Agreement or Agreements to be made by the said Officers, or any of them, in respect of their said Offices, and to make any Order or Orders respecting the same from Time to Time, as they shall think reasonable; and in case of any Disagreement of or amongst the said Officers, or any of them, respecting the said Fees or Rewards, of the Division of their respective Labour and Services in the Proportion aforesaid, then it shall and may be lawful to and for the said Commissioners, or any Five or more of them, assembled as aforesaid, and they are hereby required after hearing and examining into the respective Allegations and Claims, or other Matters in Dispute amongst such Officers respectively, to make any Rules and Regulations as to the Time and Manner in which the said Officers to be appointed as aforesaid shall respectively exercise their respective Offices, always having just Regard to the said Proportion in which they are to divide the Fees and Rewards of their respective Offices established as aforesaid; and that all such Agreements, Rules, and Orders of the said Commissioners so to be made as aforesaid, shall be entered in the Books and Proceedings of the said Commissioners, and shall be binding and conclusive upon the said Officers, and shall be observed by them and every of them at all Times: Provided also, that it shall and may be lawful to and for the Commissioners of the said Court of Requests, or any Five or more of them assembled as aforesaid, to appoint any such Officers to do the Business of the said Court until such respective Nominations and Appointments shall from Time to Time be made as aforesaid, and all Persons so appointed by the said Commissioners, or any Five of them, shall be and be deemed to be (during such Time as they shall respectively act) Officers under this Act to all Intents and Purposes whatsoever, and entitled to all the Advantages and Emoluments specified in this Act, and subject to Removal from their respective Offices by the said Commissioners, or any Five of them, in case of Misbehaviour or Neglect of Duty.

XV. Pro-

XV. Provided always, That no Person or Persons who shall keep any Victualling House, Alehouse, or any Public House of Entertainment, or who shall sell any Wine, Cider, Beer, Spirituous or other Strong Liquors by Retail, shall be capable of acting as a Commissioner or holding the Office of Clerk or any other Place of Profit belonging to the said Court; and that no Person nominated a Commissioner shall be capable of acting as a Commissioner during the Time he shall remain Clerk of the said Court.

No Victualler
nor Commis-
sioner to act
as Clerks

XVI. And be it further enacted, That it shall and may be lawful to and for the said respective Clerks of the said Court of Requests for the Time being, to nominate One or more sufficient Deputy or Deputies to act for him or them respectively in the Office of Clerk of the said Court of Requests; which Deputy or Deputies, in the Absence of the said Clerk or Clerks respectively, shall have the same Authority as if the Clerk was himself personally present, and shall from Time to Time be displaceable and removeable, and shall accordingly be displaced and be removed, at the Will and Pleasure of the said Clerk or Clerks respectively of the said Court of Requests for the Time being; and such Clerks respectively, or their respective Deputies is, and are hereby empowered and required to issue all Summonses, Warrants, and Precepts, and to register all Orders, Decrees, and Judgments of the said Court, and do all such Acts, Matters, and Things, as are directed or required to be done by the said Clerk, by virtue of this Act, and shall enter and register, or cause to be entered and registered, in proper Books, to be kept for that Purpose, all the Acts and Proceedings of the said Court of what Nature or Kind soever: Provided nevertheless, that the respective Clerks of the said Court shall be answerable or accountable for all Acts, Receipts, Matters, and Things to be done, received, or transacted by their respective Deputies.

Clerk may
appoint Dea-
puties.

XVII. And be it further enacted, That in case of the Neglect or Refusal of the said Commissioners, a sufficient Number of the said Commissioners shall not be present to act in the Execution of this Act as is herein directed on any of the Days appointed for holding of the said Court, then and in every such Case it shall and may be lawful to and for any of the said Commissioners who shall be present, and if no Commissioner shall be present, it shall and may be lawful to and for the said Clerk or his Deputy for the Time being, to adjourn the said Court to the next *Wednesday* or some earlier Day.

Clerk may ad-
join the
Court if Com-
missioners do
not attend.

XVIII. And be it further enacted, That the Clerk and Cryer of the said Court shall do and perform in their respective Offices, as they shall be directed or appointed by the said Commissioners; and the several Serjeants of the said Court shall serve all Summonses, and execute such Orders, Warrants, and Precepts, and do and perform all such other Acts, Matters, and Things as may be required to be done by them respectively by virtue of this Act.

Clerk, Cryer,
and Serjeants
execute their
Offices.

XIX. And be it further enacted, That if any such Clerk, Deputy Clerk, Serjeant, Cryer, or other Officer shall be guilty of any Misbehaviour, either by Neglect or Breach of Duty, or in taking greater Fees than are by this Act allowed to be taken, or otherwise, in the Discharge of their

Displacing
Officers for
Misconduct.

[Loc. & Per.]

8 N

respective

respective Offices, upon Complaint and due Proof thereof made upon Oath in open Court, (which Oath the said Commissioners are hereby authorized to administer), the said Commissioners of the said Court then sitting shall and they are hereby directed and required to enquire into the Nature of the said Complaint, and if it shall appear to be well founded, then such Commissioners, or the major Part of them so sitting in Court as aforesaid, are hereby directed and required to cause the whole Number of Commissioners of the said Court residing within the Jurisdiction of the said Court to be summoned to meet at a convenient Time and Place, which Meeting shall be holden not sooner than Fourteen Days nor more than Thirty Days after such Summons; and of which Meeting Twenty-one Days Notice in Writing shall be given to the Person or Persons respectively for the Time being authorized to appoint an Officer in the Place of the Party so complained of, specifying in such Notice the Time and Place of such Meeting, and the Cause of Complaint; and the said Commissioners at such Meeting, or the major Part of them present, shall and may examine and consider the Merits of such Complaint, and if it shall appear to such Commissioners of the said Court, or the major Part of them, upon due Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby authorized to administer), or by other legal Evidence, that the said Clerk, Deputy Clerk, Serjeant, Cryer, or other Officer hath or have been guilty of such Misbehaviour or Breach of Duty as aforesaid in his or their Office or Offices, then and in every such Case it shall and may be lawful to and for the said Commissioners of the said Court, or the major Part of them, to suspend, dismiss, or remove such Clerk, Deputy Clerk, Serjeant, Cryer, or other Officer, from his or their Office or Offices.

Commissioners
to enter their
Proceedings,
and such En-
tries to be Evi-
dence.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required to make, or cause to be made, fair and regular Entries in a Book or Books to be provided by them for that Purpose, of all the Judgments, Acts, Orders, Directions, Regulations and Proceedings of them the said Commissioners relative to the Execution of the several Powers and Authorities vested in them by this Act, and also of the Names of the Commissioners who shall be present at their respective Meetings; and such Entries shall be signed by the Chairman of each respective Meeting; and such Entries when so signed, and such Book and Books, shall be allowed to be read in Evidence, in Proof of the Proceedings of such Court in all Courts whatsoever.

What Debts
may be deci-
ded by the
Commis-
sioners.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby enabled to decide and determine all Disputes and Differences between Party and Party for any Sum not exceeding Five Pounds in all Actions or Causes of Debt, whether such Debt shall arise from any Bond, Bill, or Specialty, for the Payment of Money only, or any Promissory Note or Inland Bill of Exchange, or for Rent upon Leases, Articles, Minutes, and in all Causes of Assumpsit and Infimus Computasset, and in all Causes or Actions of Trover and Conversion, and in all Causes or Returns founded on a Quantum Meruit, and in

in all Causes or Actions of Trespass or Detinue for Goods and Chattels taken or detained.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to enable the said Commissioners to determine the Right or Title to any Lands, Tenements, or Hereditaments, or Real Estates whatsoever; or to judge, determine, or decide on any Debt where the Title of the Freehold or Lease for Years of any Lands, Tenements, or Hereditaments, or of any Chattels Real whatsoever shall be brought or come into question, nor to any Debt for any Sum being the Balance of an Account on Demand originally exceeding Five Pounds, or to judge, determine, or decide on any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments, situate elsewhere than in the said Parish of *Manchester*; or by reason of any Cause concerning Testament or Matrimony, or any Thing concerning or properly belonging to the Ecclesiastical Court, 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; any Thing in this Act contained to the contrary notwithstanding.

To what Causes Rules shall not extend.

XXIII. 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 the Recovery of any Debt where the whole Sum which 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 or 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.

Actions not to be split.

XXIV. Provided always, and be it enacted, 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 Judgment 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 Case so split or divided.

But Action may be split if Plaintiff satisfied to receive the Sum to be awarded in full of all Demands.

XXV. And,

For summon-
ing the Com-
missioners.

XXV. And, to the Intent that no undue Preference may be made and given in summoning the said Commissioners appointed or to be appointed in pursuance of this Act, to attend the said Court; be it further enacted, That the Serjeant or Serjeants of the said Court for the Time being, to be nominated and appointed by virtue of this Act, shall be and he and they is and are hereby required to summon in each and every Week, by Notice in Writing to be left at the respective last or usual Places of Abode of the Commissioners to be so summoned, Ten of the Commissioners to attend the said Court as Commissioners for the Week next ensuing; and the first Ten Commissioners to be summoned shall be the Ten Commissioners whose Names shall stand first upon the List hereby directed to be hung up in the Court or Meeting Place of the said Commissioners; and the next Ten Commissioners to be so summoned shall be the Five Commissioners whose Names shall stand next in such List; and the Five last Commissioners who were summoned to attend the last preceding Court, and so in like Manner Ten Commissioners shall be summoned for each ensuing Week; in Order and Rotation, until such List shall be gone through, and then such List shall be gone through again.

Commission-
ers may act
although not
summoned.

XXVI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to exclude any of the said Commissioners for the Time being from sitting in the said Court, although such Commissioners shall not have been summoned, or stand in Rotation to be summoned; but that each and every such Commissioner, if he shall think fit so to do, shall and may sit and hear and assist in determining, giving Judgement, and making Orders and Decrees in the said Court, and shall have the like Powers and Authorities as any Commissioner so summoned as aforesaid, any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Commission-
ers may sum-
mon Debtors
and make
Orders for
Payment of
Debts.

XXVII. 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 (in case such Person or Persons shall reside within the Jurisdiction of the said Court) having any Debt or Debts, (save and except as herein excepted) 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, owing, or payable to him as Collector of any Rates or Taxes, or as Clerk or other Officer 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 by this Act are enabled to judge and determine, and not expressly prohibited by this Act, by or from any other Person or Persons whatsoever inhabiting and residing within the said Parish, or keeping and using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing or working, or generally using and frequenting the Markets there as a Dealer, or seeking a Livelihood, to apply to the Clerk of the Court for the Time being, or his Deputy, who shall immediately make out and deliver to One of the Serjeants of the said Court for the Time being, a Summons in Writing, under the Hand of the said Clerk, directed to such Debtor

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 of such Debtor or Debtors, such Summons in all Cases being served 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, such Number present not being less than by this Act directed, are hereby required and empowered to make due Enquiry concerning such Demands or Plaints, and make such Orders therein, and pass such Sentence and Judgement thereupon, and award such reasonable Costs of Suit, as to them shall seem right and proper, consistent with the Rules and Regulations in this Act contained.

XXVIII. And for the better Discovery of the Truth, and more solemn Determination of the Matters and Causes which shall be depending in the said Court be it further enacted, That it shall and may be lawful to and for the said Commissioners present in the said Court to administer an Oath or Oaths, or Affirmation or Affirmations to any Officer of the said Court, or to any Party or Parties whom they the said Commissioners shall think proper to examine, touching the Matter then in question, and also to such Witness or Witnesses as shall be produced by each Party, and also to any other Person or Persons whose Evidence shall seem necessary towards the hearing or determining any of the said Causes or Actions, or making an Order or Decree therein, or for any other Purpose requisite for the better Execution of this Act.

Commissioners may administer Oaths.

XXIX. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff on the Trial of any such Cause or Action as aforesaid, or of any Cause of Action, except such as is stated in the said Summons hereby directed to be given, nor shall any Evidence be admitted on Behalf of the Defendant or Defendants on the Trial of such Cause or Action of any Demand he, she, or they may have on the Plaintiff or Plaintiffs, in the Nature of a Set-off, to lessen or discharge himself, herself, or themselves from such Demand or Cause of Action, unless Notice thereof in Writing has been given to the said Plaintiff or Plaintiffs, by personal Service, or by leaving it at his, her, or their Dwelling-house, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, previous to the Day when such Matter or Cause shall be heard or tried.

No Evidence to be given by Plaintiff beyond the Matter of the Summons, &c.

XXX. 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

If Debtor does not appear Judgment may be given.

[Loc. & Per.]

8 O

Summons.

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 Judgment therein, and to award such reasonable Costs of Suit as to them shall seem right and proper, consistent with the Rules and Regulations in this Act contained.

If Plaintiff
does not ap-
pear Defend-
ant to have
Costs,

XXXI. 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 or on Account of which Suit, 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 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, and they are hereby required 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 and Means as are herein provided for the Recovery of Debts ordered or decreed by the said Court.

Commission-
ers may award
Execution
against the
Body or
Goods.

XXXII. And be it further enacted, That in any Cause, Action, or Case where the said Commissioners shall have made an Order or Decree, for the Payment of Money, it shall and may be lawful to and for the said Commissioners present in Court to award Execution, either against the Body or Goods of the Party against whom such Order or Decree shall be made, and thereupon it shall and may be lawful to and for the proper Officer of the said Court, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal by way of Capias ad Satisfaciendum, or Fieri Facias, to One of the Serjeants of the said Court, who by virtue of such Precept, issued upon Execution awarded against the Body of such Party, shall and may and he is hereby empowered to take such Party, being within the Jurisdiction of the said Court, and carry him, her, or them to the common Gaol of the said County Palatine of *Lancaster*, there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgment for the Space of Time herein in that Behalf particularly directed; and in case any such Precept shall be issued upon Execution against the Goods and Chattels of such Party, such Serjeant shall and may, and he is hereby empowered to levy by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such Sum or Sums of Money and Costs as shall be so ordered, decreed, or adjudged; and if the Party against whose Body or Bodies any such Execution shall be awarded, and Process thereupon shall issue, shall by absconding, or by secreting or removing his, her, or their Goods or Chattels, or by any other Means prevent or evade the Service or Effect of any such Execution, it shall and may be lawful

lawful to and for the said Commissioners present in the said Court upon due Proof made thereof before them by the Oath or Oaths of One or more credible Witness or Witneses, at their Discretion to award further Execution either against the Body or Goods and Chattels of such Party, and Process shall issue thereupon and be served by One of the Serjeants of the said Court in Manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied, and it shall and may be lawful to and for the said Commissioners from Time to Time, in case they shall think fit, for the Ease and Convenience of the Defendant or Defendants (and they are hereby authorized and empowered) to order, decree, or adjudge any Debt due to the Plaintiff or Plaintiffs to be paid by several Payments or Instalments, and under such Terms and Conditions as may appear reasonable and just to them the said Commissioners for the Ease of the Defendant or Defendants, and the Security of the Plaintiff or Plaintiffs; and it shall and may be lawful to and for the said Commissioners present in Court, in case any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, and directed, shall afterwards be made, and they are hereby authorized and empowered, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure, to award Execution against the said Defendant or Defendants, or against any other Person or Persons who may have given Security to the said Plaintiff or Plaintiffs under the Directions of the said Commissioners for the Payment of such Payments or Instalments in Manner aforesaid for the whole Debt, or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable, and such Debt or such Part thereof, and such further Costs shall be recovered by the same Ways and Means as are herein provided for the Recovery of the Debt and Costs first decreed.

XXXIII. And, as 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 Judgment 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*, or for the Court of Common Pleas for the said County Palatine of *Lancaster*, upon Affidavit made and filed of such Decree or Judgment 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, or that the Person or Persons, Goods and Chattels of 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, and it shall and may be lawful to and for such superior Court to cause the Record of the said Decree or Judgment 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 Judgment obtained in the said Courts at *Westminster* or

Records of Judgment may be removed into superior Court and Writs of Execution issued.

or Court of Common Pleas at *Lancaster*; and the Sheriff upon every such Execution shall and he is hereby authorized to detain the Defendant or Defendants until the Sum of Ten Shillings be paid to him in case such Execution shall be issued for any Sum not exceeding Forty Shillings, or until the Sum of Twenty Shillings be paid to him in case such Execution shall be for any Sum exceeding Forty Shillings, or to levy the same Sums respectively 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 Judgment and of the Execution in the superior Court, over and above the Money for which such Execution shall be issued.

Clerk to indorse Debts and Costs on the Precept.

XXXIV. And be it further enacted, That upon each and every Precept to be issued upon Execution awarded against the Body or Goods and Chattels of any Person or Persons whomsoever, the Clerk of the said Court shall indorse, or cause to be indorsed, the Sum or Sums of Money, and the Costs so ordered, decreed, and adjudged, and if the Party or Parties against whom such Execution shall be awarded respectively, shall before any actual Sale of the Goods and Chattels, or before he, she, or they, is or are apprehended, or before the Expiration of the Term of his, her, or their Imprisonment as herein mentioned, pay or cause to be paid or tendered unto the Clerk of the said Court such Sum or Sums of Money and Costs, together with the Fee or Fees herein directed to be paid to the Clerk as a Compensation for his Trouble in receiving the same, and in entering an Acknowledgement and Satisfaction in full for such Sum or Sums of Money and Costs, then and in every such Case the Execution shall be superseded, and the Body or Goods and Chattels of the said Party or Parties shall be discharged and set at Liberty.

Process not to issue against Body and Goods.

XXXV. 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, Judgment, or Decree, shall at the same Time have obtained any Warrant or Process against the Goods and Chattels of the same Person or Persons.

Commissioners may suspend Proceedings in Cases of Sickness, of Defendant, or Inability to pay.

XXXVI. And be it further enacted, That in case it shall at any Time during the Hearing of any Cause in the said Court, appear by the Oath of any Person or Persons, to the Satisfaction of the major Part of the Commissioners present at the Court at which such Cause shall be heard, that such Debtor or Debtors is or are unable, from Sickness or unavoidable Accident, to pay and discharge the Debt or Debts for which he, she, or they shall have been so summoned, then it shall and may be lawful to and for the major Part of the said Commissioners assembled at any such Court or Courts as aforesaid, if they shall think it reasonable or necessary to suspend or supersede the Proceedings in such Cause, until it shall upon like Proof as aforesaid appear to the Court that such Debtor or Debtors shall be able to pay such Debt or Debts, and then to proceed again in Manner aforesaid; any Thing herein contained to the contrary notwithstanding.

XXXVII. And

XXXVII. And be it further enacted, That the Keeper or Keepers for the Time being of the Common Gaol of the said County Palatine of *Lancaster* shall and may, and they are hereby required to receive and take into their Custody respectively all and every Person or Persons who shall be committed or ordered to stand committed by the said Commissioners, or any Three or more of them present in Court; and in case the Keeper or Keepers of the said Gaol shall neglect or refuse to receive and take into his or their Custody any Person or Persons committed by virtue of this Act, or shall, before the Expiration of the Time for which any Person or Persons shall be committed to his or their Custody, discharge such Person or Persons out of his or their Custody, and wilfully suffer such Person or Persons to go at large without a Warrant or Order for that Purpose in Writing signed in Court by the said Commissioners or any Three or more of them, such Keeper or Keepers respectively so offending in either of the said Cases, and being thereof convicted before any One or more of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*, upon the Oath of One or more credible Witnesses or Witnesses (which Oath such Justice or Justices is and are hereby authorized and required to administer), or upon his, her, or their own Confession, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, at the Discretion of the said Justice or Justices, and in case such Sum shall not be immediately paid by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender or Offenders shall be convicted, then and in every such Case such Sum shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) to such Offender or Offenders, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture when so paid, levied, or recovered, shall be distributed amongst the Poor of the Towns of *Manchester* and *Salford*, within the said Parish of *Manchester*, in like Manner as the several other Fines and Penalties are by this Act directed to be distributed; and in case sufficient Distress shall not be found, it shall and may be lawful to and for the said Justices to commit such Offender or Offenders to the Common Gaol of the County Palatine of *Lancaster*, for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged.

Gaolers to receive Persons committed.

XXXVIII. 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 of Requests, on Account of his being a sworn Attorney or Solicitor, or other Officer of any of His Majesty's Courts of Record at *Westminster*, or of any other Court whatsoever; but that all such Attornies, Solicitors, and other Officers shall be subject to the several Processes, Orders, Judgements, and Executions of the said Court of Requests, in the same Manner as any other Person or Persons is and are subject to the same.

No Privilege to be allowed Attornies.

[*Loc. & Per.*]

§ P

XXXIX. And

No Attorney
&c. to plead.

XXXIX. And be it further enacted, That no such Attorney, Solicitor, Scrivener, or any Person practising the Law, shall be permitted to appear in the said Court of Requests as an Attorney, Solicitor, or Advocate for or on Behalf of any Plaintiff or Defendant, or any other Person, or be admitted to speak before the said Court in any Cause, Action, or Matter, in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness; and in case any Attorney, Solicitor, or Scrivener shall appear in the said Court of Requests as an Attorney, Solicitor, or Advocate, before the said Court in any Cause, Action or Matter, in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness, then and in every such Case such Attorney, Solicitor, or Scrivener so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Fifty Pounds, on being convicted thereof before any Two or more of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*, upon the Oath of One or more credible Witness or Witnesses, (which Oath such Justices are hereby authorized and required to administer) or on his own Confession; and in case such Sum of Money shall not be paid forthwith by the Person or Persons so offending into the Hands of the said Justices before whom such Offender shall be convicted, then and in every such Case such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Offender by Warrant under the Hands and Seals of such Justices, rendering the Overplus (if any) to such Offender after deducting such Fine or Forfeiture, and the Costs and Charges of such Distress and Sale; and such Fine, when so paid or levied and recovered, shall be distributed amongst the Poor of the said Towns of *Manchester* and *Salford*, in the like Manner as the several other Fines and Penalties are by this Act directed to be distributed.

Fees to be
taken.

XL. And be it further enacted, That the several Fees and Sums of Money herein-after limited and expressed, shall be and are hereby authorized and allowed to be demanded upon and for the several Processes, Acts, Matters, and Things herein-after mentioned, over and above any Sum or Sums of Money which any such Processes may be subject or liable to in respect of Stamp Duties (if liable thereto); that is to say,

	On Debts not exceeding Forty Shillings.		On Debts exceeding Forty Shillings.	
	s.	d.	s.	d.
ASSISTANT BARRISTER'S FEES.				
Upon every Summons issued	0	6	1	0
Upon every Hearing or Trial	0	6	1	0
Upon every Nonfuit	0	6	1	0
Upon every Judgment or Order entered upon every Trial or Nonfuit	0	6	1	0
Upon every Attachment or Execution issued	0	6	1	0

CLERK'S

	On Debts not exceed- ing Forty Shillings.	On Debts exceeding Forty Shillings.
	s. d.	s. d.
CLERK'S FEES.		
For entering every Cause - - -	0 4	0 9
Issuing every Summons - - -	0 4	0 9
Issuing every Subpœna (not including more than Four Witnesses) - - -	0 6	1 0
Every Hearing or Trial - - -	0 6	1 0
Swearing every Witness, Plaintiff, or Defendant -	0 2	0 4
Every Nonfuit - - -	0 6	1 0
Drawing up and entering every Judgment or Order upon every Trial or Nonfuit - - -	0 6	1 0
Paying Money into Court in full, and entering Satis- faction in Books - - -	0 6	1 0
If by Instalments 6d. in the Pound more.		
Every Search in the Books (except where the Com- missioners shall otherwise direct, in making Re- gulations respecting the Suitors Money paid into Court) - - -	0 3	0 6
Issuing every Attachment or Execution - - -	1 0	1 6

CRYER'S AND SERJEANT'S FEES.

For calling the Plaintiff and Defendant in every Cause - - -	0 2	0 3
For serving every Summons, Order, or Subpœna, upon every Defendant or Witness within One Mile of the Court House - - -	0 4	0 6
If above One Mile, then Extra for every Mile from the Court House - - -	0 2	0 3
For the Execution of any Warrant, Precept, or Attach- ment against the Goods or Body - - -	1 0	1 6
If above One Mile, then Extra for every Mile from the Court House - - -	0 2	0 3
If an Assistant Serjeant should be necessary in the Judg- ment of the Commissioners, then for the Assistant If above One Mile, then Extra for every Mile from the Court House - - -	0 6	1 0
For carrying every Defendant or Delinquent to Prison (in- cluding all Expences and Assistants), for every Mile One Shilling.	0 2	0 3

And the said Commissioners shall and they are hereby required to hang up and affix, or cause to be hung up and affixed, a Table of all such Fees in some conspicuous Place of the said Court or Place of Meeting of the said Commissioners, in order that all Persons concerned may be enabled to peruse the same.

XLI. 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 Debts due to Persons under Age may be recovered.

of Five Pounds shall be due and owing to any menial Servant, Clerk, Book-keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or any other Person whatsoever, 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.

Commis-
sioners may
make Rules
respecting
Suitors Mo-
ney.

XLII. And be it further enacted, That the said Commissioners or the major Part of them, at any General Meeting thereof assembled pursuant to Notice in Writing for that Purpose to be given by the Clerk or One of his Deputies to the said Commissioners for the Time being, the Number of Commissioners then present not being less than Seven, shall and may, and they are hereby empowered and directed to make, ordain, and constitute such Rules and Regulations as to them shall seem meet, for securing the Balances and other Sums of Money belonging to the Suitors of the said Court in the Hands of the Clerk or Clerks of the said Court, or their respective Deputies, which at any Time, from and after the passing of this Act, may be by them or either or any of them received, and for the due accounting for and Application of all such Balances and other Sums of Money, and also for auditing the Accounts at least Once in every Year, and oftener if they shall deem necessary.

Limitation of
Imprisonment.

XLIII. And be it further enacted, That no Person or Persons whomsoever who shall be committed to the said Gaol by order of the said Court for any Debt or Debts shall be kept or continued in Custody on any Pretence whatsoever (except in Cases herein-after provided for) for any longer Space or Spaces of Time, from the Time of his or their Commitment to Prison than is or are herein-after limited in that Behalf, 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 no more than Forty Days; and where the Debt (exclusive of Costs) is above Forty Shillings and does not exceed Three Pounds, then no 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, then not more than One hundred Days, from the Time of his, her, or their Commitment; and the Keeper or Keepers of the said Gaol is and are hereby directed and required to discharge such Person or Persons accordingly.

Except of
Debtors con-
cealing Mo-
ney or Goods.

XLIV. And, in order the more effectually to prevent Persons summoned for Debts to the said Court from the fraudulent Concealment of their Money or Goods, 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 Practice shall be given, such Court shall have Power to hear Evidence as to such fraudulent Concealment, and in case it

it shall be proved to their Satisfaction, upon the Oath of One or more Witness or Witnesses, (which Oath the said Court is hereby empowered to administer) that any such Debtor has Money or Goods which he or she has fraudulently or wilfully concealed, 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 to any Period in addition thereto, not exceeding Three Calender Months.

XLV. And be it further enacted, That 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 his, her, or their being taken in Custody, or during his, her, or their Imprisonment, shall have more than One Execution against him, her, or them in the said Court, shall be imprisoned the Time by this Act limited for and in respect of such Execution, and after the Time so limited in the first Execution is expired, the Imprisonment on the Second Execution shall commence, and after the Time so limited on the Second Execution is expired, the Imprisonment on the Third Execution shall commence, and so on until he, she, or they shall have been imprisoned the Time by this Act limited for and in respect of each 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.

Imprisonment
to extend to
separate
Debts.

XLVI. 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 of Imprisonment, be discharged and set at Liberty without paying any Sum or Sums of Money, Fee or Fees, or other Reward or other Gratuity whatsoever, to the Keeper or Keepers, 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 whomsoever 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 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 County Palatine of Lancaster 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 Judgment 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

Debtors not
to pay Gaol
Fees.

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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 said County Palatine of *Lancaster*, 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 and Forfeiture, when paid or received, shall be paid to the Person or Persons informing or suing for the same, and the other Moiety to the Clerk to the said Commissioners, and the same shall be by the said Commissioners distributed amongst the Poor of the said Towns of *Manchester* and *Salford* in such Shares and Proportions as to the said Commissioners shall seem right and proper.

Serjeant neglecting his Duty to pay the Debt.

XLVII. And be it further enacted, That if any Serjeant or Serjeants, or other Officer or Officers of the said Court, employed to serve any Execution, shall, by wilful Neglect, Omission, or Connivance, cause or suffer the Party, against whom such Execution shall be awarded, to escape or abscond, or the Goods of such Party to be carried away or secreted, so that such Execution shall not have its due Effect, it shall and may be lawful to and for the said Commissioners, upon Complaint and due Proof thereof made upon the Oath or Oaths of One or more credible Witness or Witnesses, to order such Serjeant to pay the Sum or Sums of Money for which such Execution was awarded by the Party complaining, and to enforce the Payment thereof by the same Ways and Means as herein are provided for Recovery of their Debts, and it shall and may be lawful to and for the said Commissioners, and they are hereby enabled to impose any Fine, not exceeding Ten Pounds for every such Offence, on such Serjeant or Serjeants, Officer or Officers, and such Fine if not forthwith paid shall and may 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 the said Commissioners, rendering the Overplus, if any, after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and such Fine, when so levied and recovered, shall be paid to and distributed by the said Commissioners, in such Shares and Proportions, and in such Manner, amongst the Poor of the said Towns of *Manchester* and *Salford*, as they the said Commissioners may think fit and proper.

Officers not to take any Fees except those allowed by the Act.

XLVIII. And be it further enacted, That if any Clerk, Deputy Clerk, Serjeant, or Cryer, or any other Officer or Servant, employed by the said Commissioners in putting this Act or any of the Powers thereof in Execution, shall exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as 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 whatever relative to putting this Act into Execution, every such Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, or upon Verdict or Judgment being had against him in such Action as next hereinafter mentioned, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall, over and above, forfeit and pay any Sum not exceeding Ten Pounds, to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Complaint, or Information, in any

any of His Majesty's Courts of Record at *Westminster*, within Three Calendar Months after the Offence committed, in which Action or Suit no Essoign, Protection or Wager at Law, or more than One Impar lance shall be allowed.

XLIX. And be it further enacted, That in case any Person or Persons residing or being within the Jurisdiction of the said Court, after having been duly served with a Subpoena or Summons to be issued by the Clerk of the said Court of Requests, and paid or tendered his or her reasonable Expences, to attend and give his, her, or their Evidence at a Time and Place in such Subpoena or Summons mentioned, on Behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpoena or Summons, due Proof being made of the Service of such Subpoena or Summons, and no sufficient Cause for his, her, or their Absence or Non-appearance being shewn to the Satisfaction of the said Court, and Oath being made before the said Commissioners by the Party or Parties at whose Instance and on whose Behalf such Subpoena or Summons issued, that the Person or Persons served therewith was or were a Witness or Witnesses by such Party or Parties judged necessary for the Proof of his, her, or their Cause or Causes, Action or Actions, Complaint or Complaints, Defence or Defences, then and in every such Case it shall and may be lawful to and for the said Commissioners to impose any Fine, not exceeding Ten Pounds on such Person or Persons; and in case such Fine shall not be paid forthwith, such Fine shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hands and Seals of the said Commissioners, rendering the Overplus (if any), after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and such Fine, when so paid, levied, or recovered, shall be paid over to the Party or Parties at whose Instance or on whose Behalf such Subpoena or Summons shall have been issued; and in case sufficient Distress shall not be found, it shall and may be lawful to and for any Three or more of the said Commissioners to commit such Offender to the Common Gaol of the said County Palatine of *Lancaster*, for any Time not exceeding the Space of One Calendar Month.

Penalty on
Witnesses not
attending.

L. And be it further enacted, That if any Person or Persons upon Examination on Oath or Affirmation before the said Commissioners in any Action, Cause, or Matter depending in the said Court of Requests, or before any Justice or Justices of the Peace acting in Execution of this Act, shall wilfully and corruptly give false Evidence, or shall wilfully and corruptly swear or affirm any Matter or Thing, which shall be false or untrue, every such Person so offending, and being duly convicted thereof shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law or Statute, Laws or Statutes, in force or Effect, Persons guilty of wilful and corrupt Perjury are subject and liable to.

Punishing
Persons guilty
of Perjury.

LI. And be it further enacted, That if any Commissioner of the said Court for the Time being, shall be Party to, or concerned or interested in any Cause, Action, or Matter depending in the said Court, or shall be the Father, or Son, or Brother of any Person or Persons concerned or interested in any such Cause, Action, or Matter, such Commissioner shall not be capable of acting as a Commissioner on the hearing or determining such Cause,

Commission-
ers or Officer
not to act
where inte-
rested.

Cause, Action, or Matter, or making any Order, Decree, or Judgment therein, but such Commissioner, after being heard in such Cause, Action, or Matter, shall withdraw until the same be finally determined; and if the Clerk, or his Deputy, or other Officer of the said Court for the Time being shall be a Party to or interested in any Cause, Action, or Matter, depending in the said Court, such Clerk, Deputy, or other Officer, shall not exercise his said Office in such Cause, Action, or Matter, or in any Thing relating thereto, but the said Commissioners forming the said Court shall and may appoint another Person to exercise the Office of such Clerk or Deputy, or other Officer respectively, in all Things relating to such Cause, Action, or Matter.

For preventing the Commissioners and Officers being insulted.

LII. And be it further enacted, That if any Person or Persons shall contemptuously and wilfully abuse all or any of the said Commissioners, or any of the Officers of the said Court for the Time being, during his or their Sitting or Attendance in the said Court, or going to or from the said Court, or shall hinder and obstruct the Proceedings of the said Court, then and in every such Case it shall and may be lawful to and for the Serjeant or Serjeants of the said Court, with or without the Assistance of any other Person or Persons, by the Order of the said Commissioners, to take such Offender or Offenders into Custody, and the said Commissioners shall examine into such Insult, Abuse, or Misbehaviour, either from their own View or Knowledge of what passed, or by the Oath or Oaths of One or more credible Witness or Witnesses; and upon such Insult, Abuse, or Misbehaviour, being proved as aforesaid, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to impose a Fine, not exceeding Ten Pounds on each and every such Offender or Offenders; and in case such Fine shall not be forthwith paid, such Fine shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the said Commissioners, rendering the Overplus, if any, upon Demand, after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the said Fine, when so paid, levied, or recovered, shall be paid to and distributed by the Commissioners, in such Shares and Proportions, and in such Manner, amongst the Poor of the said Towns of *Manchester* and *Salford*, as they the said Commissioners shall think fit and proper; and in case sufficient Distress shall not be found, it shall and may be lawful for any Three or more of the said Commissioners to commit such Offender or Offenders to the Common Gaol of the County Palatine of *Lancaster*, for any Time not exceeding the Space of One Calendar Month.

Copy of the preceding Clause to be stuck up in Court.

LIII. And be it further enacted, That the Clerk of the said Court shall fix or cause to be affixed or stuck up in the most public Part of the said Court, or other Place where the Commissioners of the said Court shall meet, a true Copy of the preceding Clause of this Act, to the End that no Person or Persons shall or may plead Ignorance thereof.

Where Debt due from two Persons, how Summons to be served;

LIV. And be it further enacted, That where any Debt shall be due or owing, or demanded from any Two or more Persons jointly, by reason or on account of such Persons being Partners in Trade, or otherwise jointly concerned

concerned, Service of such Summons as aforesaid personally on any one of such Partners or Persons, and Notice thereof left at the last or usual Place or Places of Abode, Warehouse, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, of the other or others of such Partners or Persons, shall be as good and sufficient as if each of such Partners or Persons were separately summoned as aforesaid.

LV. And, for removing all Doubts whether the Statute of Limitations may be pleaded in the said Court of Requests, it is hereby further enacted and declared, That all Defendants in the said Court shall be allowed to plead or claim the Benefit of any Statute of Limitation in force and Effect, and every Defendant so pleading or claiming, shall have and receive such and the like Advantage and Relief thereby, as such Defendant would have been entitled to, in case this Act had not been made, and he, she, or they had been sued for the same Debt or other Cause of Action in any of His Majesty's Courts of Record at *Westminster*, or any other Court, and had there pleaded such Statute in Bar to the Action or Suit.

For pleading
the Statute of
Limitations.

LVI. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering 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 Towns of *Manchester* and *Salford* in such Manner as the said Commissioners, or any Three or more of them, shall think right and proper; and in case sufficient 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 empowered, by Warrant under their Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol of the County Palatine of *Lancaster*, 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.

Recovery and
Application
of Penalties.

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

Form of Con-
viction.

BE it remembered, That on this Day of
in the Year of the Reign of
A. B. is convicted before of His Majesty's Justices of the Peace
for the County Palatine of *Lancaster* [or before Three of the Commis-
sioners for the Recovery of Small Debts within the Parish of *Manchester* in
[Loc. & Per.] 8 R the

‘ the County Palatine of *Lancaster*] of having [*as the Offence shall be*]
 ‘ and I [*or, we*] the said do adjudge him, [*her, or them*] to
 ‘ forfeit and pay for the same; such Offence being contrary to the Pro-
 ‘ visions of an Act made in the Forty-eighth Year of the Reign of King
 ‘ *George* the Third, intituled, [*here insert the Title of this Act*] the Sum
 ‘ of Given under my Hand and Seal [*or our Hands and*
 ‘ Seals] the Day and Year aforeaid.’

Distress not
unlawful for
want of Form.

LVIII. 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 or Parties 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 or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings
not to be
quashed for
want of Form.

LIX. And be it further enacted, That no Order, Verdict, Assessment or Judgment, or other Proceedings made touching or concerning any of the Matters aforeaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only.

Plaintiff not to
recover with-
out Notice, or
after Tender
of Amends.

LX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time, before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of
Actions.

LXI. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County Palatine of *Lancaster*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforeaid, or after the Time limited for bringing the same as aforeaid, or shall be brought in any other County than as aforeaid, then and in every such case the Jury shall find for

the Defendant or Defendants; and upon such Verdict, or if the Plaintiff shall be nonsuited or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

LXII. Provided always, and be it enacted, That nothing in this Act shall Saving Clause. extend or be construed to extend to do away, destroy, or prejudice the said Wapentake Court, or the said Court Baron, or any other Court belonging to the Manor of *Manchester*, or any Rights, Liberties, Franchises, Usages, Customs, Royalties, Suits, Services, Privileges, Powers, or Authorities enjoyed with, or appertaining or belonging to the said Wapentake or Hundred of *Salford* and Manor of *Manchester*, or either of them.

LXIII. And be it further enacted, That this Act shall be deemed and Public Act: taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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