



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 88.

An Act for the more easy and speedy Recovery of Small Debts within the Hundreds of *Westbury*, *Warminster*, *Heytesbury*, and *Damerham South*; in the County of *Wilts*. [1st June 1808.]

WHEREAS the Hundreds of *Westbury*, *Warminster*, *Heytesbury*, and *Damerham South*, in the County of *Wilts*, are very populous, and a great and extensive Trade and Commerce is carried on therein: And whereas there are many Persons within the said Hundreds who often contract Small Debts, and although able are unwilling and refuse to pay the same, presuming on the Inconvenience which Creditors lie under from the Expence they are unavoidably put to, and the Delays which they meet with in suing for such Debts in Courts of Law; and, if a more easy and speedy Method for the Recovery of Small Debts, not exceeding the Sum of Five Pounds, were established within the said Hundreds, it would be highly beneficial and advantageous, and tend to the Encouragement and Support of useful Credit within the same; may it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Representatives serving in Parliament for the County of *Wilts*, the Representatives serving in Parliament for the Boroughs of *Westbury* and *Heytesbury*, the several Justices for the Time being acting in the Commission of the Peace for the said County of *Wilts*, residing within the said Hundreds, the Mayor and Capital Burgeses of the Borough of *Westbury*, and the Bailiff of the Borough of *Westbury*, Commissioners.

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of Heytesbury for the Time being, the Rectors and Vicars residing within the said Hundreds respectively for the Time being, the Curates of the several Parish Churches within the said Hundreds, together with James Allies, Cuthbert Armstrong, James Bayly, George Baker, Thomas Burgess, Uriah Broadribb, John Bleeck, William Baiss, William Bennett, John Barter, John Bannister, John Butt, William Bayly, Richard Batchelor, Philip Ballard Blatch, Thomas Bourne, Stephen Brown, John Cockell, James Cockell, Nicholas Cockell, John Crosby, Samuel Chubb, James Carpenter, William Cunningham, Joseph Chandler, Thomas Chandler, John Crowch, Ebenezer Coombs, John Baily Coles, John Carpenter, Thomas Davis, William Dredge, John Gale Everett, William Marven Everett, Nathaniel Everett, William Euens, John Everett, Thomas Finnimore Evans, Joseph Ford, Thomas Flower, Christopher Fricker, Obadiah Flower, Henry Fussell, Walter Fitz, John Green, William Grant, Thomas Gaisford, Thomas Glass, John Hooper, Robert Haynes, Richard Harris, Simon Hiscocks, Thomas Hayter, William Hinton the elder, Stephen Hunt, Edmund Halliday, Giles Halliday, Jarvis House, Thomas Hinton, Thomas Jarvis, John Kebby, John Kinton, Joseph Kirk, James Ludlow, Francis Stephen Long, Samuel Long, Edmund Lye, Thomas Wright Lowe, John Matravers, William Matravers, Thomas Luke Meech, Robert Meech, John Marsh, Edward Middlecot, Thomas Tregonwell Napier, Benjamin Napier, Richard Noyes, James Osborne, Benjamin Overbury, Charles Lewis Phipps, William Phipps, William Phipps the younger, William Paviour, Henry Phillips, Thomas Perrior, Ambrose Patient, Samuel Provis, Charles Presbly, Benjamin Rebbeck, Charles Rich, John Raxworthby, Richard Rickword, Thomas Roles, James Roles, James Slade, John Seagram, William Seagram, Edward Frowd Seagram Doctor of Physic, Edward Slade, Gregory Seal, William Smith, Robert Smith, James Singer, Samuel Singer, Isaac Tucker, William Tugwell, John Hooper Taunton, Thomas Vine, William Vine, John Whittaker, Philip Whitaker, William Whitaker, Thomas White, Thomas Williams, William Wilkins, Peter Warren, George Warren, Henry Wansey the younger, and George Wansey, shall be and are hereby appointed Commissioners for the Recovery of Small Debts within the said Hundreds of Westbury, Warminster, Heytesbury, and Damerham South, in the County of Wilts; and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of "The Court of Requests for the Hundreds of Westbury, Warminster, Heytesbury, and Damerham South, in the County of Wilts;" and the said Commissioners are hereby empowered and required to meet and hold the said Court at the Towns of Westbury and Warminster alternately, and by Turns once in every fortnight, in some convenient Place within the said Towns respectively, to be from Time to Time appointed, as Occasion may require, by the major Part of the Commissioners at any of their Meetings to be holden by virtue of this Act; and the First Meeting shall be holden in the Town of Westbury, on the Second Tuesday next after the passing of this Act; and the Second Meeting shall be holden in the Town of Warminster, on the Fourth Tuesday next after the passing of this Act; and the Third Meeting shall be holden again in the Town of Westbury, on the Sixth Tuesday next after the passing of this Act; and so on in constant Succession and Rotation, without the least Change or Interruption, (Christmas Day, and Fast and Thanksgiving Days by Proclamation excepted, and then on the following Day); and the said Commissioners, or the major Part of them, who shall be present at the Meetings to be holden in pursuance of this Act, are hereby authorized and

and empowered to hear and determine all such Actions and Causes as are herein-after mentioned, and to give Judgements and to make Orders and Decrees therein, and to award Execution thereupon, with Costs, against the Body and Bodies, or against the Goods of all and every the Person and Persons against whom they shall give any such Judgement; and if the Commissioners so assembled shall happen to be equally divided upon any Question that may come before them, the Commissioner present who stands first in the List of Commissioners (which List the said Commissioners are hereby required to fix, or cause to be hung up in the Court or Place where the Commissioners meet) shall have the decisive or casting Vote.

II. 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),

‘ 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 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 Forty Pounds, or of Personal Estate of the Value of One thousand Pounds above all Charges and Incumbrances whatsoever.

Commissioners Oath.

‘ 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 among the Records of the said Court.

III. And be it further enacted, That on the Hearing, Examination, and Determination of each and every Action, Cause, or Question, for the Recovery of any Sum not exceeding Sixty Shillings, Three at least of the said Commissioners shall be present in Court; and on the Hearing, Examination, and Determination of each and every Action, Cause, or Question, for the Recovery of any Sum exceeding Sixty Shillings, Five at least of the said Commissioners shall be present in Court.

Three Commissioners for Sixty Shillings; Five Commissioners above that Sum.

IV. 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 Execution of this Act, or the major Part of them who shall be present at a Meeting to be holden for that Purpose, within the Space of Twenty-one Days next after such Decease, Refusal, or Disqualification to act, or so soon after as conveniently

How new Commissioners shall be chosen.

conveniently may be, to elect 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 Purposes thereof shall be affixed on the Doors of the Rooms in which such Courts are usually held, 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.

Qualification
of Commis-
sioners.

V. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act, unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and possessed of a Real Estate of the Annual Value of Forty Pounds, or of a Personal Estate of the Value of One thousand Pounds above all Charges and Incumbrances whatsoever; and if any Person, not being qualified 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 Escoign, Protection or Wager of Law, or more than one Imparlance 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 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 not to act
when inte-
rested.

VI. 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, such Commissioner shall not be capable of acting as a Commissioner on the hearing or determining such Cause, Action or Matter, or making any Order, Decree, or Judgement therein, but such Commissioner, 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 of the said Court for the Time being, shall be a Party 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.

VII. And

VII. And, for the 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 Five of the Clock in the Afternoon, and that 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 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.

To regulate
the Sittings of
the Court.

VIII. And be it further enacted, That in case a sufficient Number of 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 either of the Clerks, or their respective Deputies for the Time being, to adjourn the said Court to the next regular Court Day.

If sufficient
Commission-
ers do not at-
tend, Court
may be ad-
journed.

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 first Meeting to be holden in pursuance of this Act, at the Town of *Westbury*, to nominate and appoint one or more fit and proper Person or Persons for each of the several Offices of Clerk and Serjeant for the Hundred of *Westbury*; and also at their first Meeting to be holden in pursuance of this Act, at the Town of *Warminster*, to nominate and appoint one or more fit and proper Person or Persons for each of the several Offices of Clerk and Serjeant for the Hundreds of *Warminster*, *Heytesbury*, and *Damerham South*, 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 Judgements 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 and 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: Provided always, that no Commissioner shall be capable of holding the Office of Clerk or any other Place of Profit belonging to the said Court.

Appointment
of Officers,
&c.

X. 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 Judgements, 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;

Commission-
ers to enter
their Proceed-
ings in Books.

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and

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 Proceeding of such Court in all Courts whatsoever.

Officers may
be displaced.

XI. And be it further enacted, That if any such Clerk, his Deputy, Serjeant, or other Officer, shall become incapable of acting, or 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 his or their respective Offices, upon Complaint and due Proof thereof made upon Oath in open Court, the said Commissioners in the said Court then sitting, shall and are hereby directed and required to inquire 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 a Notice to be affixed on the Door of the Rooms in which such Courts are usually held, to call a Meeting of the said Commissioners at a convenient Time and Place, which Meeting shall be holden not sooner than Fourteen Days nor more than Thirty Days after such Notice ; and the Commissioners 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, that the said Clerk, his Deputy, Serjeant, or other Officer, hath or have been guilty of such Misbehaviour or Breach of Duty as aforesaid, or hath or have become incapable to act 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, his Deputy, Serjeant, or other Officer, from his or their Office or Offices.

Appointing
new Officers
in case of
Death, Resig-
nation, &c.

and additional
Officers, it
wanted.

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 sitting and acting in Court on the next Court Day after the Death, Resignation, or Removal of any Clerk, Serjeant, or other Officer nominated or appointed by virtue of this Act, to cause a Notice to be affixed on the Doors of the said Rooms in which such Courts are usually held, to call a Meeting of the said Commissioners within Fourteen Days next after such Notice ; and the Commissioners at such Meeting, or the major Part of them present, are hereby authorized and required to appoint another Person or Persons in the Room or Stead of every such Clerk, Serjeant, or other Officer so dying, resigning, or 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, Serjeant, or other Officer shall die, resign, or be removed from his or their respective Offices ; and if it shall at any Time appear necessary to any Five of the said Commissioners, or to the major Part of them in Court assembled at any Meeting, from the Increase of the Business of the said Court, or for any other Reason, that more Serjeants or other inferior Officers of the said Court are wanting, it shall and may be lawful to and for such Five Commissioners, or the major Part of them assembled in Court on any Court Day, to appoint an additional Serjeant or other inferior Officer who may appear to the said Commissioners to be wanting or necessary for carrying any of the Purposes of this Act into Execution.

XIII. And

XIII. And be it further enacted, That the several Serjeants or other Officers 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 the Commissioners and Clerks by virtue of this Act.

Duty of Serjeants. &c,

XIV. 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 or other Officer to pay the Sum or Sums of Money for which such Execution was awarded to the Party complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for the Recovery of their Debts; and it shall and may be lawful to and for the said Commissioners, or any Three of them, and they are hereby enabled to impose any Fine not exceeding Ten Pounds for every such Offence on such Serjeant or other Officer, 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 Manner as the several other Fines and Penalties are by this Act directed to be distributed.

Serjeant neglecting his Duty to pay the Debt,

and be subject to a Fine.

XV. And be it further enacted, That the several Fees herein-after limited and expressed, and no other, shall be taken by the said Clerks, Serjeants, and other Officers, for their several and respective Services in the Execution of this Act; (that is to say)

Fees to be taken.

				To Ten Shillings inclusive.		To Forty Shillings inclusive.		To Five Pounds inclusive.	
To the CLERK :				s.	d.	s.	d.	s.	d.
For entering the Cause	-	-	-	0	6	0	9	1	0
Issuing Summons	-	-	-	0	6	0	9	1	0
Issuing Subpoena	-	-	-	0	3	0	6	1	0
Swearing every Witness	-	-	-	0	2	0	4	0	6
Hearing Cause	-	-	-	0	6	0	9	1	0
Order for Payment	-	-	-	0	6	0	9	1	0
Paying Money into Court and entering same in Book	-	-	-	0	3	0	6	0	9
Nonsuit	-	-	-	0	6	0	9	1	0
Searching the Book	-	-	-	0	2	0	4	0	6
Attachment or Execution, and for entering and issuing same	-	-	-	1	0	1	6	2	0
Acknowledging Satisfaction in Part or in full	-	-	-	0	6	0	6	1	0
For every Warrant of Commitment, is.									

To

	To Ten Shillings inclusive.		To Forty Shillings inclusive.		To Five Pounds inclusive.	
	s.	d.	s.	d.	s.	d.
To the SERJEANT.						
For serving every Summons, Order, or Sup- pœna in the Town where the Court is held, and making Return thereof to the Court	0	6	0	9	1	0
If out of such Town, and for every Mile extra, in Addition	0	2	0	3	0	4
For executing every Attachment or Execution against Goods or Body in the Town where the Court is held	1	0	1	6	2	0
If out of such Town, and for every Mile extra, in Addition	0	2	0	3	0	4
If an Assistant Serjeant should be necessary in the Judgement of the Commissioners, then for the Assistant, if in the Town	0	6	0	9	1	0
If out of such Town, and for every Mile extra, in Addition	0	2	0	3	0	4
For carrying every Plaintiff, Defendant, or De- linquent to Prison, including all Expences and Assistants, for every Mile, 1s.						

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 Courts or Places of Meeting of the said Commissioners, in order that all Persons concerned may be enabled to peruse the same.

For support-
ing the Dig-
nity of the
said Court
and prevent-
ing Insult.

XVI. And for the more effectual Establishment of the Dignity and Consequence of the said Court, and to protect the Members thereof from Insult; be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all, any, or either of the said Commissioners, or any or either 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 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 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 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 Witness 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, 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) after deducting such Fine, and the Costs and Charges of

of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the said Fine when so paid, levied, and recovered, shall be paid to and distributed by the Commissioners, in such Manner and in such Shares and Proportions amongst the Poor of the Parish or Place where such Offence shall be committed, as they the said Commissioners shall think 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 either of the Common Gaols of the said County of *Wilts*, for any Time not exceeding the Space of One Calendar Month.

XVII. And be it further enacted, That it shall and may be lawful to and 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 Payment of Money only, or any Promissory Note or Inland Bill of Exchange, or for Rent, 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 to be decided by the Commissioners.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the Commissioners of the said Court 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 on 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 any Lands, Tenements, or Hereditaments, situate elsewhere than within the Limit and Jurisdiction of the said Court, or to judge, determine, or decide on any Debt that shall arise by reason of any Cause concerning Testament or Matrimony, or for or concerning any Agreement by way of Composition for or by way of Retainer of Tythes, or for any Matter properly suable in the Ecclesiastical Court; nor to any Debt for any Money or Thing won at or by Means of any Horse Race, Cock Match, Wager, or any Kind of Gaming or Play; nor to any Debt which there has not been a Contract, Acknowledgement, Undertaking, or Promise, to pay within Six Years before the taking out of the Summons, although the same respectively shall not exceed Five Pounds.

This Act not to extend to certain Debts.

XIX. 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.

This Act not to prevent Persons from distraining for Rent.

XX. 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 shall appear to be due and owing shall exceed the Sum of

Actions not to be split for the Purpose of bringing them before the Court as two or more Causes.

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Five Pounds, in order that the same may be made the Ground of Two or more Causes or Actions, for the Purpose of bringing such Causes or Actions within the Jurisdiction of the said Court; and in case it shall appear to the said Commissioners that any Plaintiff shall have so split or divided his or her Cause or Action as aforesaid, then and in every such Case the said Commissioners shall and they are hereby required to dismiss, with Costs, every such Cause or Action so split and divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or she may lawfully proceed.

Regulation as
to splitting of
Debts.

XXI. Provided always, and be it enacted, That in case any Plaintiff who shall have so split or divided 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 such Case the said Commissioners shall and may adjudge, decree, and pronounce, on such Plaintiff proving his or her Cause or Case to the Satisfaction of the said Commissioners, such Sum to the Plaintiff not exceeding the Sum of Five Pounds, as to the said Commissioners shall seem just and reasonable; and such Sum shall, in the Judgement or Decree to be pronounced by the said Commissioners, be declared to be and shall be in full Discharge of all Demands from the Defendant to the Plaintiff in such Cause or Case so split and divided.

Debtors to be
summoned
before Com-
missioners,
who may make
such Orders
between the
Parties as
they shall
think fit.

XXII. 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 Officer to any Body Corporate, as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners; or to any Club or Friendly Society duly associated and constituted by the Statutes in that Case made and provided, or in any other Manner whatsoever, which the said Commissioners are by this Act enabled to judge and determine, and not expressly prohibited by this Act, by or from any other Person or Persons whomsoever inhabiting, residing, or being within the said Hundreds or either of them, 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 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 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 Four Days after the serving of 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

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 Inquiry concerning such Demands or Plaints (whether the same arose or were not originally contracted within the said Hundreds or either of them, or before the passing of this Act) and make such Orders therein, and order and direct the Payment of any such Debts to be made either in one Sum at once, or by Instalments at stated Periods, and pass such final Judgement or Sentence 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 said 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.

XXIII. 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 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 of 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 of any Matter not stated in his Summons, nor by Defendant of any cross Demand he may have on the Plaintiff, unless Notice be given thereof by him,

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

If Debtor does not appear Commissioners may proceed.

XXV. And

And if the Plaintiff does not appear to prove his Demand, Defendant shall have his Costs.

XXV. 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 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 directed and required to award to the Defendant or Defendants such reasonable Costs and Satisfaction for his, her, and their Trouble and Attendance, as they the said Commissioners in their Discretion shall think fit, and to order and compel the Plaintiff or Plaintiffs to pay the same, by such Ways or Means as are herein provided for the Recovery of Debts ordered or decreed by the said Court.

Commissioners may award Executions against the Body or Goods.

XXVI. 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 or other Officer 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 one of the Common Gaols within the said County of *Wilts*, there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgement, 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 or other Officer 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 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 Witnessess, 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 or other Officer 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

In case Parties shall abscond or secrete their Goods.

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.

XXVII. 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 Sum 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 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 Clerk of Court before Sale Execution to be superseded.

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

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

XXIX. And be it further enacted, That the Keeper or Keepers for the Time being of the Common Gaols or Houses of Correction within the said County of *Wilts*, shall, and he and they is and are hereby required to receive and take into their Custody respectively, all and every Person and 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 Gaols or Houses of Correction respectively, 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 by the said Clerks, or One of them, such Keeper and Keepers respectively

Penalty on Keeper of Prison neglecting his Duty.

spectively 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 *Wilts*, 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 Ten 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 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 Justices to commit such Offender or Offenders to either the Common Gaols or House of Correction for the County of *Wilts*, 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
to Attornies.

XXX. 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 or are subject to the same.

No Attorney,
Solicitor,
Scrivener, or
Practiser of
Law to be
Advocate.

XXXI. 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 to 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, nor act as Commissioner in the said Courts; 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, or act as Commissioner, 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 one or more of His Majesty's Justices of the Peace for the said County, 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 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

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 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.

XXXII. And whereas Difficulties frequently arise in the recovering of Debts in certain Cases by reason of Infancy, be it therefore 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.

XXXIII. And be it further enacted, That no Person or Persons whomsoever, who shall be committed to the said Gaols 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, her, 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 not more than Sixty Days; and where the Debt (exclusive of Costs) is above Three Pounds and does not exceed Four Pounds, then 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 or Keepers of the said Gaols is and are hereby directed and required to discharge such Persons accordingly.

Imprisonment of Debtors limited.

XXXIV. And be it further enacted, That the said Commissioners shall be and they are hereby directed and required in their Order of Commitment of any Person or Persons to either of the said Common Gaols for the Non-payment of any Debt or Debts, to order and direct 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, a daily Allowance of Three-pence to each Person; and in Default of Payment of the same for the Space of Five Days, the Keeper or Keepers of the said Gaols is and are hereby directed to discharge such Person or Persons from his or their Custody, in such and the same Manner as if the full Debt and

Allowances to Debtors in Confinement.

and Costs for which such Person or Persons was or were committed had been fully paid and satisfied.

Plaintiffs may pay to the Gaoler the Sum ordered for the whole Number of Days expressed in the Commitment.

XXXV. Provided nevertheless, and be it further enacted, 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.

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

XXXVI. And, in order more effectually to prevent Persons summoned for Debts to the said Court from the fraudulent Concealment of their Money or Goods; be it 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 shall be proved to their Satisfaction, upon the Oath of One or more credible Witnesses 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 and 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 Calendar Months,

And the Time of Imprisonment shall extend separately and successively for each Execution.

XXXVII. 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 in 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.

Debtors not liable to pay Gaol Fees.

XXXVIII. 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, Reward or Gratuity whatsoever, to the Keeper or Keepers, Turnkey or Turnkeys of the said Gaols, or others, by way of Gaol Fees or Discharge Fees, or on any other Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkey of the said Gaols,

Gaols, 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 a Prisoner or Prisoners after the Time by this Act limited for his, her, or their Imprisonment, every such Keeper, Turnkey, or other Person, shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

XXXIX. And be it enacted, That it shall and may be lawful to and for any Two Justices of the Peace for the said County of *Wilts*, to hear and determine every such Offence; and such Two Justices are hereby authorized and required, upon any Information exhibited, or Complaint made before them of such Offence having been committed, in case such Information shall be exhibited, or Complaint made within Three Calendar Months after the Offence committed, to summon the Party accused, and also the Witnesses on each Side, and to examine into the Matter of Fact; and upon due Proof made thereof, by the Oath of One or more credible Witness or Witnesses, or by the voluntary Confession of the Party accused, to give Judgement or Sentence for such Penalty or Forfeiture aforesaid; and in case any such Penalty or Forfeiture shall not be forthwith paid, to issue a Warrant under their Hands and Seals, for levying such Penalty and Forfeiture by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus, (if any), after deducting such Penalty and Forfeiture, and the Costs and Charges of such Distress and Sale, to the Owner or Owners thereof; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justices to commit such Offender or Offenders to either of the Common Gaols or House of Correction for the said County of *Wilts*, 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 thereof to the Clerk to the said Commissioners, to be by them distributed in like Manner as the several other Fines and Penalties are by this Act directed.

Two Justices
may deter-
mine such Of-
fence.

XL. And be it further enacted, That where any Debt shall be due and 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, and Proof of the Service of such Summons; and Notice thereof being made as aforesaid, shall be as good and sufficient as if each of such Partners or Persons were separately summoned as aforesaid.

Service on One
Co-partner
(in case of
Co-partner-
ship) to be
deemed Ser-
vice on the
other.

XLI. 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

Statute of
Limitation
may be
pleaded.

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.

Serjeant or
Officer to
summon Wit-
nesses.

Witnesses not
appearing or
refusing to
give Evidence
to forfeit 40s.
and in Default
of Payment
to be com-
mitted.

XLII. And be it further enacted, That it shall be lawful to and for any Plaintiff or Plaintiffs, Defendant or Defendants in any Suit or Cause hereafter depending in the said Court of Requests, to cause any Person or Persons residing within the Jurisdiction of the said Court, to be warned or summoned as often as shall appear necessary by the Serjeant or other Officer of the said Court, either by serving such Summons personally or by leaving the same at the last or usual Place or respective Places of Abode of such Person or Persons, to appear as a Witness or Witnesses to give Evidence in the said Court in or concerning any such Suit or Cause; and in case any such Person or Persons so to be summoned to give Evidence as aforesaid, shall refuse or neglect to appear at the Time and Place to which he, she, or they shall be so summoned, or appearing upon any such Summons shall refuse to be examined upon Oath, or in case of a Quaker or Quakers, on solemn Affirmation (which Oath or Affirmation the said Commissioners, or any Three or more of them, are hereby authorized and required to administer) and to give Evidence as aforesaid before such Commissioners, according to the true Intent and Meaning of this Act, then and in either of the said Cases every such Person so neglecting or refusing shall forfeit and pay for every such Offence not exceeding the Sum of Forty Shillings, to be awarded by the said Commissioners, or any Three or more of them, unless a reasonable Excuse be offered to and allowed by the said Commissioners; and if the Person or Persons so offending shall not forthwith pay into the said Court the Penalty or Forfeiture so imposed upon him, her, or them, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to order and cause such Person or Persons to be apprehended by any of the Officers of the said Court, and committed to either of the Common Gaols of the said County of *Wills*, there to remain for any Space of Time not exceeding One Calendar Month, unless such Penalty or Forfeiture shall be sooner paid; and every such Penalty or Forfeiture as last mentioned, which shall be received by virtue of this Act, shall thereupon, after deducting the reasonable Costs and Charges of apprehending and taking such Person or Persons so neglecting or refusing, be paid over into the Hands of the Churchwardens or Overseers of the Poor of the Parish wherein the Person or Persons respectively paying the same shall, at the Time of his, her, or their Neglect or Refusal to appear or give Evidence as aforesaid, inhabit or dwell or seek a Livelihood, and shall be applied towards the Support and Maintenance of the Poor of the said Parish.

Punishment of
Persons guilty
of Perjury.

XLIII. 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 the 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 and corrupt Perjury are subject and liable to.

Recovery and
Application
of Penalties.

XLIV. 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

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 Hundreds, or either of them, 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 empowered, by Warrant under their Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County, 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.

XLV. 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 Conviction shall be in the Words or to the Effect following; (that is to say)

Form of Conviction.

‘ **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
 ‘ of Wilts [or, before _____ Three of
 ‘ the Commissioners for the Recovery of Small Debts within the Hundreds
 ‘ of Westbury, Warminster, Heytesbury, and Damerham South, in the
 ‘ County of Wilts, 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 Provisions 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 aforesaid.”

XLVI. 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 in an Action upon the Case.

Distress not unlawful for Want of Form.

XLVII. And be it further enacted, That no Order, Verdict, Assessment, or Judgement, or other Proceedings made touching or concerning any

Proceedings not to be quashed for any

Want of
Form.

any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only.

Plaintiffs not
to recover
without No-
tice, nor after
Tender of
Amends.

XLVIII. 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, 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 Judgement 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.

XLIX. 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 Three Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County of *Wilts* 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 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.

This Act not
to extend to
Compton,
Chamberlain,
and certain
other Places.

L. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the several Parishes, Hamlets, or Tythings of *Compton, Chamberlain, Damerham South, East Martin, West Martin, and Tidpitt*, in the said Hundred of *Damerham South*, nor to any Person or Persons inhabiting, residing, or being within the same Parishes, Hamlets, or Tythings, or any or either of them.

Public Act.

LI. 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.