



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

\*\*\*\*\*

## *Cap. 50.*

An Act for the more easy and speedy Recovery of  
Small Debts within the Hundred of *Codsheath*, and  
other Places therein mentioned, in the County of  
*Kent*. [27th May 1808.]

**W**HEREAS the Inhabitants and Trade of the several Parishes  
and Places within the several Hundreds of *Codsheath*, *Somerden*,  
*Westerham*, and *Edenbridge*, *Wrotham*, *Brenchley* and *Horsmon-*  
*den*, *Washlingstone*, and of the Lowey of *Tonbridge*, and the Ville and  
Liberty of *Brasted*, in the County of *Kent*, have of late Years very much  
increased: And whereas the several Tradesmen and Inhabitants of the  
several Parishes and Places within the said several Hundreds, and of the  
said Lowey, Ville, and Liberty respectively, are, for the Purpose of reco-  
vering any small Sums of Money that may be due and owing to them,  
obliged, under the respective Jurisdictions to which they must at present  
resort, to be at an Expence generally far exceeding and in all Cases highly  
disproportionate to the Sum in Dispute: And whereas it would tend  
greatly to the Improvement and Encouragement of Trade, and to the  
necessary Support and Protection of useful Credit in the several Parishes  
and Places within the said several Hundreds, and in the said Lowey, Ville  
and Liberty, if a Court were established for the more easy and speedy  
Recovery of such small Debts; but as the same cannot be effected with-  
out the Aid and Authority of Parliament: May it therefore please Your  
Majesty that it may be enacted; and be it enacted by the King's most  
[*Loc. & Per.*] II D. Excellent



Commission-  
ers.

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 several Justices for the Time being acting in the Commission of the Peace for the said County of Kent, residing within the said several Hundreds, Lowey, Ville and Liberty, the Ministers for the Time being of the several Parish Churches within the said several Hundreds, Lowey, Ville and Liberty respectively, and Francis Motley Austen, Francis Woodgate, Henry Streatfield of Sevenoaks, Peter Nouaille the younger, Charles Willard, ——— Whitehead Clerk, Daniel Dodgin, Charles Carter Petley, Thomas Mortimer Kelson, George Lucius Austen, John Martin the younger, Edwin Willmott, Edward Jardine, Thomas Clarke, John Lee, William Daykin, John Arrow, William George the elder, John George, William Johnson, Ambrose Austen, Valentine Hackleton, George Westbrook, Abraham Palmer, John Nash, ——— Stoneham, John Heath the younger, James Weller, Richard Colebrook, Robert Comfort, Thomas Child, William Bowra, William Foreman, William Hodfoll, William Arnold, Joseph Bradley, James Hodfoll, John Carnell, Peter Cazalett, George Brooks, Thomas Relph, Thomas Relph the younger, Philip Firmin, James Harbroe, Richard Turner, Nicholas Streatfield, Richard Streatfield, George Franks, Robert Stone, James Martyr, William Everest, William Stunt, William Squib, Thomas Selby of Otford, Richard Goodman, George Golding, James Kebbel, Peter Agate, James Cramp, William Waller, Thomas Willmott, Henry Willmott, Thomas Kebbel, William Round, Samuel Love, George Brooker, Solomon Mills, John Thorpe, Richard Round, Stephen Woodgate, Thomas Thompson, Stephen Ades, ——— Rootes, William Cronk, William Tonge, Robert Paul Waring, David Colegate, William Hooker, James Tyler, Abraham Barham, John Brampton, John Foulerton, William Chapman, Charles Willmott, James Sale, James Sale the younger, John Wingate, Thomas Young, John Lomas, John Maylin, ——— White, Reginald Hooker, David Stone, Henry Streatfeild, Henry Streatfeild the younger, ——— Minching, ——— Keys, James Alexander, Thomas Emery, John Tyler, Nicholas Gainesford, Thomas Holmden the elder, Thomas Holmden the younger, George Holmden, William Cork, John Humphrey, James Double, Richard Bannister, Thomas Potter, ——— Wells, ——— Pickance, William Turner, Michael Saxby, Thomas Foster, Thomas Sale, Charles Barrell, Thomas Selby of Ightham Moat, William Taylor, John Botting, Robert Hubble, James Taylor, Thomas Knowles, Thomas Harrison, James Batt, Thomas Taylor of Ightham, William Walter, John Simpson of Shipborne, Charles Haddock, John Simpson of Fair Lawn, George Taylor, Thomas Taylor of Plaxtol, Richard Knowles, William Knowles, Thomas Martin, Thomas Chilman, Davies Deane, William Deane, William Harrison, Thomas Hackett, Thomas Jull, Edward Olive, William Edmeades, Robert Edmeades, Thomas Fry, Joseph Spencer, Thomas Johnson, John Jull the younger, Martin Masters, George Luck, William Luck, John George Children, George Courthope, George Courthope the younger, Edward Hussey the younger, William Woodgate, William Francis Woodgate, Henry Woodgate, John Woodgate, Thomas Ponton, Thomas Ponton the younger, John Ponton, James Burton, William ——— Burton, James Burton the younger, John Hartrup West, James Eldridge West, Vicesimus Knox, Thomas Watson, William Thomas, Thomas Paneswell, Baden Powell, Christopher Idle, Walter May, Walter May the younger, Stephen Hooker, Thomas Hooker, Isaac Lefevre, George Whittaker, Benjamin Tucker, Thomas Mercer, John Luxford, Thomas Christopher Gardner, William Simmons, Michael Saxby of Tonbridge, John Leeson Peince, George Lingard, John Fuzzard, Joseph Sclater,



*Sclater, William Scoones, Samuel Mills, Robert Carruthers, William Polhill Douthwaite, William Thomas Harvey, Joseph Delves, Thomas Delves, Thomas Beeching, John Jeffery, Charles Lewis Bouvier, Joseph Creasy, Joseph Cave, John Cheesman, William Eldridge, George Wray Eldridge, William Feldwick, Joseph Gatward, John King, Thomas Kipping, John Luckhurst, William Longhurst, John Mugridge, William Vanderlure Mills, George Osborne the younger, William Parker, William Ring, Marlow Sidney, John Sherlock, James Sutton, William Town, George Wise, John Ware, John Wells, William Wright, William Walker, Richard Children, John Francis, John Fowle, John London, Richard Streatfield, John Stone, Samuel Sloman, Thomas Vine, John Waite, Robert Dudley, Edward Elliott, John Fry, Thomas Huntley, Richard Jones, Thomas Maryan, John Parsons, Thomas Sawyer, Robert Skinner, Thomas Hubble, William Mugridge, John Martin, Henry Eldridge, William Jewhurst, John Jewhurst, John Milles, John Richardson, Thomas Mills, John Barton of the Close, William Barton of the Bourne, Thomas Barton of the Parsonage, William Carnell, Thomas Kipping, John Porter, John Palmer, John Saxby, Edward Walter, John Collens, William Collens, Francis Collens, Richard Ellis, John Fuggle, Thomas Fielder, Richard Fuggle, Ambrose Gibbons, Stephen Monckton, Bold Marchant, Alexander Wimshurst, Thomas Hook, George Lansdell, Thomas Lavender, David Twort, Thomas Prickett, William Boorman, John Winder, James Wiles, Stephen Dickenson, Francis Hartridge, Henry Crundwell, Richard Miles the younger, Thomas Pocock, William Baldock, Edmund Bennett, Thomas Cheesman, James Fry, William Fenner, Jasper Sprange, Richard Delves, Richard Pittock, John Pullen, Charles Mogg, John Prince, Ezra Seamer, John Stone, Thomas Wighton, Thomas Foster, Joseph Austen, Richard Bassett, Joseph Turner, Thomas Bonnick, Thomas Cornwell, George Feldwick, James Harris, John Sutton, and Thomas Woodhams,* shall be and they are hereby appointed Commissioners for the Recovery of Small Debts within the said several Hundreds of *Codsheath, Somerden, Westerham and Edenbridge, Wrotham, Brenchley and Horsmonden, Washlingstone, the Lowey of Tonbridge,* and the Ville and Liberty of *Brasted,* in the County of *Kent*; and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of *The Court of Requests for the several Hundreds of Codsheath, Somerden, Westerham and Edenbridge, Wrotham, Brenchley and Horsmonden, Washlingstone, the Lowey of Tonbridge, and the Ville and Liberty of Brasted, in the County of Kent*; and the said Commissioners shall and they are hereby empowered and required to meet and to hold the said Court on the *First Friday* in every Month, (*Good Friday, Fast Days, and Thanksgiving Days* by Proclamation only excepted, and then on the following Day) within the Town of *Sevenoaks* in the Hundred of *Codsheath* in the said County of *Kent*, in some convenient Place there, to be appointed by the major Part of the said Commissioners for that Purpose, at any of their Meetings to be holden by virtue of this Act; and the said Commissioners shall and they are hereby empowered and required to hold the said Court on the *Third Monday* in every Month, (*Fast Days and Thanksgiving Days* by Proclamation only excepted, and then on the following Day), within the Town of *Tonbridge* in the Lowey of *Tonbridge*, aforesaid, in some convenient Place there, to be appointed by the major Part of the said Commissioners for that Purpose, at any of their Meetings to be holden by virtue of this Act; and the First Meeting of the said Commissioners shall be holden within the said Town of *Sevenoaks* on the *Fourth Friday* next after the passing of this Act.

II. And



Defendants  
for any Debt  
in the Hun-  
dreds of  
Brenchley and  
Horsmonden,  
Washling-  
stone and the  
Lowey of  
Tonbridge,  
not to be  
summoned to  
Sevenoaks,  
&c.

II. And be it further enacted, That nothing herein contained shall extend or be construed to extend so as to require or compel the Attendance of any Defendant or Defendants, Witness or Witnesses in the said Court so to be holden in the said Town of *Sevenoaks*, in pursuance of any Order 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, in any Cause, Suit, or Action for or on account of any Debt or Demand incurred, arising, or accruing within the said Hundreds of *Brenchley* and *Horsmonden*, *Washlingstone*, and the Lowey of *Tonbridge*, in the County of *Kent*, or any of them; and nothing in this Act contained shall extend or be construed to extend so as to require or compel the Attendance of any Defendant or Defendants, Witness or Witnesses in the said Court so to be holden in the said Town of *Tonbridge*, in pursuance of any Order 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, in any Cause, Suit, or Action for or on account of any Debt or Demand incurred, arising, or accruing within the said Hundreds of *Codsbeath*, *Somerden*, *Westerham* and *Edenbridge*, *Wrotham*, and the Ville and Liberty of *Brasted*, in the said County of *Kent*, or any of them.

Commissioners  
to hear  
Causes and  
give Judg-  
ment.

III. And be it further enacted, That the said Commissioners or the major Part of them present at their Meetings to be duly holden in pursuance of this Act, are hereby authorized and empowered to hear and determine all such Actions and Causes as are herein-after mentioned, and to give such Judgements, 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 or Chattels of all and every the Person and 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 on 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.

Three Com-  
missioners  
shall attend to  
decide Causes  
for Forty  
Shillings, and  
Five Commis-  
sioners for  
Sums above  
Forty Shil-  
lings.

IV. Provided always, and be it enacted, That throughout the Hearing and on the Decision of each and every Action, Cause or Question for the Recovery of any Sum not exceeding Forty Shillings, Three at least of the said Commissioners shall be present in Court; and throughout the Hearing 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 said Commissioners shall be present in Court; the same Three Commissioners in the former Case, and the same Five Commissioners in the latter Case, to be attending from the Commencement of the Hearing of any Cause, Question, or Action, to the Decision thereof.

To regulate  
the Sittings of  
the Court.

V. 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, by virtue of this Act, but between the Hours of Ten of the Clock in the Forenoon and Four 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



Attendance of any Plaintiff or Plaintiffs, Defendant or Defendants, Witnesses or Witnesses in the said Court, in pursuance of any Order 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 Four of the Clock in the Afternoon.

VI. And be it further enacted, That when any of the said Commissioners or any of the Successors of such Commissioners, to be elected in Manner herein-mentioned, 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 Thirty Days next after such Decease or Refusal to act shall happen or be known, or as soon after as conveniently may be, to elect and appoint One other Commissioner in the Room or 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 for the Purpose thereof, shall be given by Advertisement to be inserted in some Newspaper printed or circulated in the Western Division of the County of *Kent*, Fourteen Days at least before such Meeting shall be holden; and every 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.

For appoint-  
ing new Com-  
missioners.

VII. 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 mentioned to the other Commissioners) until he shall have taken the Oath following; that is to say,

Commission-  
ers to take an  
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 Judgment, hear and determine such Matters and Things as shall be brought before me by virtue of an Act made in the Forty-eighth Year of the Reign of King *George* the Third, 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 Sixty Pounds [*or, of a Personal Estate of the Value of One thousand five hundred Pounds*] above all Charges and Incumbrances whatsoever. So help me God.’

Oath.

Which Oath or Affirmation the said Commissioners, or any Three or more of them, are hereby empowered and required to administer in open Court; 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 among the Records of the said Court.



Qualification  
of the Com-  
missioners.

VIII. 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 for his own Use and Benefit of the Annual Value of Sixty Pounds, or of a Personal Estate for his own Use and Benefit of the Value of One thousand five hundred 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, Complaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed; and in every such Action, Bill, Complaint, 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 Judgments, Orders, Decrees, Acts, and Proceedings of all and every Person or 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 good, valid, and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Acts of Com-  
missioners be-  
fore Convic-  
tion deemed  
good.

Appointment  
of Officers,  
&c.

IX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby required, at their said First Meeting, to nominate and appoint One or more fit and proper Person or Persons for each of the several Offices of Clerk and Beadle, and for the other necessary Offices of and in the said Court of Requests; and it shall and may be lawful to and for the Person or Persons appointed to execute the Office of Clerk, immediately after his or their Appointment, and from Time to Time, to nominate and appoint a Deputy or Deputies to act in his or their Room or Stead in Case of Sicknes, or for other sufficient Cause to be allowed by the said Commissioners, but not otherwise; and every such Clerk or his Deputy 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 to 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 or registered in a proper Book or Books to be provided by such Clerk and kept for that Purpose, all the Acts and Proceedings of the said Court of what Nature or Kind soever.

If a sufficient  
Number of  
Commission-  
ers do not  
attend, Clerk  
to adjourn  
the Court.

X. And be it further enacted, That in case 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 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 Clerk



or his Deputy for the Time being, to adjourn the said Court to the next Court Day or to some earlier Day.

XI. And be it further enacted, That the Clerks and Beadles of the said Court shall do and perform in their respective Offices as they shall be directed or required by the said Commissioners, and the said Beadles 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.

Offices of Clerk, Beadle, and Crier.

XII. And be it further enacted, That it shall and may be lawful to and for the major Part of the Commissioners who shall be fitting and acting in Court on the next Court Day after the Death, Resignation, or Removal of any Clerk, Beadle, or other Officer, nominated or appointed by virtue of this Act, or as soon after as the same shall be known, to cause the whole Number of Commissioners for the Time being to be summoned by Advertisement, to be inserted in some Newspaper printed or circulated in the Western Division of the County of *Kent*, to meet at some convenient Place to be appointed for that Purpose within Twenty Days next after their being summoned as aforesaid; and the Commissioners at such Meeting, or the major Part of them present, are hereby authorized and required to elect another Person or Persons in the Room or Stead of every such Clerk, Beadle, or other Officer so dying, resigning, or being removed as aforesaid, for the Uses and Purposes in this Act contained, and so from Time to Time when and as often as any Clerk, Beadle, or other Officer shall die, resign, or be removed from their respective Offices.

Appointment of new Officers in case of Death or Resignation.

XIII. 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.

Commissioners to enter their Proceedings, and such Entries to be Evidence.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby empowered and 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, and in all Causes of *Assumpsit* and *Insimul Computasset*, and in all Causes or Actions of Trover and Conversion, and in all Causes or Returns founded on a *Quantum Meruit*, and in all Causes or Actions of Trespass or Detinue for Goods and Chattels taken or detained.

What Debts shall be decided by the said Commissioners.

XV. 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

Commissioners not to determine any Cause where the Title to Land is to be brought in question.



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 on any Debt for any Sum being the Balance of an Account or 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 several Hundreds of *Codsbeath, Somerden, Westerham* and *Edenbridge, Wrotham, Brenchley* and *Horsmonden, Washlingstone*, the Lowey of *Tonbridge*, and the Ville and Liberty of *Brasted* in the County of *Kent*, or any of them, 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 Tithes.

This Act not to alter the Powers of Two Acts of the 20th and 31st G. 2.

XVI. And whereas by an Act, made in the Twentieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants and of certain Apprentices*, it is enacted, that all Complaints, Differences, and Disputes which should arise between Masters or Mistresses and Servants in Husbandry, who should be hired for One Year or longer, or which should happen or arise between Masters and Mistresses and Artificers, Handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glassmen, Potters, and other Labourers employed for any certain Time or in any other Manner, should be heard and determined by One or more Justice or Justices of the Peace for the Place where such Master or Mistress should inhabit; and by One other Act, made in the Thirty-first Year of His said late Majesty, intituled *An Act to amend an Act made in the Third Year of the Reign of King William and Queen Mary, intituled 'An Act for the better Explanation and supplying the Defects of the former Laws for the Settlement of the Poor, so far as the same relates to Apprentices gaining a Settlement by Indentures; and also to empower Justices of the Peace to determine Differences between Masters and Mistresses and their Servants in Husbandry, touching their Wages, though such Servants are hired for less Time than a Year,'* it is enacted, that all and every Clause, Matter, and Thing in the said recited Act contained, should be deemed and construed to extend to all Servants employed in Husbandry, though hired for less Time than One Year: Provided therefore, 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 hear or determine any such Complaint, Difference, or Dispute, but all such Complaints, Differences, and Disputes shall be heard and determined in such and the like Manner, by such Justice or Justices, as if this Act had not been made; any thing herein contained to the contrary thereof in anywise notwithstanding.

Commissioners not to act where interested.

XVII. And be it further enacted, That if any Commissioner or Commissioners of the said Court for the Time being, shall be Party or Parties to, or concerned or interested in any Cause, Action, or Matter depending in the said Court, no such Commissioner or Commissioners shall be capable of acting as a Commissioner or Commissioners on the hearing or determining such Cause, Action, or Matter, or in making any Order, Decree, or Judgment therein, but such Commissioner or Commissioners, after being heard in such Cause, Action, or Matter, shall withdraw until the same is finally determined; and if the Clerk or his Deputy, or other Officer



Officer of the said Court for the Time being, shall be a Party or interested in any Cause, Action, or Suit 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.

XVIII. 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 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 Cause or Action 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: 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 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 and divided.

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

XIX. 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 (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, Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due and owing to him as Mayor, Chamberlain, Town Clerk, or other Officer, to any Body Corporate, 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 and residing or being within any of the several Parishes or Places in the said Hundreds of *Codsbeath*, *Somerden*, *Westerham*, and *Edenbridge*, *Wrotham*, *Brenchley* and *Horshamonden*, *Washlingstone*, the Lowey of *Tonbridge*, and the Ville  
[Loc. & Per.] II F and

Debtors may be summoned before the Commissioners, who may make such Order between the Parties as they shall think fit.



and Liberty of *Brasted*, in the County of *Kent*, or any of them as aforesaid; or keeping and using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or generally using and frequenting the Markets there as a Dealer or seeking a Livelihood, to apply to the Clerk of the said Court for the Time being, or his Deputy, who shall immediately make out and deliver to the Beadle 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 (such Time not being earlier than Seven Days after the serving of such Summons) before the Commissioners of the said Court to answer such Demands; and such Beadle 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, 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 (such Number 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 Orders therein, and pass such Sentence or Judgment 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; 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, 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 either of the Parties whom they the said Commissioners shall think proper to examine touching the Matters 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 hearing and determining any of the said Causes or Actions, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

Service on  
One Partner  
(in Cases of  
Co-partner-  
ship) to be  
deemed Ser-  
vice on both.

XX. 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, Service of such Summons as aforesaid personally, on any one of such Partners or Persons, and Notice thereof left at the last 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.

No Evidence  
to be given  
by the Plain-  
tiff of any

XXI. 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, of any Demand or Cause of Action, except such as is stated in the



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, or lessen or discharge himself, herself, or themselves from such Demand or Cause of Action, unless Notice thereof in Writing shall have 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.

Matter not stated in his Summons, nor by Defendant in any cross Demand he may have on the Plaintiff, without Notice given thereof.

XXII. And be 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 (such Time not being earlier than Seven Days after the serving of such 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 as to them shall seem just and equitable, and to appoint some certain Time and Place, according to their Discretion, for such Debtor or Debtors to shew Cause before the said Commissioners against such Order, Decree, or Judgment so pronounced *ex parte* as aforesaid; at which Time and Place, or at any subsequent Court or Courts, it shall and may be lawful to and for the said Commissioners, whether such Debtor or Debtors shall then appear and shew Cause or not, upon Proof upon Oath made that a Copy of such Order, Decree, or Judgment had been given to such Debtor or Debtors, or left 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 (Seven Days at least before the final Order, Decree, or Judgment shall be made or pronounced), to make and pronounce such final Order, Judgment, or Decree therein, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

If Debtor does not appear, Commissioners may proceed.

XXIII. 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 for or 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 Judgment 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

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

or



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.

Punishing  
Witnesses not  
attending, if  
summoned.

XXIV. 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 Subpœna or Summons, to be issued by the Clerk or Clerks of the said Court of Requests or his or their Deputy, and paid or tendered his, her, or their reasonable Expences, to attend and give his, her, or their Evidence at a Time and Place in such Subpœna or Summons mentioned, on Behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Summons, due Proof being made of the Service of such Subpœna or Summons, and no sufficient Cause for his, her, or their Absence or Non-appearance being shewn to the Satisfaction of the said Court on Oath, or in case of being a *Quaker* or *Quakers*, solemn Affirmation being made (which Oath or Affirmation the said Commissioners or any Three or more of them are hereby authorized and required to administer) before the said Commissioners by the Party or Parties at whose Instance and on whose Behalf such Subpœna or Summons issued, that the Person or Persons served therewith was or were a Witness 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; or if the Person or Persons so served with such Subpœna or Summons shall appear and refuse to be sworn, or being a *Quaker* or *Quakers* to make Affirmation (which Oath or Affirmation the said Commissioners or any Three or more of them are hereby authorized and required to administer), or to give Evidence touching the Matter in question, 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 Subpœna 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, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol within the Western Division of the said County of *Kent*, there to remain for any Time not exceeding the Space of Two Calendar Months.

Commissioners to suspend Proceedings in Cases where Debtors are ill, or unable to pay the Debt.

XXV. 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 in 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 and in every such Case 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, to suspend the Proceedings in such Cause,



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 thereof in anywise notwithstanding.

XXVI. 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 all of full Age.

Debts due to  
Persons under  
Age may be  
recovered.

XXVII. 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 Clerk 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 Beadles of the said Court, who by virtue of such Precept issued upon Execution awarded against the Body of such Party, shall and may and 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 within the Western Division of the said County of *Kent*, there to remain for the Space or Time herein in that Behalf particularly directed, save and except he, she, or they shall perform and obey such Order, Decree, or Judgment before the Expiration of such Order; and in case any such Precept shall be issued upon Execution against the Goods and Chattels of such Party, such Beadle 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 Goods any such Execution shall be awarded, and Process thereupon 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, then and in every such Case it shall and may be lawful to and for the said Commissioners present in the said Court, upon due Proof thereof made before them by the Oath or Oaths of One or more credible Witnesses or Witnesses, 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 Beadles 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

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

[Loc. & Per.]

II. G

and



and Convenience of the Defendant or Defendants (and they are hereby authorized and empowered) to order, decree, or adjudge any Debt or Debts 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 of any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, or 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 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.

Allowance to  
be made to  
Prisoners.

XXVIII. And be it further enacted, That the said Commissioners shall be and they are hereby empowered in their Order of Commitment of any Person or Persons to the said Common Gaol for the Nonpayment of any Debt or Debts, to order and direct such daily Sum or Sums to be paid Weekly or otherwise by the Plaintiff or Plaintiffs to the Defendant or Defendants so committed for his, her, or their Maintenance while in Prison, as they the said Commissioners in their Discretion shall think proper, so as such daily Allowance shall not exceed Three-pence to each Person; and in default of Payment of the Sum or Sums so ordered to be paid for the Space of Three Days, the Keeper or Keepers of the same Gaol is and are hereby directed to discharge such Person or Persons from his, her, or their Custody, in such and the same Manner as if the Debt and Costs for which such Person or Persons was or were committed had been fully paid and satisfied: Provided nevertheless, that it shall and may be lawful to and for the Plaintiff or Plaintiffs to pay to the Gaoler or Gaolers the Sum so ordered by the Commissioners for the whole Number of Days expressed in the Order of Commitment at the Time of the Defendant or Defendants being delivered into the Custody of the Gaoler or Gaolers, and such Gaoler or Gaolers is and are hereby directed to pay thereout the daily Allowance so ordered every Day to such Defendant or Defendants during his, her, or their Confinement; and in case such Defendant or Defendants shall be legally discharged from such Confinement before the Expiration of the Time of Commitment, that then and in such Case the said Gaoler or Gaolers shall upon such Discharge forthwith repay to the Plaintiff or Plaintiffs the proportionate Residue of such Sum according to the Number of Days which shall be unexpired of the Time for which such Defendant or Defendants was or were originally committed.

Process not to  
issue against  
the Body,  
Goods, or  
Chattels of the  
same Person.

XXIX. 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 Defendant or Defendants, in any Case or Cases where the Plaintiff or Plaintiffs entitled to the Benefit of any Order, Judgment,



or Decree, shall have obtained any Warrant or Process against the Goods or Chattels of the same Defendant or Defendants.

XXX. 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* (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 being 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 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), 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 Judgments obtained in any of 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, over and above the Money for which such Executions shall be issued.

Record of Judgment may be removed into the Superior Court, and Writ of Execution issue thereon.

XXXI. 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 for the Time being 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 for the Time being of the said Court, such Sum or Sums of Money and Costs together with the Fee or Fees herein directed to be paid to such Clerk, as a Compensation for his Trouble in receiving the same, and in entering an Acknowledgment 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.

Clerk to indorse Debt and Costs on the Precept, and if paid to him before Sale, Execution to be superseded.

XXXII. And be it further enacted, That the Keeper or Keepers for the Time being of the Common Gaol within the said Western Division of the said County of *Kent*, shall and he and they is and are hereby required to receive and take into his or their Custody respectively all and every Person or Persons who shall be committed or ordered to stand committed under

Penalty on Keeper of Prison neglecting his Duty.



under or by virtue of this Act; and in case the Keeper or Keepers of such Gaol or Prison shall neglect or refuse to receive and take into his or their Custody any Person or Persons so committed, 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 and 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 of *Kent*, 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 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) upon Demand 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 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 such Justice or Justices to commit such Offender or Offenders to the Common Gaol or House of Correction for the Western Division of the said County of *Kent*, 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.

No Privilege  
to be allowed  
Attornies.

XXXIII. 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, Judgments, 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 Attorney,  
&c. to be an  
Advocate in  
this Court.

XXXIV. 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, 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 for or on Behalf of any Plaintiff or Defendant, or 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, then and in every such Case such Attorney,  
Solicitor,



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 One or more of His Majesty's Justices of the Peace for the County aforesaid, upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice and Justices is and 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 Justice or 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 Hand and Seal or Hands and Seals of such Justice or 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 or Forfeiture, when so paid and levied or recovered, shall be distributed in like Manner as the several other Fines and Penalties are by this Act directed to be distributed.

XXXV. And be it further enacted, That the several Fees herein-after limited and expressed, and no other, shall be taken by the Clerks and Beadles for their several and respective Services in the Execution of this Act, for the Recovery of all Sums not exceeding Five Pounds, according to the Amount of the Sum recovered; (that is to say),

Fees to be taken.

To the CLERK.		Debt not exceeding 20s.		Debt not exceeding 40s.		Debt not exceeding 5l.	
		s.	d.	s.	d.	s.	d.
Entering every Case	-	0	3	1	0	1	6
Issuing every Summons	-	0	3	0	6	1	0
For calling the Plaintiff and Defendant before the Court and entering Appearance	-	0	3	0	3	0	6
For every Hearing	-	0	6	1	0	1	6
Entering and drawing up the Order	-	0	6	0	9	1	6
Paying Money into Court in full, and entering the same in his Book	-	0	6	0	9	1	6
Paying Money by Instalments	-	0	6	0	9	1	0
Issuing Subpoena	-	0	6	1	0	1	6
Issuing every Attachment, Precept, Order, or Execution	-	1	0	1	6	2	6
Acknowledging Satisfaction in part or in full	-	0	6	0	6	1	0
For every Nonsuit	-	0	6	1	0	2	0
Every Search in the Book	-	0	3	0	3	0	6
For swearing every Witness	-	0	3	0	4	0	6

[Loc. & Per.]

II H

To



To the BEADLE.				Debt not exceeding 20s.		Debt not exceeding 40s.		Debt not exceeding 5l.	
				s.	d.	s.	d.	s.	d.
For calling every Cause	-	-	-	0	2	0	2	0	3
For calling every Plaintiff or Defendant	-	-	-	0	2	0	2	0	3
For every Hearing	-	-	-	0	2	0	3	0	4
For every Nonfuit	-	-	-	0	3	0	4	0	6
Serving every Summons, Order, or Subpoena	}	in the Town of Sevenoaks or Town of Ton-	bridge	0	3	0	6	0	9
If out of the Town of Sevenoaks or Town of	}	Tonbridge for every Mile extra		0	3	0	3	0	4
Execution of every Warrant, Precept, or At-	}	tachment against the Goods or Body		0	6	1	0	2	0
If out of the Town of Sevenoaks or Town of	}	Tonbridge, for every Mile extra		0	3	0	3	0	4

A Table of  
such Fees to  
be hung up  
in the Court.

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 Part 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.

Limiting the  
Time of im-  
prisoning  
Debtors, &c.

XXXVI. And be it further enacted, That no Person or Persons whomsoever shall be committed to Prison by Order of the said Court for any Debt or Debts, or kept or continued in Custody on any Pretence 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 hereafter 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, then not more than One Hundred Days, from the Time of his, her, or their Commitment; and the said Keeper and Keepers of the said Gaol or Prison is and are hereby directed and required to discharge such Persons accordingly.

Any Debtor  
concealing  
Money or  
Goods, the

XXXVII. And, in order more effectually to prevent Persons summoned for Debt to the said Court from fraudulently concealing their Money, Goods, or Effects, be it further enacted, That in case upon the Summons of any Person



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.

Time of his  
Imprison-  
ment to be  
enlarged.

XXXVIII. 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 into 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 thereof in anywise notwithstanding.

The Time of  
Imprison-  
ment shall be  
separately and  
successively  
for each  
Execution.

XXXIX. 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 Gratitude whatsoever to the Keeper or Keepers or Turnkey or Turnkeys of the Prison to which he or she shall have been committed, or others, by way of Gaol Fees, or Discharge Fees, or on any Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of such Prison, or any 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, her, 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 County 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

Debtors not  
to pay Gaol  
Fees.

for



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 some one of the Common Gaols or Houses of Correction for the Western Division of the said County of *Kent*, 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 of the said Commissioners; and such Moiety so paid to the said Clerk, shall be by the said Commissioners distributed amongst the Poor of the several Parishes and Places within the Jurisdiction of the said Court, in such Shares and Proportions as to the said Commissioners shall seem right and proper.

Officers of  
the Court  
neglecting  
their Duty  
to pay the  
Costs, &c.

XL. And be it further enacted, That if any Beadle 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 Beadle or other Officer to pay the Sum or Sums of Money for which such Execution was awarded to the Parties complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for the Recovery of his, her, or their Debt or 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 Beadle or Beadles, 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 several Parishes and Places within the Jurisdiction of the said Court, as they the said Commissioners may think fit and proper.

Officers  
taking any  
Fee besides  
the Fees  
allowed by  
the Act, to  
lose their  
Situations,  
and pay a  
Fine.

XLI. And be it further enacted, That if any Clerk, Beadle, 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 under or by virtue thereof, or on any Account whatsoever 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 herein-after mentioned,



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 the Sum of Ten Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed, in which Suit no Effoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

XLII. And be it further enacted, That if any Clerk or Beadle of the said Court shall neglect to issue or serve any Summons in the due or proper Time for serving the same, or shall be guilty of any Neglect or Misbehaviour, or otherwise misconduct himself in the Execution of his Office, then and in every such Case, upon Complaint made, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, in open Court, to hear and enquire into the Matter of such Neglect, Misbehaviour, or Misconduct, by the Oath or Oaths of One or more credible Witnesses or Witnesses, and in case it shall appear to the said Commissioners on such Hearing and Enquiry, that such Clerk or Beadle has been guilty of such Neglect, Misbehaviour, or Misconduct, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered to suspend or remove the said Clerk or Beadle so offending from his said Office, and nominate or appoint some other fit and able Person to execute the said Office in the Place or Stead of the Officer so removed.

Clerk or Beadle not performing his Duty may be removed.

XLIII. And be it further enacted, That if any Person or Persons, upon his, her, or their 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 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 and effect, Persons guilty of wilful or corrupt Perjury are subject and liable to.

Punishing Persons guilty of Perjury.

XLIV. And be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or 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 shall interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall and may be lawful to and for the Beadle or Beadles of the said Court with or without the Assistance of any other Person or Persons, by Order of the said Commissioners, to take such Offender or Offenders into Custody; and the said Commissioners shall then 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 Witnesses or Witnesses, and upon such Insult, Abuse, or Misbehaviour being duly 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 for each and every such Offence on each and every such Offender or Offenders; and in case such Fine shall not be forthwith paid,

For preventing Insults being offered to the Court.

[*Loc. & Per.*]

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paid, the same 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) 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 several Parishes and Places within the Jurisdiction of the said Court 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 for the Western Division of the said County of *Kent*, for any Time not exceeding the Space of One Calendar Month.

This Act not  
to prevent  
Distress for  
Rent.

XLV. Provided always, That nothing herein contained shall extend or be construed to extend so as to prevent or restrain any Person from distraining for any Rent or Arrears thereof, although the same shall not exceed the Sum of Five Pounds.

Statute of  
Limitations  
may be  
pleaded.

XLVI. And, for removing all Doubts whether the Statute of Limitations may be pleaded in the said Court of Requests, be it further enacted, That all Defendants in the said Court shall be allowed to plead or claim the Benefit of any Statute of Limitations 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.

Recovery and  
Application  
of Penalties.

XLVII. And be it further enacted, That all Penalties or 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 hereinbefore 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 several 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 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 required, by Warrant under their Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol for the said Western Division of the said County of *Kent*,



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

XLIX. 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 Proceeding 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 in an Action upon the Case.

LI. 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, Forty-two 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,



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 Proceedings, 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.

LII. Provided always, 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 this Act after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought to Trial in the County of *Kent* and not elsewhere; and if any such Action or Suit shall be brought before Forty-two Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, 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, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Declaring this  
Act a Public  
Act.

LIII. And be it further enacted, That this Act shall be deemed and 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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