



ANNO QUADRAGESIMO SEPTIMO

GEORGI II. REGIS.

Cap.36.

An Act for the more easy and speedy Recovery of Small Debts within the Parishes of *Hales Owen, Rowley Regis, Harborne, West Bromwich, Tipton,* and the Manor of *Bradley*, in the Counties of *Worcester, Salop, and Stafford.* [25th April 1807.]

WHEREAS there are within the Parishes of *Hales Owen, Rowley Regis, Tipton, West Bromwich, Harborne,* and the Manor of *Bradley* in the Parish of *Wolverhampton*, in the several Counties of *Worcester, Salop, and Stafford*, several very extensive Mines of Coal, Ironstone, and Clay, and various Branches of Trade, Manufacture, and Commerce, carried on, which employ several Thousand Persons, many of whom contract Small Debts, and although well able, often refuse to pay the same, presuming on the Discouragement their Creditors lie under on account of the Delays and great Expence they are unavoidably subject to in suing for such Debts: And whereas a more easy and speedy Method of recovering Small Debts within the said Parishes and Manor would greatly tend to promote Industry and support useful Credit: 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,

[Loc. & Per.]

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mons,

Names of
Commission-
ers, with
their Powers.

mons, in this present Parliament assembled, and by the Authority of the same, That *Charles Adams, Josiah Adams of Tipton, Thomas Allen, John Alsop, Thomas Appleby, Samuel Arter, Thomas Aston, Matthias Attwood, Aaron Attwood, James Attwood, John Auden, James Austin, Richard Bache, John Bagnall, Thomas Bannister, William Bannister, George Barrs Clerk, Joseph Barrs, Richard Bate, Edward Bate, Charles Barnett, Joseph Beazley, John Beet, Henry Bell, John Bennett, William Bennett, Ralph Bennison, Joseph Bessel, Thomas Best Clerk, Paul Betts, George Biggs Clerk, Thomas Billingham, Gideon Billingham, Emanuel Billingham, James Birch, Francis Birch, John Bishop, Isaac Bishop, John Bissett, Thomas Blackmore, Thomas Blackmore, James Blackham, James Blackshaw, Benjamin Blewitt, Joseph Bloomer, Benjamin Bloomer, Richard Bloxcidge, Charles William Bloxham, Benjamin Bolton, William Bourn, Edward Bowater, Edward Bowen, Robert Boyle, John Bratt, John Brettell, Edward Brettell, William Bridge, Edward Bridgwater, Samuel Brighton, Walter Brinton, John Brinton, Benjamin Britton, Noah Brittle, Joseph Brittle, Edward Brownhill, Humphrey Buffery, William Bullock, James Bullock, Isaac Bunn, Bayley Caddick, Edward Cairns, Thomas Cattel, Samuel Chatwin, John Cheshire, John Cole, Thomas Collins, Richard Cooke, Thomas Cooper, Samuel Cooper, Joseph Cox, John Cox, Samuel Coxall, William Coxall, Isaac Cutler, Thomas Danks, Samuel Danks, Benjamin Darby, Benjamin Darley, Edmund Darley, Thomas Darley, John Davis of West Bromwich, John Davies of Rowley, William Davis, Edward Dixon, Isaac Downing, Paul Downing, John Downing, Samuel Downing, Edward Dutton, Jeremiah Dummack, John Eccleshall, Thomas Edge, Joseph Edmonds, John Edwards, Richard Edward, James Evans, John Fell, Isaac Fellows, Thomas Felton, Samuel Feriday, Joseph Fernihough, Francis Field, Joseph Fieldhouse, James Fisher, Edward Fisher senior, Edward Fisher junior, Daniel Fisher, Isaac Forrester, James Fordyce, Samuel Franks, James Gardener, Benjamin Gaunt, Jeremiah Gaunt, John Gibbons, Arthur Gilbert, Luke Gilbert, Daniel Gorton, Samuel Goodall, John Granger, Daniel Grainger, James Grainger, Stephen Grainger, Joseph Gray, James Gray, Joseph Gregory, Josiah Green, Joseph Green, Thomas Green, Hezekiah Green, Robert Grice, Job Grigg, Daniel Gutridge, John Gwinnett, Isaac Hadley, Joseph Hadley, William Hadley, Thomas Hadley, Joseph Halford, Job Hall, Joseph Hall, Charles Hamilton, Thomas Hanson, Samuel Hanson, Andrew Harris, Thomas Harris, Edward Harrald, Richard Hawkes, William Haynes, Richard Haynes, George Haywood, Samuel Heathcock, Thomas Heyward, John Hickton, Thomas Hill, Daniel Hill, William Hipkiss, Joseph Hipkiss, Samuel Hodgetts, Moses Hodgetts, John Hodgkins, Samuel Hodgkip, James Hodson, Samuel Holloway, Daniel Holloway, Richard Homer, Daniel Homer, John Horton, Moses Horton, Thomas Horton, John Hudson, William Hunt, Samuel Hunt, Charles Hunt, Benjamin Hurley, Richard Hughes, Samuel Hust, Edward Whitehouse Jackson, William Jackson, James Jaques, Samuel Jarvis, John Ick, Thomas Jesson, Joseph Jesson, Charles Jeavons, Daniel Johnson, John Johnson, Thomas Johnson, John Jowett, James Ingley, Samuel Ingley, John Izon, William Izon, James Kier, James Kempster, Archibald Kenrick, Edward Kenwick, Benjamin Keysall, William Leadbeater, John Lees, John Leonard, John Levett, David Lewis Clerk, John Macmillan, James Male, William Malling, John Marsh, Edward Martin, Joseph Martin, Joel Maurice, Samuel Mead, James Mear, Joseph Meredith, James Middleton, Richard Miller, Daniel Mole, Mark Moore, Joseph Moss, Edward Moules, John Morris of West Bromwich, John*

Morris of Bradley, Joseph Morris, William Nash, Thomas Newby, Samuel Newey, John Newey, William Nicklin Timber Merchant, William Nicklin Maltster, John Nichols, Benjamin Nickliss, Richard Nightingale, Samuel Nightingale, Samuel Nock senior, James Nock of Tipton, Henry Nock of Tipton, Samuel Nock junior, Henry Nock of Rowley, James Nock of Rowley, John Nock, William Oliver, John Onions, Thomas Parke, Thomas Pargeter, John Pargeter, Samuel Parish, John Parker, Abraham Parker, William Parker, Richard Parkes, William Parkes, Isaac Parkes of Cradley, Isaac Parkes of Oldbury, John Parkes, John Parkes of Rowley, Thomas Parkes, Francis Parrott, Thomas Partridge, Joseph Partridge, Daniel Parsons, William Payne, John Pearsall, Thomas Penn, Samuel Perry, James Pershouse, Joseph Pershouse, Richard Pickering Clerk, Jesse Philips, Samuel Philips, Joseph Pierce, John Pinson, Mark Pitt, James Polter, James Potter, William Powell, Samuel Powell, Luke Pope, Thomas Poynor, John Poynton, Joseph Pritchett, William Pritchett, Theodore Price, Joseph Price, Samuel Price, Richard Pugh, Richard Rabone, Thomas Rabone, Joseph Radcliffe, Thomas Read, William Read, Michael Pratt Reading, William Reading, Richard Reeves, John Reeves, John Reynolds, Benjamin Richards, Thomas Ridge, William Robbins, Ferdinando Rollaston, Stephen Rollason, Daniel Round, Joseph Round, Henry Round, John Rowley, William Rudge, William Rylands, John Salter, Moses Sawkey, Thomas Scott, Richard Scott, James Scott, James Shaw, James Sheldon, Thomas Short, John Shorthouse, Thomas Sidaway senior, Thomas Sidaway junior, James Sidaway senior, James Sidaway junior, John Siddon, George Silvester, George Simcox, Abraham Sitch, Benjamin Sitch, Thomas Siveter, Richard Siveter, Thomas Slim, Joseph Smallwood, William Smallwood, James Smart, Ferdinando Smith, Moses Smith, Jacob Smith, Joseph Smith, Thomas Smith of Rowley, Isaac Smith, Thomas Smith, William Smith of Tipton, Abraham Smith, William Smith of Bradley, Thomas Smithyman, Elijah Southall, John Spittle, John Standley, Thomas Standley, Mark Stephen, William Stephens, William Styles, William Stokes, William Summerfield, William Sutton, Harry Tayler, Jonathan Tayler, Matthew Thomas, Joseph Thomings, David Thomings, John Tibbetts of Harborne, John Tibbetts, Titus Tilley, Timothy Tilley, Richard Tilley, Richard Tonks, Joseph Trauter, Ezekiel Trowman, Thomas Trowman, Thomas Trowman of Rowley, Nathaniel Trowman, John Trowman, Joseph Trowman, Thomas Turner, William Underhill, Joseph Underhill, John Wall, John Walter, Thomas Warr, Daniel Warr, Joseph Warr, Thomas Ward, Elijah Whitehouse, James Whitehouse, Daniel Whitehouse, Isaac Whitehouse, Abraham Whitehouse, Samuel Whitehouse, William Whitehouse, John Whitehouse, Samuel Whitehouse, John Whiley, John Wilkinson, William Wilday, Jeremiah Willetts, Anthony Willetts, John Willington, John Williams, Walter Woodcock, Timothy Wood, John Woodhall, Thomas Woollaston, Edward Woolfe, Joseph Wright, John Yates, and Richard Yeomans, and their Successors, to be elected in manner hereinafter mentioned, shall be and they are hereby appointed Commissioners to hear and determine all such Causes and Matters of Debt as are hereinafter mentioned; and such Commissioners and their Successors are hereby constituted a Court of Justice, by the Name and Style of "The Court of Requests for the Parishes of Hales Owen, Rowley Regis, Tipton, West Bromwich, Harborne, and the Manor of Bradley in the Parish of Wolverhampton, in the several Counties of Worcester, Salop, and Stafford;" and are hereby authorized, empowered, and required to meet, assemble, and hold the said Court at Oldbury in the said Parish of Hales Owen on the

the Fourth *Tuesday* next after the passing of this Act, and elect a Chairman for that Meeting, and so at each succeeding Meeting; which said Meeting shall and may be adjourned to and until that Day Fortnight; and Meetings of the said Commissioners for the Purposes of this Act shall be and they are hereby directed to be held at *Oldbury* aforesaid (except occasional Adjournments as herein-after mentioned) at some convenient Place to be appointed for that Purpose by the said Commissioners, or the major Part of those assembled at their first or any subsequent Meeting, on every *Tuesday* Fortnight throughout the Year and every Year, but when *Christmas Day* shall happen on the Court Day, the Court shall be holden on the preceding Day; and the said Commissioners, or the major Part of those who shall be present, (such Number present being not less than Five, except as herein-after mentioned,) at their Meetings to be 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 Judgments, and make such Orders and Decrees therein, and to award Execution thereupon, with the Costs, against the Body or Bodies or against the Goods of all and every the Person 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 to do, perform, and execute all other Acts, Matters, and Things hereby authorized or directed to be done, as fully and effectually, and the same shall have the same Force and Effect, as if given, made, done, performed, and executed by all the said Commissioners, except as herein otherwise is particularly directed and provided; and in case of an Equality of Votes on any Action, Cause, or Question before the said Commissioners, the Chairman so to be elected as aforesaid, or if it shall happen that no Chairman shall have been previously elected at that Meeting, then the senior Justice of the Peace acting for either of the said Counties then actually present, and acting as a Commissioner by virtue of this Act, or if no such Justice shall be present and acting as a Commissioner as aforesaid, then the Commissioner present who stands first in the List of Names of the said Commissioners, shall have the decisive or casting Vote; and the said Commissioners shall and are hereby required to hang up or cause to be hung up such List in the Court or Place where the Commissioners meet.

Appointing
the Quorum
of the Com-
missioners.

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

Qualification
of Commis-
sioners.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless at the Time of his acting as such he shall be a Householder or shall carry on Trade within the Jurisdiction of the said Court, and possessed of a Real Estate of the annual Value of Fifty Pounds, or of a Personal Estate of the Value of One thousand Pounds, above all Charges and Incumbrances whatsoever; and if any Person, not being so qualified, shall presume to act as a Commissioner, every such Person shall for every such Offence (over and above any Punishment he may be subject and liable

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 in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and in every such Action, Bill, Plaint, or 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 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.

IV. 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 an Oath or Affirmation to the following Effect; that is to say, Commissioners Oath.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm, &c. according to the Form in that Case provided,*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, hear and determine all such Matters and Things as shall be brought before me by virtue of an Act of Parliament, intituled [*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, or carry on Trade within the Jurisdiction of the said Court, and that I am possessed of a Real Estate of the annual Value of Fifty Pounds, or of a Personal Estate of the Value of One thousand Pounds, above all Charges and Incumbrances whatsoever.
‘ So help me GOD.’

Which Oath or Affirmation the said Commissioners, or any One or more of them, is and are hereby empowered and required to administer in open Court; and each and every such Commissioner shall and 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 printed or written thereon; and such Roll shall be carefully kept among the Records of the said Court.

V. And be it further enacted, That when any of the said Commissioners herein-before named shall happen to die, or shall refuse or neglect to qualify himself for acting as a Commissioner in the Execution of this Act, by taking and subscribing the Oath herein-before mentioned within Two Years from the passing of this Act, or if any Person hereafter to be elected and chosen a Commissioner shall refuse or neglect to qualify himself for acting in the Execution of this Act as aforesaid within Two Years next after he shall have been so elected and chosen, or shall accept the Election of Commissioners.
[*Loc. & Per.*] 6 U Office

Office of Clerk, or otherwise become disqualified to act in the Execution of this Act, it shall and may be lawful to and for the surviving and remaining Commissioners, or the major Part of those who shall be present in the Court at which such Vacancy shall be notified or become known, or who shall be present at any subsequent Court, to cause the whole Number of Commissioners for the Time being, who shall have qualified themselves to act as aforesaid, to be summoned to meet at some convenient Place to be appointed for that Purpose, which Summons shall be served on each of the said Commissioners, or left at his usual Place of Residence within the Jurisdiction of the said Court, at least Seven Days and not exceeding Fourteen Days before the Day appointed for such Meeting, and shall state the Purpose for which the said Commissioners are to meet; and the Commissioners present at such Meeting, so to be specially summoned as aforesaid, not being less than Nine, shall and may and are hereby authorized and required to elect and appoint One other Commissioner in the Room or Stead of every such Commissioner so dying, or refusing or neglecting to act, or becoming disqualified; and every Commissioner so to be elected and appointed shall be and is hereby enabled to act in the Execution of the Powers granted by this Act as fully and effectually, to all Intents and Purposes, as if he had been herein particularly named and appointed a Commissioner: Provided always, that if any Person so becoming disqualified shall at any Time thereafter be desirous of being re-elected on any subsequent Vacancy, it shall be lawful for the Commissioners for the Time being again to elect and choose him to be a Commissioner, subject nevertheless to the several Restrictions as aforesaid.

Persons becoming disqualified may be re-elected Commissioners.

Power of Adjournment to other Places.

VI. Provided always, and be it further enacted, That if it shall appear to the said Commissioners in Court assembled that an occasional Adjournment to some other Part of the District herein limited and described may have a Tendency to facilitate or expedite the Business of the said Court, it shall be lawful to and for the said Commissioners assembled at any Court where Nine at least shall be present, or the major Part of them, to adjourn such Court to any other Part or Place within the said District as often or as many Times as to them may seem fit; but such adjourned Court shall not be held in any One Parish, Hamlet, Town, or Place from or out of *Oldbury* aforesaid, oftener than Four Times or Days in Twelve Calendar Months: Provided also, that in case a sufficient Number of the said Commissioners appointed or to be elected by virtue of this Act shall not be present to act in the Execution of this Act on any of the Days appointed for holding the said Court of Requests, then it shall be lawful for any One or more of the Commissioners then present, or, if no Commissioner shall be present, for the Clerk of the said Court or his Deputy for the Time being, to adjourn the same to and until the Court Day then next following.

For Want of a sufficient Number to act, the Court to be adjourned to another Day.

For summoning Commissioners, but this not to exclude other Commissioners from attending.

VII. And to the Intent that no undue Preference may be given in summoning the said Commissioners appointed or to be appointed in pursuance of this Act, be it further enacted, That the Serjeant or Serjeants of the said Court for the Time being shall and he and they is and are hereby required to summon, by Notice in Writing to be left at the respective last or usual Place of Abode of the Commissioners to be so summoned, at least Three Days before the Day of Meeting, Ten of the Commissioners

Commissioners to attend at the next Meeting of the said Court; and the first Ten Commissioners to be summoned shall be the Ten Commissioners whose Names shall stand first in the List hereby directed to be hung up in the Court or Meeting Place of the said Commissioners; and the next Ten Commissioners who shall be summoned shall be the Five Commissioners whose Names shall stand next in such List, and the Five last Commissioners who were summoned to attend the last preceding Court; and so in like Manner Ten Commissioners shall be summoned for each Meeting of the said Court, in Order and Rotation, until such List shall be gone through, and then such List shall be gone through again: Provided always, that nothing herein contained shall extend or be construed to extend to exclude any of the said Commissioners for the Time being from sitting in the said Court, although such Commissioners shall not have been summoned or stand in Rotation to be summoned, but that each and every such Commissioner, if he shall think fit so to do, may sit and hear, and assist in determining, giving Judgment, and making Orders and Decrees in the said Court, and shall have the like Powers and Authorities as any Commissioner so summoned as aforesaid, except in Cases where interested as herein-after mentioned.

VIII. 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 Cause, but between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon; and nothing in this Act contained shall extend or be construed to extend to require the Attendance of any Plaintiff or Defendant or Witness in the said Court, except between the said Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon.

Time of hearing Causes.

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 fit and proper Persons for Clerk, Serjeant, and other necessary Offices, of and in the said Court of Requests; and that it shall and may be lawful to and for the said Clerk and Serjeant respectively, immediately after his and their Appointment, and from Time to Time, to nominate and appoint a Deputy to act in his Room or Stead in case of Sickness, or for other sufficient Cause, to be allowed by the said Commissioners, but not otherwise, and for whom such Principal so appointing a Deputy shall be answerable; and such Clerk or his Deputy is 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 or 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.

Appointment of Officers.

X. And be it further enacted, That it shall and may be lawful 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

Appointment of new Officers in case of Death or Resignation, &c.

of this Act, or so soon after the same shall be known, to cause the whole Number of the Commissioners for the Time being to be specially summoned, as is herein-before directed for the Election of new Commissioners, and such Commissioners at such Meeting to be so specially summoned (not being less than Nine), or the major Part of them, are hereby authorized and required to elect another Person or Persons in the Room or Stead of every such Clerk, Serjeant, or other Officer so dying, resigning, or being removed as aforesaid, and so from Time to Time when and as often as any Clerk, Serjeant, or other Officer shall die, resign, or be removed from their respective Offices; and if it shall at any Time appear necessary to 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 than One Clerk, or more Serjeants or other inferior Officers of the said Court, are wanting, it shall and may be lawful to and for the said Commissioners, on being specially summoned for that Purpose, and not being less than Nine, or the major Part of them, to appoint an additional Clerk and any additional Serjeants or other inferior Officers, or any or either of them, as may appear to the said Commissioners to be wanting or necessary for carrying any of the Purposes of this Act into execution; and all and every Clerk and Clerks, Serjeant and Serjeants, and other Officers of the said Court, shall do and perform in their respective Offices as they shall be directed or appointed by the said Commissioners; and the several Serjeants of the said Court shall serve all Summonses, and execute such Orders, Warrants, and Precepts, and do and perform all such other Acts, Matters, and Things, as may be required to be done by them respectively by virtue of this Act; and it shall and may be lawful to and for the said Commissioners, or the major Part of them, assembled for that Purpose, from Time to Time to remove all such Clerks, Serjeants, and other Officers, or any of them, for Misbehaviour in their respective Offices, or other sufficient Cause: Provided always, that no Person or Persons who shall keep any Victualling House, Alehouse, or other House of any public Entertainment, or who shall sell any Wine, Beer, Ale, Cyder, spirituous or other strong Liquors by Retail, shall be capable of holding the Place of Clerk, or any other Office or Place of Trust or Profit belonging to the said Court.

Victuallers
not to hold
any Place of
Profit.

Commis-
sioners not
to act where
interested.

XI. And be it further enacted, That if any Commissioner of the said Court for the Time being shall be Party to or interested in any Cause depending in the said Court, or shall be Father, Son, or Brother of any Person or Persons concerned or interested in any Cause, Action, or Matter, such Person shall not be capable of acting as a Commissioner in the hearing and determining such Cause, Action, or Matter, or making any Order, Decree, or Judgment therein, but, after being heard in the said Court, shall withdraw until the same is finally determined; and if any Clerk, Serjeant, or other Officer of the said Court for the Time being shall be Party to or interested in any Cause, Action, or Matter depending in the said Court, such Clerk, Serjeant, or other Officer shall not exercise his or their Office in such Cause, Action, or Matter, or in any thing relating thereto, but such Person or Persons as shall be nominated and appointed by the said Commissioners to exercise the said Office of Clerk, Serjeant, or other Officer respectively, in his or their Place or Stead, shall be and is hereby vested with full Power and Authority

riety to execute the Office of Clerk, or Serjeant, or other Officer, in all Things relating to such Cause, Action, or Matter.

XII. 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 residing within the Jurisdiction of the said Court or not) having any Debt or Debts on Rent or Arrears of Rent, or in respect of Wages, or *Quantum Meruit*, and in all Causes of Trover and Conversion, or of Trespass or *Detinue* for Goods and Chattels taken or detained, or otherwise howsoever, not exceeding the Value of Five Pounds, due, owing, or belonging to him, her, or them, in his, her, or their own Right, or in the Right of any other Person or Persons, or as Executor or Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due or owing to him as Chamberlain, Town Clerk, or other Officer to any Body Corporate, as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners, or to any Club or Friendly Society duly associated or constituted according to the Provisions of the several 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 herein expressly prohibited, by or from any other Person or Persons whomsoever inhabiting, residing, or being within the Limits of the said several Parishes and Manor, or either of them, or keeping or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or using or frequenting any Market, or seeking a Livelihood, or in any Way trading or dealing within the same, to apply to the Clerk or One of the Clerks of the Court, or the Deputy of any such Clerk, who shall immediately make out and deliver to the Serjeant or One of the Serjeants of the said Court for the Time being a Summons in Writing under the Hand of such 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 such Debtor or Debtors to appear, at a certain Time and Place to be mentioned in such Summons, before the Commissioners of the said Court, to answer such Demands; and such Serjeant shall forthwith serve or cause such Summons to be served on such Debtor or Debtors either personally or by leaving the same with his, her, or their Servant or other Person belonging to him, her, or them, or at the Dwelling, Warehouse, Wharf, Quay, 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, Three Days at least before the Time appointed for such Debtor or Debtors to appear before the said Court; and, upon due Proof made of such Summons having been duly served in manner aforesaid, the said Commissioners in Court assembled are hereby empowered and required to make due Enquiry concerning such Demands or Plaints, and make such Order or Orders and Decrees therein, and pass such final Sentence or Judgment thereupon, and award such Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience; and they are hereby also empowered to order and direct the Payment of any such Debts to be made, either in One Sum, or by Instalments at stated Periods, under such Conditions and with such Security for the Payment of the same as they shall see Cause and deem just and reasonable, all which Orders, Decrees, Judgments, and Proceedings shall be registered

Debtors to be summoned before Commissioners, and Particulars of Demand stated, Three Days before the Meeting.

Commissioners may direct Payment, either in One Sum or by Instalments; and may examine Offi-

[*Loc. & Per.*]

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cers, Parties,
and Wit-
nesses, on
Oath.

in a Book or Books to be kept for that Purpose by the Clerk or Clerks of the said Court; and as well the Plaintiff or Plaintiffs as the Debtor or Defendant, Debtors or Defendants, whom any such Order, Decree, Judgment, or Proceeding shall respectively concern, shall observe, perform, and keep the same respectively in all Points; and it shall and may be lawful to and for the Commissioners present in the said Court to administer an Oath or Oaths, Affirmation or Affirmations, to any Officer of the said Court or to either of the said Parties the said Commissioners shall think proper to examine touching any Matter in question, and also to such Witness or Witnesses, Person or Persons, whose Evidence shall seem necessary in the hearing or determining or the making of any Order or Decree in the Premises, or for any other Purpose requisite to the Execution of this Act.

Penalty on
disobeying
the Subpœ-
nas of the
Court.

XIII. And be it further enacted, That in case any Person residing or being within the Jurisdiction of the said Court, who shall be duly served with a Subpœna or Summons issued out of the said Court of Requests, to give Evidence on behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Summons at the Time or Place therein mentioned, and due Proof shall be made of the Service of such Subpœna or Summons (and Tender having been made of his or her reasonable Expences), and no sufficient Cause of Absence shewn or assigned to the Satisfaction of the Commissioners present at the Court whereat such Person was by such Subpœna or Summons required to appear, and Oath or Affirmation shall be made before the said Commissioners by the Party at whose Instance and on whose Behalf such Subpœna or Summons was issued, that the Party served therewith was a material Witness in behalf of such Party, it shall and may be lawful to and for the said Commissioners assembled in Court to impose or lay a Fine, not exceeding Ten Pounds, on every Person so offending.

Penalty for
Perjury.

XIV. And be it further enacted, That in case any Person or Persons making Oath or giving Evidence in any Cause or Matter whatsoever depending in the said Court of Requests, or before any Justice or Justices in executing this Act, shall wilfully and corruptly give false Evidence, or swear any Matter or Thing which shall be false or untrue, every such Person so offending, and being thereof duly convicted according to Law, shall and is hereby declared to be subject and liable to the like Pains and Penalties as Persons convicted of wilful and corrupt Perjury are liable or subject to by the Laws and Statutes of this Realm.

Service on
One Partner
to be deemed
Service.

XV. And be it further enacted, That where any Debt shall be due or owing by 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 on any One of such Partners or Persons, or left at his, her, or their last usual Place or Places of Abode, Warehouse, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, shall be as good and sufficient as if each of such Partners or Persons were separately summoned as aforesaid.

Debts due to
Persons un-
der Age may
be recovered.

XVI. And be it further enacted, That in every Case where any Wages, or 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 whatsoever, under the Age of Twenty-one Years, it shall and may be lawful to and for such Servant, Clerk, Book-keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or other Person to sue for and recover such Debt in the said Court, in the same Manner as if he or she were of full Age; and the said Commissioners present in the said Court are hereby required to take Cognizance of and proceed in all Causes concerning such Debts in the same Manner, and shall have the same Powers in regard thereto, as if the Plaintiff or Plaintiffs were of full Age.

XVII. And be it further enacted, That if any Debtor or Debtors, who shall have been duly summoned as aforesaid, shall, without good Cause (to be allowed by the said Court of Requests), refuse or neglect to appear either himself or herself, or by some other Person on his, her, or their Behalf, in the said Court at the Time mentioned in such Summons, then it shall and may be lawful to and for the said Commissioners, upon Proof made upon Oath of the Service of such Summons in manner hereinbefore directed, to proceed to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgment therein, and to award such Costs, as to them shall seem meet.

Commissioners, on Non-appearance of Defendant, may proceed ex-parte;

XVIII. And be it further enacted, That if upon the Day of the Return, or at any Continuation or Adjournment of the said Court of Requests, the Plaintiff or Plaintiffs shall not appear either in Person, or by some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Debt or Demand, to the Satisfaction of the said Court, it shall and may be lawful to and for the said Commissioners to award to the Defendant or Defendants reasonable Costs, and also such Satisfaction for his, her, or their Trouble or Attendance, as to the said Commissioners shall seem right and proper, and to order and compel the Plaintiff or Plaintiffs to pay the same, by such Ways and Means as are herein provided for the enforcing of the Payment of Debts and Costs ordered and decreed to be paid by the said Court.

and, on Non-appearance or Nonsuit of Plaintiff, may award Costs;

XIX. And be it further enacted, That in any Case when 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 to award Execution either against the Body or Goods of the Party or Parties 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 of Requests, at the Desire of the Party or Parties prosecuting such Order or Decree, to issue a Precept under his Hand and Seal to the Serjeant of the said Court, who, by virtue of such Precept issued upon the Execution awarded against the Body or Bodies of such Party or Parties, shall and may and is hereby empowered and required to take and apprehend such Party or Parties (being within the Jurisdiction of the said Court), and to convey him, her, or them to the Gaol or Prison to be provided for the Purposes of this Act, there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgment, for the Space of Time therein in that Behalf particularly directed; and in case any such Precept shall be issued upon Execution awarded against the Goods and Chattels

and may award Execution against the Body or Goods, and commit the Party.

of

In case Parties abscond, or secrete their Goods, further Execution may be granted.

Process not to issue against Person and Goods.
26 G. 3. c. 38.

Plaintiff not to recover other than Debt specified, nor Defendant any Set-off, without Notice.

Actions not to be split; but the Court may decree in such Action so split, if the Plaintiff shall be satisfied to receive less than 5*l.* in full of all Demands.

of any such Party, 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 and Sums of Money, and Costs, as shall be so ordered and decreed; and if the Party against whose Body or Goods such Execution shall be awarded, and such Process shall issue thereupon, 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 such Execution, it shall and may be lawful to and for the said Commissioners, upon due Proof thereof made by the Oath of the Serjeant, or of One or more credible Witness or Witnesses, at their Discretion, to award further Execution either against the Body or Goods and Chattels of such Party or Parties, and Process shall issue thereupon, and be executed by the Serjeant in manner aforesaid, until the Party or Parties at whose Suit such Execution shall be issued shall be fully paid and satisfied: Provided always, that it shall not be lawful for the said Commissioners to issue any Process against the Body of any Person in any Case where the Party entitled to the Benefit of any Order, Judgment, or Decree, shall at the same Time have obtained any Warrant or Process against the Goods and Chattels of the same Person.

XX. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff or Plaintiffs on the Trial of any such Cause of Action as aforesaid, or of any Cause of Action, except such as is stated in the said Summons hereby directed to be given, nor shall any Evidence be admitted on behalf of any the Defendant or Defendants of any Demand he, she, or they may have on the Plaintiff or Plaintiffs in the Nature of a Set-off, or to 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 Plaintiff or Plaintiffs by personal Service, or by leaving it at his, her, or their Dwelling, Warehouse, Wharf, Quay, 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.

XXI. And be it further enacted, That if it shall appear to the said Commissioners that any Plaintiff shall have split or divided his or her Cause or Action, with the Intention of bringing the same within the Jurisdiction of the said Court, then and in every such Case the said Commissioners shall and 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 lawfully might have done, if no such Action or Suit in the said Court of Requests had been brought or commenced: Provided always, that in case any Plaintiff in such Cause or Action so split or divided shall be willing to accept the Sum of Five Pounds, or such less Sum as shall be proved, to the Satisfaction of the said Commissioners, to be due and owing from the Defendant to the Plaintiff, in full of the whole of his or her Demand in such Cause, then and in every such Case the said Commissioners shall and may adjudge and decree the Payment of such Sum of Five Pounds, or any less Sum, appearing to them to be so due and owing, and declare the same to be, and which shall be deemed and taken to be, in full Discharge of all Demands

Demands from the Defendant to the Plaintiff in such Cause or Case so split or divided.

XXII. And be it further enacted, That in every Precept to be issued upon any Execution awarded against the Body or Goods of any Person or Persons whomsoever, the Clerk upon issuing the same shall set down in Writing the Sum or Sums of Money and Costs so ordered and decreed to be paid; and if the Party or Parties against whom such Execution shall have been awarded shall, before any actual Sale of his, her, or their Goods, or before he, she, or they is, are, or shall be taken and apprehended, or before the Expiration of the Term of his, her, or their Imprisonment, pay or cause to be paid or tendered to the Clerk of the said Court of Requests such Sum or Sums of Money and Costs, together with One Shilling as a Reward for his Trouble in receiving and paying over such Debts and Costs to the Plaintiff or Plaintiffs, and entering Acknowledgement of Satisfaction in the Book or Register of the said Court for such Debts and Costs, then and in every such Case the Execution shall be superseded, and the Body or Bodies and Goods of such Party or Parties shall be discharged and set at liberty.

On Execution, Clerk to indorse Debt and Costs.

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

Time of Imprisonment of Debtors limited.
26 G. 3. c. 38.

XXIV. And, in order the more effectually to prevent Persons summoned for Debts 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 for any Debt or Debts before the said Court, Information of any such fraudulent Concealment shall be given, the said Commissioners 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 Commissioners are hereby empowered to administer), then and in every such Case it shall and may be lawful to and for the said Commissioners to enlarge the aforesaid Time of Imprisonment of such Debtor to any Period in addition thereto, not exceeding Three Calendar Months.

If any Debtor conceal Money or Goods, the Time of his Imprisonment shall be enlarged.
26 G. 3. c. 38.

XXV. 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

[*Loc. & Per.*]

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The Time of Imprisonment shall be separately from

and successively for each Execution.

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 from 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 for the second Execution is expired, the Imprisonment for the third Execution shall commence; and so on, until he, she, or they 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.

Record of Judgment may be removed into the superior Court, and Writs of Execution issued to the Sheriff of any County.

XXVI. And whereas it may happen that Persons served with Process issuing out of the said Court of Requests may, in order to avoid Execution, remove their Persons and Effects beyond the 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*, on Affidavit made and filed of such Decree or Judgment being obtained, and of diligent Search and Enquiry having been made after the Person or Persons of the Defendant or Defendants, or his, her, or their Goods and Chattels, and of the Precept of Execution having issued against the Person or Persons or Effects (as the Case may be) of the Defendant or Defendants, 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 a Commissioner authorized to take Affidavits, and it shall and may be lawful to and for such superior Court to cause the Record of the said Decree or Judgment to be removed into such superior Court, and to issue Writs of Execution thereupon to the Sheriff of any County, City, Liberty, or Place, against the Person or Persons or Effects of the Defendant or Defendants in the same Manner as in Judgments obtained in the said Courts at *Westminster*; and the Sheriff, upon every such Execution, shall and is hereby authorized to detain the Defendant or Defendants until the Sum of Ten Shillings be paid to him, or to levy the same out of the Effects, according to the Nature of the Execution, for the extraordinary Costs of the Plaintiff or Plaintiffs in the said Court subsequent to the said Decree or Judgment, and of the Execution in the superior Court, over and above the Money for which such Execution shall be issued.

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

XXVII. 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 said Commissioners present at the Court at which such Cause shall be heard, that the Debtor or Debtors is or are unable from Sickness or unavoidable Accident to pay and discharge the Debt or Debts for which he, she, or they shall have been so summoned, then it shall and may be lawful to and for the said Commissioners to suspend or supersede the Proceedings in such Cause until it shall, upon like Proof as aforesaid, appear

to the Court that such Debtor or Debtors shall be able to pay such Debt or Debts, and then to proceed again in manner aforesaid; any Thing herein contained to the contrary notwithstanding.

XXVIII. Provided always, and it is hereby declared, That this Act, or any thing herein contained, shall not extend to any Debt where the Title or Lease of, or Contract where the Title or Lease of, any Lands, Tenements, or Hereditaments, can or may come in question, or in or upon any other Real Contract; nor to any Debt for any Sum being the Balance of an Account on Demand originally exceeding the Sum of Five Pounds; nor to any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments situate elsewhere than within the Limits of the said several Parishes and Manor, or some or one of them; or by reason of any Cause concerning Testament or Matrimony, or any thing concerning or properly belonging to the Ecclesiastical Courts; nor for or concerning any Agreement by way of Composition for or by way of Retainer of Tithes; nor to any Debt or Sum of Money or Thing won at or by means of any Horse Race, Cock Match, Wager, or any Kind of Gaming or Play; nor for any Forfeiture upon any Penal Statute or Bye Law; nor to any Debt whereof there hath not been a Contract, Acknowledgment, Undertaking, or Promise to pay within Six Years before the taking out of the Summons for the same, although such Debts respectively shall not exceed Five Pounds; any thing herein contained to the contrary notwithstanding: Provided also, that nothing herein contained shall extend or be construed to extend 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 extend to certain Debts, nor to prevent Distress for Rent.

XXIX. And be it further enacted, That if any Action or Suit for any Debt recoverable by virtue of this Act in the said Court of Requests shall be commenced in any other Court whatsoever, or elsewhere than in the said Court of Requests (save and except the Court of the Lord of the Manor of *Hales Owen*), then and in every such Case the Plaintiff or Plaintiffs in such Action or Suit shall not, by reason of a Verdict for him, her, or them, or otherwise, have or be entitled to any Costs whatsoever; and if the Verdict shall be given for the Defendant or Defendants in such Action or Suit, and the Judge or Judges before whom the same shall be tried or heard shall think fit to certify that such Debt ought to have been recovered in the said Court of Requests, then and in every such Case the Defendant or Defendants shall have Double Costs, and such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any Cases by Law; and no Action or Suit which shall be commenced or prosecuted in the said Court of Requests in pursuance of this Act, nor any Proceedings therein, shall or may be removed into any superior Court, by Certiorari or any other Writ or Process whatsoever, except by the Plaintiff or Plaintiffs in Cases where the Defendant or Defendants shall have removed himself, herself, or themselves, or his, her, or their Effects, out of the Jurisdiction of the said Court, after a Decree or Judgment obtained against such Defendant or Defendants; but every such Decree and Judgment shall be final and conclusive between the Parties to all Intents and Purposes whatsoever.

Verdicts in other Courts for Debts recoverable in this, not entitled to Costs; and if Verdict for Defendant, he shall have Double Costs.

No Proceedings to be removed to superior Court, except in certain Cases.
19 G. 3. c. 70.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to hinder or prevent any

Saving the Jurisdiction of the Court of the Lord

of the Manor
of Hales
Owen.

any Person or Persons from commencing or prosecuting any Suit or recovering any Debt in the Court of the Lord of the Manor of *Hales Owen*, or otherwise, by virtue of any Custom of the said Manor, or in any other Manor Court, or by the Custom of any other Manor or Manors within the Limits of the Jurisdiction of this Act; but that all Rights, Privileges, Franchises, Liberties, Powers, and Jurisdictions of such Lord and Lords, Court and Courts, and the Custom and Customs of such Manor and Manors, shall remain and continue in as full and ample Form and Manner, to all Intents and Purposes, as if this Act had not been made.

Serjeant suf-
fering an
Escape, or
Goods to be
removed, to
pay Debt
and Costs.

XXXI. And be it further enacted, That if any Serjeant, or the Deputy of any Serjeant, or any other Officer or Officers of the said Court of Requests, or his Deputy, who shall be employed to serve or levy any Execution, shall, by wilful Connivance or Neglect, cause or suffer the Party against whom such Execution shall have been awarded to escape or abscond, or the Goods of such Party or Persons to be carried away or secreted, so as such Execution shall not have its full Force and 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 Deputy Officer or Officers, to pay the Sum or Sums of Money for which the said Execution was awarded to the Party complaining, and to enforce the Payment thereof by such Ways, Means, and Methods as are hereinbefore provided for the Payment of Debts; and it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, to impose a Fine, not exceeding Ten Pounds, for every such Offence, on such Serjeant or Deputy Officer or Officers.

No Attorney
or Solicitor
to plead or
have Privi-
lege in the
Court.

No Attorney,
Solicitor, or
Scrivener, or
Practiser of
the Law, to
be an Advoca-
cate.

XXXII. And be it further enacted, That no Attorney at Law or Solicitor, or other Officer of any Court whatsoever, shall be allowed to plead or maintain any Privilege against the Process, Authority, Jurisdiction, or Judgment of the said Court of Requests; and no such Attorney, Solicitor, or any Scrivener, or other 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 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, 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 in which such Offence shall be committed, on his own Confession, or 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.

Penalty on
Contempt
of Court.

XXXIII. And, for better enforcing the Orders and Decrees from Time to Time to be made by the said Commissioners, and vesting the said Commissioners of the Court of Requests with Power and Authority to punish any

any Insult or Abuse offered themselves, or the Officers of the said Court, be it enacted, That if any Person or Persons shall affront, insult, or abuse all or any of the Commissioners or Officers of the said Court of Requests for the Time being, during their sitting in the said Court, or in going to or returning from the same, or shall interrupt the Proceedings of the said Court, or at any Time affront, insult, or abuse, hinder or obstruct, or attempt or threaten to hinder or obstruct, any Officer of the said Court in the Execution of his Office, it shall and may be lawful to and for the said Commissioners then sitting (or if not then sitting, at the next Court to be then after held,) to cause a Warrant to be issued by the Clerk of the said Court, directing the Serjeant to apprehend and take or cause the Person or Persons so offending to be apprehended and taken before One or more of His Majesty's Justices of the Peace acting for the County in which such Offence shall be committed, and, upon the Fact alleged against him being proved by the Oath or Affirmation of One or more credible Witness or Witnesses, the said Justice or Justices is or are hereby empowered and required to punish the Person or Persons so offending by Fine not exceeding Five Pounds.

XXXIV. And be it further enacted, That the Clerk of the said Court of Requests for the Time being shall fix up, or cause to be affixed up from Time to Time and at all Times, in some public Part of the Court House or other Place where the said Commissioners shall meet, a true Copy of the last preceding Clause of this Act, to the end that no Person or Persons shall or may plead Ignorance thereof.

Copy of the preceding Clause to be fixed up in the Court House.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to appoint and provide a proper Place or proper Places as and for a Gaol or Gaols, Prison or Prisons, or Place or Places of Confinement for all Prisoners who shall be committed or taken in Execution or otherwise under or by virtue of this Act, and to appoint a proper Person or Persons to be Gaoler or Gaolers, Keeper or Keepers thereof; and every such Gaoler or Keeper shall and may and is hereby required to take into his or their Custody respectively all and every Person or Persons who shall be committed or ordered to stand committed by virtue of any Warrant, Attachment, or other Precept issued out of the said Court, or otherwise, under or by virtue of this Act; and in case any such Gaoler or Keeper shall refuse or neglect to receive and take into his Custody any Person or Persons committed as aforesaid by virtue of this Act, or shall, before the Expiration of the Time for which any Person or Persons shall be committed, 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 Three or more of the said Commissioners, 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 County in which such Offence shall be committed, upon the Oath of One or more credible Witness 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 such Justice or Justices.

Commissioners to provide a Gaol.

Gaoler to receive Persons committed.

XXXVI. 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

[*Loc. & Per.*]

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Debtors not liable to pay Gaol Fees. of 26 G. 3. c. 33.

Justices may
determine
such Offence.

of Imprisonment, be discharged and set at liberty without paying any Sum or Sums of Money, Fee or Fees, or other Reward or Gratuity whatsoever, to the Keeper or Keepers, Turnkey or Turnkeys of the said Gaol, or others, by way of Gaol Fees or Discharge Fees, or on any Pre- tence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of the said Gaol, or any other Person whosoever, shall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatsoever, upon the Discharge of any such Person or Persons so committed to his or their Charge or Custody as aforesaid, or shall keep or detain any such Person or Persons a Prisoner or Prisoners after the Time by this Act limited for his, her, or their Imprisonment, every such Keeper, Turnkey, and other Person shall for every such Offence forfeit and pay any Sum not exceed- ing the Sum of Twenty Pounds; and it shall and may be lawful to and for any Two Justices of the Peace for the County in which such Offence shall be committed to hear and determine every such Offence, and such Two Justices are hereby authorized and required, upon any such Inform- ation 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 as aforesaid.

Fees to be
taken.

XXXVII. And be it further enacted, That the Fees herein-after limited and expressed shall be and are hereby authorized and allowed to be de- manded and taken upon and for the several Processes, Acts, Matters, and Things herein-after mentioned; that is to say,

As to the CLERK'S Duty.	On Debts not exceeding Forty Shillings.		On Debts exceeding Forty Shillings.	
	s.	d.	s.	d.
For entering every Cause - - - - -	0	4	0	8
For issuing every Summons - - - - -	0	8	1	4
For every Subpoena - - - - -	0	8	1	4
For calling every Plaintiff or Defendant before the Court - - - - -	0	3	0	6
For every Hearing or Trial - - - - -	0	8	1	4
For swearing every Witness, Plaintiff, or Defendant	0	3	0	6
For every Order, Judgment, or Decree - - - - -	0	6	1	0
For a Nonsuit - - - - -	1	0	2	0
For every Search in the Books - - - - -	0	3	0	6
For paying Money into Court - - - - -	0	6	1	0
(If by Instalments Sixpence in the Pound more.)				
For taking or receiving Money out of Court, and acknowledging Satisfaction in the Clerk's Books	0	6	1	0
For every Attachment - - - - -	1	0	2	0
For every Execution - - - - -	1	0	2	0
For every Warrant of Commitment for an Assault, Insult, or Misbehaviour in the Court, or to the Commissioners, Clerk, or other Officer of the Court, One Shilling.				

As

As to the SERJEANT'S Duty.	On Debts not exceeding Forty Shillings.		On Debts exceeding Forty Shillings.	
	s.	d.	s.	d.
For the Service of every Summons, Order, or Subpoena, not exceeding One Mile from the Court House (the Distance to be ascertained by the Commissioners), and attending the Court with the Return thereof - - - - -	0	4	0	6
For every Mile after the first from the Court House	0	2	0	3
For calling every Plaintiff or Defendant before the Court - - - - -	0	2	0	3
For executing every Attachment, Execution, or Warrant against the Body or Goods, or conveying any Delinquent to Prison, if within One Mile of the Court House - - - - -	2	0	3	6
For every Mile after the first from the Court House	0	3	0	6
If an Assistant be necessary for the Serjeant, for the Assistant - - - - -	1	0	1	6
For every Mile after the first from the Court House	0	2	0	4

A Table of which Fees shall from Time to Time be hung up in the said Court of Requests in some conspicuous Part of the Court House or Place where the said Commissioners shall meet, that all Persons concerned may peruse and inspect the same.

XXXVIII. Provided always, and it is hereby enacted, That the said Commissioners, or any Nine or more of them, shall and may from Time to Time (if they think fit), being specially summoned for that Purpose in Manner herein directed for the Election of new Commissioners, lessen or reduce all or any of the Fees limited and allowed to be demanded as aforesaid, so that the same shall not be reduced to less than One Half of the several and respective Sums herein-before particularly mentioned, and may afterwards from Time to Time, (if they the said Commissioners, or any Nine or more of them, shall think fit,) upon the like Notice having been given, advance all or any of the said Fees so lessened or reduced to any Sum not exceeding the several and respective Sums herein-before mentioned and expressed.

For varying Fees.

XXXIX. And be it further enacted, That if any Clerk or Serjeant of the said Court of Requests for the Time being, or any Deputy or Person by either of them employed, or any other Person, shall demand and take any greater or other Fee or Reward than what is herein-before mentioned and specified, under colour or pretence of any Service or other Matter in the Execution of this Act, he shall for every such Offence forfeit and pay such Fine (not exceeding Five Pounds) as the said Commissioners shall assess and impose, to be applied in aid of carrying this Act into execution.

Penalty on taking greater Fees.

XL. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to make such Orders as they shall think fit for regulating the Manner of receiving and collecting such Fees, and to authorize and appoint such Person or Persons as they shall think fit to receive the same; and that every such Person and Persons shall keep an Account of the Receipt of such Fees, and render and deliver an Account thereof when and as he or they shall be required so to do

The Commissioners to make Rules and Orders, as may be necessary, for receiving, appropriating, and dividing such Fees.

do by the said Commissioners ; and it shall and may be lawful to and for the said Commissioners to appropriate and direct the Payment of any Part or Proportion, not exceeding One Third Part of such Fees so to be collected and received as aforesaid, to or for any other Officer or Officers to be appointed by the said Commissioners in pursuance of this Act, and for the better Execution of the same, (other than such Clerk or Clerks, Serjeant or Serjeants, so to be appointed as aforesaid,) and for Payment of the other Expences of carrying this Act into execution ; and the said Commissioners shall and may, if any Dispute or Question shall arise, or they shall otherwise think fit, direct the Division, Appropriation, and Payment of the Remainder of such Fees, and in what Manner, Shares, and Proportions, to and amongst such Clerk and Clerks, Serjeant and Serjeants, and their respective Députies and Assistants, as shall be appointed in pursuance and for the better Execution of this Act.

Recovery and
Application
of Penalties.

XLI. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed, and which shall not be paid forthwith, (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 respectively of any Three or more of the Commissioners, or of the Justice or Justices by whom such Penalties or Forfeitures shall be imposed in pursuance of any Provision in this Act contained (which Warrant such Commissioners and Justice and Justices are hereby respectively 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 such 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 by the said Commissioners be distributed in such Manner as they shall think right and proper amongst the Poor within the Limits of the Jurisdiction of the said Court ; and in case sufficient Distress shall not be found, it shall and may be lawful to and for the said Commissioners, or such Justice or Justices, and they are hereby respectively authorized and required, by Warrant under the Hands and Seals of the said Commissioners, or such Justice or Justices (as the Case may be), to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the County in which the Offence shall have been committed, or the Gaol of the said Court, 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 paid and satisfied.

Form of
Conviction.

XLII. 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,

‘ **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

‘ the County of [or, before Three of the Commis-
 ‘ sioners for the Recovery of Small Debts within the Parishes of *Hales*
 ‘ *Owen, Rowley Regis, Tipton, West Bromwich, Harborne,* and the Manor
 ‘ of *Bradley,* in the Counties of *Worcester, Salop, and Stafford,*] 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 the Sum of
 ‘ such Offence being contrary to the Provisions of an Act made in the
 ‘ Forty-seventh Year of the Reign of King *George* the Third, intituled
 ‘ [here insert the Title of this Act]. Given under my Hand and Seal [or
 ‘ our Hands and Seals] the Day and Year aforesaid.’

XLIII. 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.

Distress not to be unlawful for Want of Form.

XLIV. And be it further enacted, That no Order, Verdict, Assessment, or Judgment, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for Want of Form, or removable by Certiorari.

XLV. And be it further enacted, That no Action or Suit shall be brought or commenced against any Person or Persons for any Matter or Thing done or to be done in pursuance of this Act, until Notice thereof shall have been given to or left at the usual Place of Abode of the Person against whom such Action or Suit shall be intended to be brought (specifying in such Notice the particular Cause of Action) at least One Calendar Month before the suing out and serving the same, nor after sufficient Tender of Amends shall have been made to the Party aggrieved, nor unless such Action or Suit shall be brought or commenced within Six Calendar Months next after the Cause of Action shall arise, and not afterwards, and shall be laid in the County where such Person or Persons shall reside as aforesaid, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought before the Expiration of One Calendar Month after such Notice shall have been given, or after Tender of sufficient Amends shall have been made to the Party aggrieved, or after the Time before limited for bringing the same, or shall be laid in any other County or Place, then and in either of the said Cases the Jury shall find

Actions not to be brought without Notice, nor after Tender of Amends.

General Issue.

[*Loc. & Per.*]

7 A

for

Treble Costs. for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue such Action or Suit, or if upon a Verdict or Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and shall have such other Remedy for the same as any Defendant or Defendants can or may have in any other Case by Law.

Public Act. XLVI. 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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