



ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

Cap. cxxxv.

An Act to amend and render more effectual an Act passed in the Fourth and Fifth Year of the Reign of His present Majesty, intituled *An Act for amending the Proceedings and Practice of the Court of Passage of the Borough of Liverpool in the County Palatine of Lancaster*, and to repeal an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, intituled *An Act for the more easy and speedy Recovery of Small Debts in the Town and Port of Liverpool and Liberties thereof in the County Palatine of Lancaster*; and to give further Power for the Recovery of Small Debts within the Borough of *Liverpool*. [13th August 1836.]

WHEREAS an Act was passed in the Fourth and Fifth Year of the Reign of His present Majesty, intituled *An Act for amending the Proceedings and Practice of the Court of Passage of the Borough of Liverpool in the County Palatine of Lancaster*, which said Act has been found useful and beneficial, but

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4 & 5 W. 4. c. 92.

Repealing so much of recited Act as is inconsistent with this.

the same is in some respects defective and insufficient fully to answer the Purposes thereby intended, and it is desirable that the said Act should be altered and amended: 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 so much of the said recited Act now in force relating to the said Court of Passage of the said Borough of *Liverpool* as is inconsistent with the Provisions of this Act shall be and the same is hereby repealed.

Court to be the Court of the Mayor.

II. And be it enacted, That no Bailiff of the said Borough shall henceforth be or form Part of the said Court, but that the said Court shall be the Court of the Mayor of the Borough of *Liverpool*, and that in all Cases it shall be sufficient to state any Pleadings or Proceedings to have been had before, or any Judgments to have been given by or to have passed by the Consideration of, or any Court to have been held before the Mayor of the Borough of *Liverpool*, by the Name of the Mayor of the Borough of *Liverpool*, without stating his Christian or Surname, and without noticing any Change or Changes of the Person or Persons filling the Office of Mayor.

Aldermen may preside instead of the Mayor.

III. And be it enacted, That any Two of the Aldermen of the said Borough may at any Time preside instead of the Mayor at the holding of any of the said Courts, and any of the Aldermen of the said Borough may do and execute, in relation to the said Court, all Acts which any Bailiff of the said Borough before the passing of this Act was authorized to do; and the Assessor may, without the Presence of the Mayor or the Aldermen or either of them, hold the Courts for the Trial of Issues joined in the said Court, the Hearing of Motions for new Trials, and the Hearing of special Arguments; and the Town Clerk may, without the Mayor or the Aldermen or either of them, out of Court, grant Summonses and Rules to show Cause, returnable in open Court.

Power for Assessor to make Rules.

IV. And whereas it has been the Custom for the Mayor and Bailiffs of the said Borough, as Judges of the said Court of Passage, from Time to Time to make Rules and Regulations touching the Practice of the same Court, with the Approbation of the Attornies of the said Court: And whereas it is desirable that the Power of making such Rules and Regulations should be hereafter vested in the Assessor of the said Court; be it enacted, That the Assessor of the said Court of Passage for the Time being shall and may from Time to Time make such Rules and Regulations concerning the Practice and Costs of the said Court in personal Actions as to him from Time to Time shall appear to be expedient.

Costs to be according to a Scale to be allowed, &c.

V. Provided always, and be it further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-seven no Costs or Fees shall be allowed to the Attornies practising in the said Court of Passage, except according to a Scale or Scales to be from Time to Time submitted to the Vice Chancellor of the County Palatine of *Lancaster* and Two of the Judges of His Majesty's

Majesty's Court of Common Pleas at *Lancaster*, and allowed by the said Vice Chancellor and Judges, or any Two of them the said Vice Chancellor and Judges.

VI. And whereas Doubts have been entertained as to the Duties and Liabilities of the Serjeant at Mace of the said Borough, and Plaintiffs have been placed in Hazard and Danger by Doubts as to the Parties who are responsible in case of Default of Officers entrusted with the Execution of Process: And whereas it is expedient that the Duties of the Serjeant at Mace should be defined and made analogous to the Office of Sheriff in Counties; be it therefore enacted, That the Council of the said Borough shall appoint a fit and proper Person to be Serjeant at Mace of the said Borough, who shall hold his Office during Pleasure; and the Duties of the said Serjeant at Mace, with regard to the Execution of Process out of the said Court to him delivered, shall be the same as those of a Sheriff as to Process out of the Superior Courts; and such Serjeant at Mace shall appoint and take Security from Bailiffs and Officers and make his Warrants to Bailiffs and Officers who are to execute the Process of the said Borough Court, and the said Serjeant shall appoint proper and fit Persons for the carrying of the Mace and for acting as Crier in the said Court, and for performing other the Duties heretofore performed by the said Serjeant at Mace; and that the said Serjeant shall be responsible to all Parties having delivered Process to him or to any of his Bailiffs or Officers aforesaid in all respects in which a Sheriff of a County is responsible for the Act, Negligence, Misconduct, Misfeasance, or Nonfeasance of his Bailiff or Officer.

Appointment of Serjeant at Mace; and Power for him to appoint Deputies.

VII. And be it enacted, That every Serjeant at Mace on such his Appointment as aforesaid, and thereafter whenever required by the Council of the Borough for the Time being, shall, by a Bond to the said Mayor, Aldermen, and Burgesses, with Two or more sufficient Sureties, give such Security as the said Council for the Time being shall require for securing to the Suitors in the said Court the due Execution of his Office by himself, his Bailiffs and Officers, the Condition of which Bond shall contain such Terms and Stipulations as the Council of the said Borough shall order and direct.

Serjeant at Mace to give Security for due Execution of Office.

VIII. And whereas personal Actions in the said Court have been usually commenced without any Plaint having been actually levied or Summons sued out thereon; be it enacted, That no such Plaint or Summons thereon shall henceforth be deemed necessary or be supposed to exist, nor shall it be necessary to set forth the same in any Record or in Proceedings on any Writ of Error or otherwise, but personal Actions shall be and shall be held to be commenced by the Process, Writ, or Attachment by which the same have been actually commenced; and which said Writ, Process, and Attachment shall be tested as of the Day on which the same shall be actually sued forth, and the suing forth thereof shall be the Commencement of such personal Action to all Intents and Purposes whatsoever.

Commencement of Actions.

IX. And

In Cases of Arrest under recited Act Plaintiff to allege that he had reasonable Cause to believe that the Defendant was about to depart the Realm with Intent to avoid the Payment of his Debts, and the Defendant may traverse such Allegation.

IX. And whereas the Power given by the said recited Act of the Fourth and Fifth Year of His present Majesty to arrest the Bodies of Persons about to depart the Realm with Intent to avoid Payment of their Debts may be abused, and ought not to be adopted without sufficient Cause; be it therefore enacted, That in every Case in which an Action shall be commenced by Arrest of the Body under the Provisions of the said recited Act, where the Cause of Action may not have arisen within the Jurisdiction of the said Court, the Declaration shall allege that the Plaintiff had reasonable Cause to suspect that the Defendant was about to depart the Realm with the Intent to avoid the Payment of his just Debts; and that if the Defendant succeed on a Traverse of such Allegation he shall have Judgment, with Double Costs of Suit: Provided however, that such Judgment shall not bar any Proceedings for the Recovery in any other Court of the Debt or Damages sought to be recovered in any such Action.

Defendant may come in to confess on Service of Process of Arrest.

X. And be it enacted, That a Defendant served with Process or arrested in any Action in the said Court may at any Time before Declaration filed apply to the Court to stay Proceedings on his entering into such Confession and Undertaking for the giving of Judgment as herein-after mentioned, and that the Court on such Application may in their Discretion stay the Proceedings in such Action on the Defendant entering into a Rule of the Court by which he shall confess the Debt so indorsed on the said Writ, and by which he shall undertake and agree that Judgment shall pass against him on such Confession for the Debt indorsed on the Writ and Costs to be taxed on Nonpayment by him of the Debt and Costs at such Period or Periods not exceeding Three Months in the whole unless the Plaintiff shall consent to a longer Time, and by Instalments or otherwise, as to the said Court or Officer may seem proper under the particular Circumstances of the Case, and which Period or Periods, Instalment or Instalments, shall be specified in the said Rule, together with such Terms as the Court may think proper to impose on the Defendant on granting such Application, and in Cases of Arrest Notice of such Rule shall be given to the Bail; and if such Debt and Costs so indorsed as aforesaid or such Instalments, or any of them, are not paid at the Time or any of the Times in such Rule specified, the Plaintiff may file a Declaration in the said Action on a Mutuatus or otherwise, and may sign Judgment on such Confession as aforesaid for the Debt so indorsed on the said Writ, with Costs of Suit to be taxed, and may forthwith issue Execution for the whole of such Debt and Costs as last aforesaid.

Defendant may confess Part of Sum claimed, &c.

XI. And be it enacted, That a Defendant may on such Application as aforesaid have Leave to confess in manner aforesaid any Part of the Debt indorsed on the said Writ, if such Part, on the Hearing of the Application, shall appear to be all that is *bonâ fide* claimed by the Plaintiff, and the Court may make such Order and Rule, and give such Time as aforesaid, and may in such Case award Costs or not, in their Discretion; or if on such Application as last aforesaid the Parties shall not agree as to the Amount, but the Plaintiff shall

claim a further Sum than the Defendant is willing to confess, then the Defendant may in manner aforesaid confess the Sum which he is so willing to confess as aforesaid, and the Court may make such Order and Rule, and give such Time as aforesaid, with respect to the Sum which he shall so confess, and the same Proceedings shall take place on such Confession with respect to the Sum so confessed as in the Case where the whole Sum indorsed on the Writ is confessed as aforesaid; and the Plaintiff shall be allowed to declare for any further Amount, but shall in his Particulars of Demand give Credit for, and shall not on the Trial of the Cause be allowed to proceed for any Part of the Sum so confessed as aforesaid.

XII. And be it enacted, That all such Applications and Proceedings thereon in this Act before mentioned may be made and take place without any Appearance being entered or special Bail put in, and that all such Applications and Proceedings may be made and take place out of Court before the Mayor or Town Clerk.

Applications may be made without entering an Appearance, and out of Court.

XIII. And be it enacted, That no Bail shall be discharged or affected by their Principal entering into any such Rule as aforesaid, but their Liabilities, Rights, and Powers shall remain unaffected thereby.

Not to affect Bail.

XIV. And whereas it is desirable to lessen the Expence in Cases of Bills of Exceptions, Special Verdicts, and Writs of Error in the said Court of Passage; be it therefore enacted, That in case of a Bill of Exceptions being tendered or a Special Verdict found in the said Court, or of any Writ of Error to the said Court, it shall be sufficient that the Record be made up by commencing with the Declaration, after stating in manner following or in like Manner, according to the Nature of the particular Proceeding; (that is to say,)

To lessen the Expence of Bills of Exception, Special Verdict, and Writs of Error.

‘ **B**E it remembered, That *A.B.* the Plaintiff impleaded *C.D.* the Defendant, in the Borough Court of *Liverpool*, on the Day of _____ in the Year of our Lord _____ and declared against him in these Words; that is to say, &c.’

And then to proceed to state the rest of the Pleadings, the Trial, Exceptions, Verdict, and Judgment, according to the Nature of the Proceeding, without stating any Continuances, which shall be and be held to be unnecessary to be stated in any Case whatsoever.

XV. And be it enacted, That it shall be lawful for the Assessor of the said Court of Passage to make such Rules and Orders for regulating the Practice of the said Court in Actions of Ejectment and the Costs thereof as to the said Court shall seem fit; and that the Practice, where no such Rules and Orders apply to the contrary, shall be as nearly conformable as may be to the Practice of the Superior Courts at *Westminster*.

Assessor of the Court of Passage to make Rules for regulating the Practice of the Court in Actions of Ejectment.

XVI. Provided always, and be it further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-seven no Costs or Fees in such Actions shall be allowed to the
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Attornies Fees to be regulated according to Scale.

Attornies practising in the said Court of Passage, except according to a Scale or Scales to be from Time to Time submitted and allowed as herein-before mentioned.

Power to grant new Trials in certain Cases.

XVII. And whereas Doubts have existed as to the Power of the said Court of Passage to grant new Trials except in Cases of Surprise: And whereas the Administration of Justice in the said Court of Passage is imperfect by reason of the Want of a Power of revising the Proceedings at the Trials of Issues in such Court: And whereas divers intricate and difficult Questions frequently arise which cannot be satisfactorily determined at the Time of such Trials; be it enacted, That the said Court of Passage shall have and exercise the like and the same Powers of granting new Trials and of entering Nonsuits and Verdicts, and to the same Extent and subject to the same Rules and Regulations as His Majesty's Superior Courts at *Westminster* now have.

Power to remove Causes under 20l. on the Defendant giving Bail for Payment of Debt and Costs.

XVIII. And be it further enacted, That from and after the passing of this Act a Plaintiff or Plaintiffs, Defendant or Defendants, shall be at liberty to remove a Cause from the said Court of Passage although it shall appear by the Declaration that the Debt, Damages, or Value of the Things demanded do not amount to the Sum of Twenty Pounds, under the same Restrictions as to giving Bail where the said Debt, Damages, or Value do not amount to Twenty Pounds, as he, she, or they might have done previous to the passing of the said recited Act; any thing in the said last-mentioned Act to the contrary thereof in anywise notwithstanding.

Officers to be paid by Salaries in lieu of Fees.

XIX. And be it enacted, That the Council of the said Borough shall have the Power of paying the Town Clerk and all the Officers of the said Court by certain fixed Salaries out of the Borough Fund in lieu of Fees, and that all Fees receivable in the said Court shall be received by the Officer to whom such Fees have been heretofore payable, and every such Officer shall pay over such Fees to the Treasurer of the said Borough for account of the Borough Fund; provided that nothing herein contained shall extend to the Payment of the Bailiffs of the Serjeant-at-Mace of the said Borough.

Repeal of 25 G. 2. c. 43.

XX. And whereas an Act passed in the Twenty-fifth Year of the Reign of His late Majesty *George* the Second, intituled *An Act for the more easy and speedy Recovery of Small Debts in the Town and Port of Liverpool and Liberties thereof in the County Palatine of Lancaster*: And whereas it would tend to encourage the Trade of the said Borough of *Liverpool* if the Provisions of the said recited Act were made more extensive; be it therefore enacted, That the said recited Act of the Twenty-fifth Year of the Reign of King *George* the Second, and all and every the Clauses, Powers, Provisions, Matters, and Things therein contained, shall from the Thirty-first Day of *August* in the Year One thousand eight hundred and thirty-six be and the same are hereby repealed: Provided always, that all Acts, Judgments, Orders, and Decrees made or to be made by the Commissioners appointed by virtue of the said recited Act on or before the said Thirty-first Day of *August* One thousand eight

Acts done in pursuance of that Act to be valid.

hundred and thirty-six, and all Acts, Executions, Distresses, Imprisonments, Penalties, Forfeitures, and Proceedings to be done, suffered, incurred, recovered, or executed in pursuance of such Judgments, Orders, and Decrees, or any of them, either on or before or after the said Thirty-first Day of *August* One thousand eight hundred and thirty-six, shall be valid and effectual in the same Manner to all Intents and Purposes as if the said Judgments, Orders, Decrees, Acts, Executions, Distresses, Imprisonments, Penalties, Forfeitures, and Proceedings had been made, done, suffered, incurred, recovered, or executed after the said Thirty-first Day of *August* One thousand eight hundred and thirty-six in pursuance of and under Authority of this Act.

XXI. And be it enacted, That there shall be a Court in the Borough of *Liverpool* for the Recovery of such Small Debts as are herein-after mentioned, not exceeding the Sum of Five Pounds; and such Court shall be called the Court of Requests of the Borough of *Liverpool*, and shall be held in some One or more convenient Place or Places to be provided for that Purpose by the Council of the Borough of *Liverpool*.

Court of Requests to be established.

XXII. And be it enacted, That the Council of the said Borough of *Liverpool* shall appoint a proper and fit Person, being a Barrister of Five Years standing, to be and who shall be a salaried Commissioner of the said Court of Requests of the Borough of *Liverpool*, and that the said Council shall fix a proper and suitable Salary for such salaried Commissioner, and the Treasurer of the Borough Fund of the said Borough shall pay the Salary of such salaried Commissioner out of the Borough Fund by Four equal quarterly Payments; and the salaried Commissioner and the Recorder of the said Borough, the Stipendiary Magistrate or Magistrates of the said Borough, the Assessor of the Court of Passage of the said Borough, and the Town Clerk of the said Borough for the Time being shall be the Commissioners of the said Court of Requests; and such Court of Requests shall be held once a Week, or oftener if Need be, before the salaried Commissioner, or before One other of the said Commissioners of the said Court; and the said salaried Commissioner shall hold his Office during good Behaviour, and whilst he continues diligently to attend for the Purpose of holding the said Courts, or to procure One of the other said Commissioners to attend for the Purpose of holding the same during his temporary or occasional Absence.

Appointment of Commissioners.

XXIII. And be it enacted, That no Barrister, Attorney, Solicitor, Scrivener, or other Person practising in the Law shall be permitted to appear or be heard in the said Court of Requests as Counsel, Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant or any other Person in any Cause, Action, or Matter in which such Barrister, Attorney, Solicitor, Scrivener, or other Person is not himself a Party or Witness.

No Practiser of the Law to advocate.

XXIV. And be it enacted, That in case any Barrister being such salaried Commissioner as aforesaid shall die, resign, or be lawfully removed

In case of Death, &c. of Chief Commissioner, a

Barrister of
Five Years
standing to
be appointed.

removed from his said Office, it shall be lawful for the Council of the said Borough from Time to Time to appoint a Barrister of Five Years standing to be such salaried Commissioner.

Commission-
ers to take
Oath.

XXV. And be it enacted, That the said Commissioners before executing any of the Duties of such Office shall take the following Oath or Affirmation before the Mayor of the said Borough in Council, who is hereby authorized and required to administer the same :

‘ I *A.B.* do swear [*or affirm*], That I will faithfully and impartially, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as a Commissioner of the Court of Requests of the Borough of *Liverpool*.’

Present
Clerks to
remain.

XXVI. And whereas *Edward Parr* and *William Statham*, Gentlemen, were Clerks to the Court of Requests under the Provisions of the said recited Act; be it enacted, That the said *Edward Parr* and the said *William Statham* shall be and continue to be during their good Behaviour Two of the Clerks to the said Court; and that the said *Edward Parr* and *William Statham* shall, during their Continuance in their said Office, be paid by a Salary commensurate with the average Amount received by them in Fees as such Clerks for the last Five Years.

Council may
appoint
Clerks, who
shall hold
Office during
Pleasure.

XXVII. And be it enacted, That the Council of the said Borough, in case of the Death, Resignation, or Removal from Office of any Clerk of the said Court of Requests, or at any other Time when they may think fit, may appoint any Number of Clerks which they the said Council may deem requisite to execute the Business of the said Court of Requests; and the said Council shall fix the Salaries to be paid to the said Clerks, which Salaries shall be paid out of the Borough Fund; and every such Clerk so to be appointed as aforesaid shall hold his Office during the Pleasure of the said Council, and the Number of the said Clerks may be reduced at any Time by the said Council if they shall think fit; and that all Fees receivable in the said Court of Requests shall be received by the proper Officers, and all such Officers, except the Bailiffs of the said Court, shall pay over such Fees to the Treasurer of the Borough Fund; provided that, subject to the Payment of One Moiety of the Expences of this Act, in the event of any Surplus arising in any Year to the said Borough Fund after Payment of Salaries, including the Salary of the said salaried Commissioner and other Expences of the said Court, the said Commissioners shall, for and in respect of the next succeeding Year, make a Reduction in the said Fees, so as upon a fair and reasonable Calculation the expected aggregate Amount of the said Fees for such succeeding Year shall not exceed such Sum as shall, with the Surplus arising as aforesaid, be sufficient for the Payment of the said Salaries and Expences; provided that any Deficiency in any one Year in the Provision by means of the said Fees for Payment of the said Salaries and Expences shall be a Charge on any Surplus arising from the Fees of any succeeding Year or Years; and
provided

provided that when and as the same shall be necessary the said Fees shall be increased and again reduced, but so that the same shall never in any One Year exceed the respective Rates herein-after specified.

XXVIII. And be it enacted, That the several Bailiffs and other inferior Officers appointed under and by virtue of the said recited Act shall continue in their respective Offices according to their original Appointment until removed by the Council of the said Borough; and on the Death, Resignation, or Removal of any Bailiff or other inferior Officer of the said Court of Requests it shall be lawful for the Council of the said Borough to appoint another Person in the Room or Stead of such Bailiff or other inferior Officer so dying, resigning, or being removed as aforesaid, for the Uses and Purposes in this Act contained, and so from Time to Time when and as often as any Bailiff or other inferior Officer shall die, resign, or be removed from their respective Offices; and if it shall at any Time appear necessary to the said Council, from the Increase of the Business of the said Court, or for any other Reason, that more Bailiffs or other inferior Officers of the said Court are wanting, it shall and may be lawful to and for the said Council to appoint any additional Bailiffs or other inferior Officers who may appear to the said Council to be wanting or necessary for carrying any of the Purposes of this Act into execution, and it shall and may be lawful to and for the said Council at their Will and Pleasure to remove all such Bailiffs or other inferior Officers or any of them.

Appointment and Removal of Bailiffs and inferior Officers.

XXIX. And be it enacted, That it shall and may be lawful for the Council of the said Borough, in case they shall deem it necessary, to require from such Clerks, Bailiff or Bailiffs, or inferior Officers so appointed as aforesaid, Security for the due Performance of their several Offices, and for the due Payment of all Monies received by them under and by virtue of any Execution, Warrant, or Precept issued out of the said Court, in such Manner and Form and to such Extent as the said Council shall from Time to Time appoint.

Clerks and inferior Officers to give Security.

XXX. And be it enacted, That the said Commissioners shall and they are hereby required to make or cause to be made regular Entries in a Book or Books to be provided by them for that Purpose of all Judgments, Acts, Orders, Directions, Regulations, and Proceedings of them the said Commissioners relative to the Execution of the several Powers and Authorities vested in them by this Act, in the same Manner as such Entries have heretofore been made, and such Book and Books shall be allowed to be read in Evidence in Proof of the Proceedings of the said Court in every Court whatsoever.

Commissioners to enter their Proceedings in a Book.

XXXI. And be it enacted, That every Officer of the said Court of Requests shall be paid by a certain Salary to be fixed by the Council of the said Borough: Provided, that nothing herein contained shall extend to the Payment by Salaries in lieu of Fees of the Bailiffs of the said Court.

Officers to be paid by Salaries. Proviso as to Bailiffs.

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XXXII. And

Defendant
may plead in
bar that the
Cause of
Action is re-
coverable in
the Court of
Requests.

Plaintiff may
reply that he
was resident
beyond Seven
Miles.

Clerks Duties.

Officers
Duties.

What Debts
shall be de-
cided by the
Court.

Certain Debts
to which this
Act is not to
extend.

XXXII. And be it enacted, That if any Action be brought in any other Court than the said Court of Requests for any Cause of Action not exceeding Forty Shillings, recoverable in the said Court of Requests, and which has arisen wholly within the Limits of the Borough of *Liverpool*, the Defendant in such Action may plead generally in bar to such Action that the Cause of Action does not exceed Forty Shillings, and arose wholly within the Limits of the Borough of *Liverpool*, and was recoverable in the Court of Requests of the Borough of *Liverpool*: Provided always, that such Plea may be answered by the Plaintiff replying that he was at the Commencement of the Action resident at any Place beyond Seven Miles from the Town Hall of the said Borough, such Distance to be computed by the nearest public Road or Way by Land or Water.

XXXIII. And be it enacted, That the Clerks of the said Court of Requests and their Assistants, and every or any of them, are and is hereby empowered and required to issue all Summonses, Warrants, Precepts, and Executions, 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 Clerks by virtue of this Act.

XXXIV. And be it enacted, That the Bailiffs and Officers of the said Court of Requests shall serve all Summonses, and execute such Orders, Warrants, Precepts, and Executions, 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.

XXXV. And be it enacted, That it shall be lawful for the said Court of Requests and it is hereby empowered and enabled to decide and determine all Disputes and Differences between Party and Party for any Sum of Money not exceeding Five Pounds in all Actions or Causes of Debt arising within the Limits of the Borough of *Liverpool*, as defined by this Act, except as herein-after is mentioned.

XXXVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Court of Requests 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 in question, or to judge, determine, or decide on any Debt which shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments situate elsewhere than within the Jurisdiction of the said Court, or for any Demand in the Nature of an Action or Suit of Account wherein the aggregate Amount charged shall exceed Five Pounds, nor to any other Debt which shall arise by reason of any Cause concerning Testament or Matrimony, or any thing concerning or properly belonging to the Ecclesiastical Court, or for or concerning any Poor or Paving or Sewerage Rates of or relating to the said Borough or any Part thereof, or any Agreement by way of Composition by or by way of Retainer of Tithes, or for or by reason of any Bye Law

or to any Debt for Tolls or Customs due to any Corporation or in anywise relating to the Franchises, Privileges, or chartered Rights of the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, or other Bodies Politic or Corporate, or any Premium on any Policy of Insurance.

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

Statute of Limitations may be pleaded.

XXXVIII. And be it enacted, That in every Case where a Debt not exceeding Five Pounds shall be contracted for Necessaries by any Person under the Age of Twenty-one Years, and residing or inhabiting or employed as Clerk, Officer, Book-keeper, Journeyman, Shopman, or Labourer, or otherwise seeking or obtaining a Livelihood within the Borough of *Liverpool*, and such Debt would be recoverable against such Person by an Action for the same in any of His Majesty's Courts at *Westminster*, it shall be lawful for the Person or Persons to whom such Debt shall be due to sue for and recover such Debt in the said Court of Requests, in the same Manner as if the Person by whom the Debt shall be contracted were of full Age; and that in every Case where any Wages or other Debt or Debts, not exceeding the Sum of Five Pounds, shall be due to any Menial Servant or other Person under the Age of Twenty-one Years, it shall be lawful for such Servant or other Person to sue for and recover such Debt or Debts in the said Court of Requests, in the same Manner as if he or she were of full Age; and the said Court are hereby fully authorized and required in such Case to take cognizance of and proceed concerning such Debt in the same Manner, and shall have such and the same Powers in regard thereto, as if the Plaintiff and Defendant were of full Age.

Power to sue Infants in the Court of Requests for Debts contracted for Necessaries.

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

This Act not to prevent any Distress or Action for Rent.

XL. And be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Plaintiff to split or divide any Cause of Action for Recovery of any Debt or Demand where the whole Sum or Value that shall appear to be due and owing shall amount to more than Five Pounds, in order that the same may be made the Ground of Two or more Actions, Causes, or Matters

For preventing the splitting or dividing of Debts.

Matters in controversy, for the Purpose of bringing such Actions, Causes, or Matters within the Jurisdiction of the said Court of Requests; and in case it shall appear to the said Court that any Plaintiff shall have so split or divided his or her Cause of Action, Debt, or Demand as aforesaid, except to bring it within the Power herein-after contained, then and in every such Case the said Court shall and they are hereby required to dismiss, with Costs, every such Action, Cause, or Matter so split or divided, but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any other Court.

Empowering Plaintiffs to reduce their Demand to 5*l.*, provided they accept the same in full for their respective Debts. -

XLI. And be it enacted, That in case any Plaintiff who shall have so split or divided such his or her Cause of Action, Debt, or Demand as aforesaid, or to whom the whole Sum that shall appear to be due shall exceed the Sum of Five Pounds, shall declare to the Court that he or she is willing to accept such Sum of Money as the said Court is in and by this Act enabled to adjudge and order to be paid, in full of the whole of such Debt or Demand in such Action or Cause, then and in every such Case the said Court shall and may, on such Plaintiff adducing Proof respecting his or her Debt or Demand to the Satisfaction of the said Court, adjudge, decree, and order such Sum to the Plaintiff, not exceeding Five Pounds, as to the said Court shall seem just and reasonable; and such Sum shall, in the Order, Judgment, or Decree to be given by the said Court, be declared to be and shall be in full Discharge of all Demands from the Defendant to the Plaintiff in such Action, Cause, or Matter in controversy, and the Plaintiff shall be precluded from afterwards proceeding in any other Court for or on account of such Debt.

Debtors within Jurisdiction may be summoned before the Court, who shall adjudge between the Parties.

XLII. And be it enacted, That from and after the said Thirty-first Day of *August* One thousand eight hundred and thirty-six it shall be lawful for any Person or Persons, whether such Person or Persons shall reside within the Borough of *Liverpool* or elsewhere, and for all Bodies Politic or Corporate, and who now have or hereafter shall have any Debt or Debts, Demand or Demands, upon any Contract or Agreement, or for or in respect of any Wages or Rent, or otherwise howsoever, (which the said Court of Requests are by this Act enabled to determine, and except such as it is expressly prohibited from determining,) owing or due to or claimed or demanded by such Person or Persons, Bodies Politic or Corporate, in his, her, or their own Right, or in the Right of any other Person or Persons to whom he, she, or they shall be Executor or Administrator, Guardian or Trustee, or due and owing to him 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, or in any other Manner whatever (except as aforesaid), and for which Debt or Demand he, she, or they shall claim any Sum of Money from any Person or Persons whomsoever residing, inhabiting, or being within the said Borough of *Liverpool*, or keeping or using any House, Warehouse, Wharf, Quay, Accounting House, Chambers, Lodging, Office, Shop, Shed, Stall, or Stand, or employed, working, or seeking a Livelihood, or trading or dealing within the same Borough, to apply to the Clerks of the said Court of Requests for

for the Time being, or their Assistants, who shall make out and deliver to one of the Bailiffs or Officers of the said Court for the Time being a Summons, written or printed, or partly written and partly printed, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, the Nature of the Demand or Cause of Action, with the Name of the Party or Body 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 said Court to answer such Demand or Demands; and such Bailiff or Officer shall in due Course 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 the Master or Mistress of the House, at the Dwelling House, or at the Wharf, Quay, Lodging, Place of Abode, Warehouse, Accounting House, Chambers, Office, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, or Resort of such Debtor or Debtors, being within the Jurisdiction of the said Court, Two clear Days at the least previous to and exclusive of the Day appointed in the said Summons for the Hearing thereof; and upon due Proof made of such Summons having been duly served as aforesaid, or upon the Appearance of the Debtor or Debtors, the said Court is hereby empowered and required to make due Inquiry concerning such Demands, and make such Orders and Decrees therein, and pass such final Sentence or Judgment thereupon, and award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience; and as well the Plaintiff or Plaintiffs as the Debtor or Debtors whom such Order or Orders, Decree or Decrees, Judgments, and Proceedings respectively shall concern, shall duly perform, observe, and keep the same; 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 be lawful for the said Court to administer an Oath or Oaths to any Officer of the said Court, or to all or any of the Parties, or his, her, or their Agent or other Person appearing on his, her, or their Behalf, whom the said Court 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 the hearing or determining of any of the said Actions or Causes, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

XLIII. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff, on the Trial of any such Action or Cause as aforesaid, of any Demand or Cause of Action except such as is stated in or indorsed upon 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 Action or Cause, 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 or themselves from the said Action or Cause, unless Notice thereof in Writing shall have been given to the Clerk of the said Court, who shall thereupon give Notice to such Plaintiff or Plaintiffs.

Restricting Evidence on Trial of Causes and Actions to that stated in Summons, &c.

[*Local.*]

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XLIV. And

No Action
removeable
by Certiorari.

XLIV. And be it enacted, That no Orders, Decrees, Judgments, or Proceedings made by the said Commissioners in pursuance of this Act shall be removed or removeable into any other Court by Certiorari, or otherwise howsoever.

How Persons
may be sum-
moned from
whom Debt
shall be
jointly due.

XLV. And be it enacted, That where any Debt shall be due, owing, or demanded from any Two or more Persons jointly, the like Service of any such Summons as aforesaid on or for any One or more of such Persons shall be as good and sufficient in Law as if each of them were separately summoned as aforesaid.

Attornies not
exempt from
Jurisdiction
of the Court.

XLVI. And be it enacted, That no Privilege shall be allowed to exempt any Person from the Jurisdiction of the said Court of Requests on account of his being an Attorney or Solicitor, or any other Officer of any Court of Law or Equity at *Westminster*, or of any other Court whatsoever, but that all Attornies, Solicitors, and Officers shall be subject to the several Processes, Orders, Judgments, and Executions of the said Court of Requests in the same Manner as any other Persons are subject to the same by this Act or otherwise.

For com-
pelling the
Attendance
of Witnesses.

XLVII. And be it enacted, That it shall be lawful for any Plaintiff or Plaintiffs, Defendant or Defendants, in any Action, Cause, or Question hereafter depending in the said Court of Requests, to serve or cause to be served any Person or Persons residing within the Jurisdiction of the said Court, or within Five Miles of the Town Hall of the said Borough of *Liverpool*, with a Summons to be issued by the Clerk of the said Court or his Assistants, either personally, or by leaving the same at the last or most 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 of Requests in or concerning any such Action, Cause, or Question; and in case any such Person, after being duly served as aforesaid with such Summons, shall refuse or neglect to appear pursuant to such Summons, due Proof being made of the Service of such Summons as aforesaid, and no sufficient Cause for his or her Absence or Nonappearance being shown to the Satisfaction of the said Court, or if such Person or Persons so summoned and appearing shall refuse to be examined upon Oath and to give Evidence as aforesaid before such Court according to the true Intent and Meaning of this Act, then and in any 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 Court of Requests; and if any Person so offending shall not forthwith pay into the same Court of Requests the Penalty or Forfeiture so imposed upon him, her, or them, it shall be lawful for the said Court of Requests to order and cause such Person or Persons to be apprehended by any of the Bailiffs or Officers of the same Court, and committed to any Prison in the said Borough, 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 refusing or neglecting)

be paid over into the Hands of the Treasurer of the Borough, to be by him applied to the Purposes of the Borough Fund.

XLVIII. And be it enacted, That in case and when and so often as for the Want of the Attendance of any Witness or Witnesses, or for Want of any Deeds, Instruments, Writings, or other Documents, or written, printed, or other Evidence, or on account of Illness or Absence of any Parties, or on account of any Set-off or unexpected Defence being insisted on by the Defendant, or otherwise, the same Court shall be unable to examine and determine to their full Satisfaction any particular Action, Cause, or Matter in controversy coming before them in the same Court, then and in every such Case it shall be lawful for the said Court to adjourn or postpone such Cause or Matter in controversy from Time to Time as they shall think proper and direct: Provided always, that at the Time of such Adjournment or Postponement a Day shall be fixed for the further Hearing of such Action, Cause, or Matter.

Adjourning
the Determination of any Cause to a future Day.

XLIX. And be it enacted, That in case any Person or Persons shall make Oath or give Evidence in any Action, Cause, or Question depending in the said Court of Requests, whereby he, she, or they shall commit wilful and corrupt Perjury, and thereof be duly convicted according to Law, then every such Person or Persons shall incur and suffer the like Pains and Penalties as any other Person or Persons convicted of wilful and corrupt Perjury according to the Laws and Statutes of this Realm.

Punishing Persons guilty of Perjury.

L. And be it 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 of Requests at the Time and Place mentioned in the said Summons, then and in every such Case it shall be lawful for the same Court, after Proof made upon Oath of the Service of the said Summons, to hear the Action or Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Attachment, Decree, or Judgment therein as to them shall seem just and equitable, and to appoint some certain Time and Place, according to their Discretion, for such Debtor or Debtors to show Cause before the same Court against such Order, Decree, or Judgment so pronounced *ex parte* as aforesaid; at which Time and Place, or any subsequent Court or Courts, it shall be lawful for the same Court, whether such Debtor or Debtors shall then appear and show Cause or not, upon Proof upon Oath made that a Copy of such Order, Decree, or Judgment had been given to such Debtor or Debtors, or left with his, her, or their Servant or other Person belonging to him, her, or them, or the Master or Mistress of the House, at the Dwelling House, Wharf, Quay, Lodging, Place of Abode, Warehouse, Accounting House, Chambers, Office, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, or resorting of such Debtor or Debtors, being within the Jurisdiction of the same Court, to make and pronounce such final Order, Judgment, or Decree therein, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

If any Debtor does not appear when summoned, Court may proceed.

LI. And

Clerk not to
issue Sum-
mons until
Deposit is
made.

LI. And be it enacted, That no Clerk of the same Court shall issue any Summons for any Debt exceeding Twenty Shillings unless the Plaintiff shall at the Time of issuing out such Summons deposit with the Clerk or Clerks of the same Court, for every Debt exceeding Twenty Shillings and not exceeding Forty Shillings, the Sum of Two Shillings, and for every Debt exceeding Forty Shillings and not exceeding Sixty Shillings the Sum of Five Shillings, and for every Debt exceeding Sixty Shillings and not exceeding One hundred Shillings the Sum of Seven Shillings and Sixpence; and if upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the same Court or of the Action or Cause for or on account of which the said 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 Demand to the Satisfaction of the same Court, but shall become nonsuited, or Judgment shall be pronounced against him, her, or them by the same Court, then and in every such Case it shall be lawful for the same Court to award to the Defendant or Defendants a Part or the Whole of such Deposit Money by way of Costs and Satisfaction for his, her, or their Trouble and Attendance, together with such further Sum as they the same Court in their Discretion shall think fit, and to order and compel the Plaintiff or Plaintiffs to pay such further Sum by such Ways and Means as any Debt or Debts ordered or decreed by the same Court can or may be recovered; and if there shall be any Overplus remaining in the Hands of the said Clerk after the Sum or Sums awarded to the Defendant or Defendants shall have been paid, or if the Plaintiff or Plaintiffs shall, on the Return Day of any such Summons, appear and make Proof of his, her, or their Demands to the Satisfaction of the same Court, or that the Debt has been settled or paid, then and in every such Case such Overplus or Sum or Sums of Money so deposited with the said Clerks as aforesaid shall be by the said Clerks returned and repaid into the Hands of such Plaintiff or Plaintiffs accordingly: Provided also, that in case such Plaintiff or Plaintiffs at the Time of such Judgment of the same Court or at any Time afterwards, or his, her, or their Goods and Chattels, shall be out of the Jurisdiction of the same Court, then it shall be lawful for any Bailiff or other Officer of the said Court to apply to any Justice of the Peace acting for the said Borough, and upon Proof being made upon Oath (which Oath such Justice is hereby authorized and required to administer) of the Precept of Execution having issued against such Person or Persons or Effects, as the Case may be, such Justice of the Peace is hereby authorized and required to sign and indorse the said Precept of Execution, and thereupon the said Bailiff or other Officer shall have the like Powers and Authorities to execute the said Precept as are herein-after provided in case any Defendant or Defendants, or his, her, or their Goods and Chattels, shall, after final Judgment given in the same Court, be removed out of the Jurisdiction thereof.

Court may
suspend Pro-
ceedings in
Cases where

LII. And be it enacted, That in case it shall, at any Time during the Hearing of any Action or Cause in the said Court of Requests, appear by the Oath of any Person or Persons, to the Satisfaction of
the

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

Debtors are ill or unable to pay the Debt.

LIII. And be it enacted; That in any Action, Cause, or Question in which the same Court shall have made an Order or Decree for the Payment of Money it shall be lawful for the same Court immediately, or in case of Default or Failure of Payment thereof at the Times and in the Manner thereby directed, to award Execution against the Goods and Chattels of the Party against whom such Order or Decree shall be made, and thereupon the Clerks of the said Court or their Assistants shall, at the Request of the Party prosecuting such Order or Decree for the Payment of Money, issue an Execution under his or their Hand or Hands to One of the Bailiffs or Officers of the same Court, who by virtue of such Precept issued upon Execution awarded against the Goods and Chattels of such Party shall and may and is hereby empowered to levy, by Distress and Sale of the Goods and Chattels of such Party being within the Jurisdiction of the same Court, such Sum and Sums of Money and Costs as shall be so ordered, decreed, or adjudged.

Court may award Execution against Goods.

LIV. And be it enacted, That no Sale of any Goods which shall be taken under or by virtue of any Precept or Execution to be issued in manner aforesaid shall take place or be until after the Expiration of Eight Days at least next following the Day on which such Goods shall have been so taken; and in the meantime and until any such Sale shall be made the Goods taken by virtue of any Precept as aforesaid shall be deposited by the Bailiff or other Officer taking or levying the same in some fit and convenient Place or Places to be appointed by the Council of the said Borough; provided that it shall be lawful for the said Council from Time to Time, and when and as often as they shall think proper, to nominate and appoint such and so many sworn Brokers and Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under or by virtue of this Act, as shall appear to the said Council to be necessary or proper.

Regulating the Sale of Goods taken in Execution.

LV. And be it enacted, That the Costs and Charges levied for the Distress shall not exceed the Costs and Charges specified in an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of small Rents.*

Costs of Distress.

57 G. 3. c. 93.

LVI. And be it enacted, That if the said Bailiff or Officer to whom such Precept shall have been issued shall certify and make a Return thereon in Writing under his Hand that the said Party or Parties

Execution against the Body may issue after

[*Local.*]

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against

an Execution
against the
Goods.

against the Goods of whom Execution shall have been awarded hath or have no Goods or Chattels or not sufficient Goods or Chattels whereon or whereby such Levy can be made, then and in every such Case it shall be lawful for the same Court to award Execution against the Body or Bodies of the Party or Parties against whom such Order or Decree shall be made for the whole or so much of such Sum or Sums of Money and Costs so ordered, decreed, or adjudged as shall then remain unsatisfied, and thereupon it shall be lawful for the proper Officer or Officers 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 to One of the Bailiffs or Officers of the said Court, who shall and may and is hereby empowered to take such Party or Parties, who shall remain in Custody until he, she, or they shall perform and obey such Order, Decree, or Judgment, for the Space of Time herein in that Behalf particularly directed.

In case Par-
ties shall
secrete their
Goods and
abscond.

LVII. And be it further enacted, That if the Party against whose Goods or Body any such Execution shall be awarded, and Process thereupon shall issue, shall, by secreting or removing his or her Goods or Chattels, or by absconding, or by any other Means, prevent or evade the Service or Effect of any such Execution, or in case his or her Goods and Chattels shall be insufficient fully to satisfy such Execution, then and in every such Case it shall be lawful 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 Witness or Witnesses, at their Discretion, to award further Execution either against the Body or Goods and Chattels of such Party, and Process shall issue thereupon, and be served by One of the Serjeants or Officers of the said Court in manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied; and it shall be lawful for the said Court from Time to Time, in case they shall think fit, for the Ease and Convenience of the Defendant or Defendants, and they are hereby authorized and empowered, to order, decree, or adjudge any Debt due to the Plaintiff or Plaintiffs to be paid by several Payments or Instalments, and under such Terms and Conditions as may appear reasonable and just to the said Court, for the Ease of the Defendant or Defendants and the Security of Plaintiff or Plaintiffs; and it shall be lawful for the said Commissioners present in Court, in case any Default or Failure of any such Payments or Instalments so ordered or 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 Direction of the said Commissioners, for the Payment of such Instalments in manner aforesaid, for the whole Debt or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable; and such Debt or such Part thereof, and such further Costs, shall be recovered by the same Ways and Means as are herein provided for the Recovery of the Debt and Costs first decreed.

Court may
order Pay-
ment by
Instalments.

LVIII. And

LVIII. And be it further enacted, That in all Cases where a final Decree or Judgment for any Sum or Sums of Money shall have been obtained in the said Court, and the Body or Bodies, Goods and Chattels of any Defendant or Defendants, shall be out of the Jurisdiction of the Court, it shall and may be lawful to and for any Serjeant or Bailiff of the said Court to apply to any Justice of the Peace acting for the County, Division, or Place whereto or wherein any Defendant or Defendants, or his or their Goods and Chattels, shall be removed or be found, and upon Proof being made upon Oath, which Oath such Justice is hereby authorized and required to administer, 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, but is or are believed to be within the County or District where such Justice of the Peace shall act, such Justice of the Peace is hereby authorized and required to sign or indorse his Name on the Back of the said Precept of Execution, and thereupon the Serjeant or other Officer of the said Court shall be and he and they is and are hereby authorized and empowered to take and seize the Person and Persons or Effects of the Defendant or Defendants wheresoever the same shall be found within the County or District for which such Justice of the Peace who shall have so signed or indorsed the said Precept of Execution as aforesaid shall act, and to deal therewith in like Manner as if the same had been taken or seized within the Jurisdiction of the said Court, and all Constables and other Peace Officers shall and they are hereby required to be aiding and assisting, within their respective Districts, in the Execution of the said Precept so indorsed as aforesaid.

If Defendant out of the Jurisdiction of the Court, a Justice of the Peace may indorse the Precept, &c.

LIX. And be it enacted, That in or upon each and every Precept to be issued upon Execution awarded against the Goods and Chattels or Body of any Person or Persons whomsoever, the Clerks of the said Court or their Assistants shall insert or indorse the Sum or Sums of Money and the Costs so ordered, decreed, and adjudged; and if the Party or Parties against whom such Execution shall be awarded respectively shall, before an 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 Clerks of the said Court or their Assistants, or to the Officer holding the Execution, or in case such Party or Parties shall be in Prison to the Gaoler of the Prison, such Sum or Sums of Money as aforesaid, or such Part thereof as the Plaintiff or Plaintiffs shall agree to accept in full for his, her, or their Debt or Debts, together with the 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, and the Officer holding the Execution, or the Gaoler (as the Case may be), shall immediately transmit such Sum or Sums of Money to the Clerks of the said Court.

Clerk to insert or indorse Debt and Costs on Precepts, and if paid to the Clerk of Court before Sale, Execution to be superseded.

LX. And

Limitation of
the Times
of Imprison-
ment of
Debtors.

LX. And be it enacted, That no Person or Persons whomsoever being a Debtor or Debtors, Defendant or Defendants, who shall be committed to Gaol or Prison by Order of the said Court of Requests, shall be kept or continued in Custody on any Pretence whatsoever (except in the Cases herein-after otherwise provided for) for any longer Space or Spaces of Time, from the Time of his, her, or their Commitment to Prison, than the Space of Seven Days.

Imprison-
ment for
Fraud.

LXI. And be it further enacted, That no Person shall be imprisoned by the Order of the said Court on account of any Debt due by him (except as aforesaid), unless upon the Hearing of the Cause it shall appear that the Debtor shall have, under false Colour or Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtained Credit from the Plaintiff in that Action for any Goods and Chattels with Intent to defraud the Owner thereof, or unless, after the Action or Summons shall have been commenced in or have issued from the said Court against any such Debtor, the said Debtor or Defendant shall make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Money, Securities for Money, Goods and Chattels, or other Personal Property, or shall have removed or concealed the same with Intent to defraud the Plaintiff, then and in such Cases or any of them the said Court, at the Instance of the Plaintiff, shall summon the said Debtor, and in the Summons shall cause to be stated the Offence with which he is charged, requiring him to appear before the said Court, in the like Manner and within a like Period as upon the Summons at the Commencement of the Action to which the Offence complained of relates; and if it shall appear to the said Court that the said Debtor or Defendant is guilty of the Offence complained of against him, then and in such Case it shall and may be lawful for the said Court to order and cause the Debtor or Defendant so offending to be committed to any Gaol or House of Correction for the said Borough for any Time not exceeding Thirty Days nor less than Ten Days, and that without impairing or destroying the Claim or Right of any Creditor to recover any Debt owing by such Debtor.

Terms of Im-
prisonment
where more
than One
Execution
shall be
issued.

LXII. Provided always nevertheless, 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, and who at the Time of being taken into Custody, or during his, her, or their Imprisonment, shall have more than One Execution against him, her, or them in the said Court, shall be imprisoned during the Time by this Act limited for and in respect of each and every such Execution; (that is to say,) after the limited Time shall be expired on the First Execution the Imprisonment on the Second Execution shall commence, and after the limited Time shall be expired on the Second Execution 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 and every separate Execution to be issued against him, her, or them in the said Court previously to his, her, or their being taken into Custody, or during his, her, or their Im-
prisonment;

prisonment; any Law, Statute, or Usage to the contrary notwithstanding.

LXIII. And be it enacted, That the said Commissioners or the major Part of them, of whom the said salaried Commissioner shall be One, shall regulate and determine the Practice of the said Court of Requests and the Costs therein, and all Fees to be taken by the Clerks, Bailiffs, or other inferior Officers, and may from Time to Time, if they see fit, make different Scales of such Fees and Costs to be applicable to Debts of different Amounts sought to be recovered in the said Court of Requests, and may from Time to Time make such Orders, Rules, and Regulations for the Government of the said Court of Requests as they shall think expedient.

Commissioners may regulate Costs and Practice and Fees of the Court.

LXIV. Provided always, and be it enacted, That the Fees to be taken by the Clerks, Serjeants, and other Officers of the said Court, and to be from Time to Time fixed and regulated by the said Commissioners of the said Court, shall not exceed the Sums herein-after specified; and that, until any Order to the contrary shall be made by the said Commissioners, the several Fees herein-after limited and expressed shall be taken by the Clerks, Serjeants, and Crier of the said Court of Requests, for the several and respective Services in the Execution of this Act; (that is to say,)

Fees of the Officers of the Court.

CLERKS FEES.	On Debts not exceeding Forty Shillings.			On Debts exceeding Forty Shillings.		
	£	s.	d.	£	s.	d.
For entering every Cause - - - -	0	0	4	0	0	9
Issuing every Summons or Subpœna - -	0	0	4	0	0	9
Every Hearing or Trial - - - - -	0	0	6	0	1	0
Adjournment of any Cause - - - - -	0	0	3	0	0	4
Giving Notice of Set-off - - - - -	0	0	3	0	0	6
Swearing any Witness, Plaintiff, or Defendant. - -	0	0	3	0	0	4
Entering and drawing up every Judgment, Decree, or Order - - - - -	0	0	6	0	1	0
Copy of every Order or Judgment - - - - -	0	0	3	0	0	4
Every Nonsuit - - - - -	0	0	6	0	1	0
Paying Money into Court, and entering same in Books -	0	0	3	0	0	4
Every Search, including Payment of Money out of Court, and entering same - - - - -	0	0	3	0	0	6
Issuing every Attachment, Precept, Order, or Execution	0	1	0	0	1	6
Entering Acknowledgment of Satisfaction in full -	0	0	6	0	1	0
For every Warrant of Commitment for an Insult or Misbehaviour in the Court to the Commissioners, Clerk, or other Officer of the Court - - - - -	0	1	0	0	1	0

CRIERS and SERJEANTS FEES.	On Debts not exceeding Forty Shillings.			On Debts exceeding Forty Shillings.		
	£	s.	d.	£	s.	d.
For calling every Plaintiff or Defendant - - -	0	0	2	0	0	3
For serving every Summons, Order, or Subpœna within One Mile of the Court House - - -	0	0	4	0	0	6
If above One Mile, then extra for every Mile from the Court House - - -	0	0	2	0	0	3
For the Execution of any Warrant, Precept, or Attachment against the Goods or Body - - -	0	1	0	0	1	6
If above One Mile, then extra for every Mile from the Court House - - -	0	0	2	0	0	3
If an Assistant Serjeant should be necessary in the Judgment of the Commissioners, then for Assistant - - -	0	0	6	0	1	0
If above One Mile, then extra for every Mile from the Court House - - -	0	0	2	0	0	3
For carrying every Plaintiff, Defendant, or Delinquent to Prison, including all Expences and Assistants, for every Mile - - -	0	1	0	0	1	0

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

Debtors not liable to pay Gaol Fees.

LXV. And be it further enacted, That each and every Person in Prison by virtue of this Act shall, on the Expiration of his or her Time of Imprisonment, be discharged and set at liberty without paying any Sum or Sums of Money, Fee or Fees, or other Reward or Gratuity whatsoever, to the Keeper or Keepers, Turnkey or Turnkeys of any Gaol or Prison, or others, by way of Gaol Fees or Discharge Fees, or on any other Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of the said Gaol or Prison, or any other Person whomsoever, shall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatsoever, upon 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 in this Act limited for his, her, or their Imprisonment, every such Keeper, Turnkey, and other Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds; and it shall and may be lawful to and for any Two Justices of the Peace for the said Borough of *Liverpool* 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 all the Witnesses on each Side, and to examine into the Matter of Fact, and upon due Proof made thereof by the Oath or Affirmation

Affirmation of One or more credible Witness or Witnesses, which Oath or Affirmation such Justices are hereby authorized and required to administer, or by the voluntary Confession of the Party accused, to give Judgment or Sentence for such Penalty or Forfeiture as aforesaid, and in case such Penalty or Forfeiture shall not be forthwith paid to issue a Warrant under their Hands and Seals for levying such Penalties or Forfeitures by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus, if any, after deducting such Penalty or 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 any Common Gaol or Prison in and for the said Borough of *Liverpool* for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid; and one Moiety of such Penalty or Forfeiture, when paid or received, shall be paid to the Person or Persons informing or suing for the same, and the other Moiety thereof to the Clerk or Clerks to the said Commissioners, and the same shall be applied in like Manner as the several other Fines and Penalties are by this Act generally directed to be applied and distributed.

LXVI. And be it enacted, That the Keeper for the Time being of the Gaol of the said Borough shall and he is hereby required to receive and take into his Custody all and every Person and Persons who shall be committed or ordered to stand committed by the same Court; and in case the Keeper of the said Prison shall neglect or refuse to receive or take into his Custody any Person or Persons committed by virtue of this Act, or shall, except in the Cases before mentioned, before the Expiration of the Time for which any Person or Persons shall be committed to his Custody, discharge such Person or Persons out of his 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 Plaintiff or Plaintiffs as aforesaid or by the said Court, such Keeper so offending in either of the said Cases, and being thereof convicted before One or more of the Justices of the said Borough 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 the Debt or Debts and Costs for which such Person or Persons shall have been committed to the Custody of such Keeper, and also any Sum not exceeding Twenty Pounds, at the Discretion of the said Justice or Justices.

Penalty on
Keeper of
Prison
neglecting
his Duty.

LXVII. And be it enacted, That if any Bailiff or other Officer or Officers of the same 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 be lawful for the same Court, upon Complaint and due Proof thereof made upon the Oath or Oaths of One or more credible Witness or Witnesses, to order

Penalty on
Bailiff or
other Officer
neglecting
his Duty.

order such Bailiff or Officer to pay the Sum or Sums of Money for which such Execution was awarded, or such Part thereof as the same Court may think proper, 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 be lawful for the same Court and they are hereby enabled to impose any Fine not exceeding Twenty Pounds for every such Offence on such Bailiff or Officer, and to levy such Fine by Distress and Sale of the Goods and Chattels of such Bailiff or Officer of the said Court, 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 same Court in such Shares and Proportions and in such Manner amongst the Poor of the several Parishes and Places within the Jurisdiction of the said Court of Requests as they the same Court may think fit and proper.

Officers taking any Fee besides the Fees allowed to be discharged and forfeit 10l.

LXVIII. And be it enacted, That if any Clerk, Bailiff, or other Officer employed in putting this Act or any of the Powers thereof in execution shall exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are or shall be appointed and allowed to them respectively as aforesaid, for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act into execution, every such Person so offending shall, upon Conviction thereof before the same Court, or upon Verdict or Judgment being had against him in such Action, as next herein-after mentioned, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall, over and above, forfeit and pay the Sum of Ten Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas of the County Palatine of *Lancaster*, within Three Calendar Months after the Offence committed, in which Suit no Essoign or Protection shall be allowed.

A List to be made out of unclaimed Money.

LXIX. And be it enacted, That the Clerks to the same Court shall, and they are hereby required, in the Month of *June* in every Year, to make out and lay before the said Council a correct List of all Sums of Money which shall have been paid into Court, and which shall have remained unreclaimed for the Space of Twelve Calendar Months, or for any longer Period next before the making out such List; and the said List shall also contain the Names of the Parties having paid such Sum or Sums of Money, and also the Names of the Parties for whom or on whose Account the same was or were so paid into Court.

Commissioners to make Rules respecting Suitors Money.

LXX. And be it enacted, That the said Chief Commissioners at any Meeting to be holden by virtue of this Act shall and may and they are hereby empowered to make, ordain, and constitute such Rules and Regulations as to them shall seem meet for securing the Balances and other Sums of Money belonging to the Suitors of the said Court in the Hands of any Officers of the said Court, and for

the due accounting for and Application of all such Balances and other Sums of Money, and also for auditing the Accounts at least once in every Year and oftener if they shall deem it necessary.

LXXI. And for the more effectually maintaining the Dignity and Consequence of the said Court, and to protect the Commissioners, Clerks, and Officers of the said Court from Insult, be it enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the said Commissioners, Clerks, or 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 be lawful for the Bailiffs or Officers 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 same Court 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 be lawful for the same Court, 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 of Nonpayment forthwith to commit such Offender or Offenders to the Common Gaol or House of Correction for any Space of Time not exceeding One Calendar Month, unless the said Fine or Forfeiture shall be sooner paid.

For supporting the Dignity of the Court and preventing Insults.

LXXII. And be it enacted, That all Fines, Penalties, or Forfeitures by virtue of this Act imposed or authorized to be imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall, on Proof of the Offences respectively before the same Court, or before any Justice of the Peace for the said Borough, by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of any such Justice; and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid to the Treasurer of the said Borough on account of the Borough Fund; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall be lawful for the same Court or the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of the same Court and Justices, for his, her, or their Appearance before them or him on such Day or Days as shall be appointed

Recovery and Application of Penalties.

[*Local.*]

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for

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 afterwards be 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.

LXXVI. And be it enacted, That no Order, Verdict, or Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or the Conviction of any of the Offender or Offenders against this Act, shall be quashed or vacated for Want of Form. Proceedings not to be quashed for Want of Form.

LXXVII. And be it 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 so much of this Act as relates to the said Court of Requests, unless Notice in Writing shall have been given to the Defendant or Defendants, and also to the Clerks for the Time being of the same Court Forty-two Days before 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 shall have 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 be lawful 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 Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to bring Money into Court. Plaintiffs not to recover without Notice or after Tender of Amends.

LXXVIII. And be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of so much of this Act as relates to the said Court of Requests after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County of *Lancaster* and not elsewhere; and if any such Action 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 elsewhere 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 or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for recovering the same as any Defendant has for Costs of Suit in other Cases by Law. Limitation of Actions.

LXXIX. And

Limits of the Borough for the Purposes of this Act to be the same as settled and described by 2 & 3 W. 4. c. 64.

LXXIX. And whereas by the Act for the Regulation of Municipal Corporations in *England and Wales* it was enacted, that the Metes and Bounds of the several Boroughs named in the First Section of the Schedules A. and B. to that Act annexed for the Purposes of that Act, should be the same as the Limits thereof respectively settled and described in an Act passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, so far as respects the Election of Members of Parliament*: And whereas the Limits of the Borough of *Liverpool*, for certain Purposes, were by the Provisions of the said first-recited Act extended to the Limits settled and described in the said second-recited Act: And whereas it is expedient that the same should be extended for the Purposes of this Act; be it enacted, That the Limits of the Borough of *Liverpool* for the Purposes of this Act shall be the same Limits settled and described in the above-recited Act passed in the Second and Third Years of the Reign of His present Majesty.

Expences of Act.

LXXX. And be it enacted, That the Charges and Expences attending the obtaining and passing of this Act shall be paid and defrayed by, from, and out of the Borough Fund of the Borough of *Liverpool*.

Commencement of Act.

LXXXI. And be it enacted, That this Act shall commence and take effect from and after the Thirty-first Day of *August* One thousand eight hundred and thirty-six.

Public Act.

LXXXII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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