



ANNO DECIMO QUINTO

# VICTORIÆ REGINÆ.

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## *Cap. lxxvii.*

An Act for the more easy Recovery of Small Debts,  
and Demands within the City of *London* and the  
Liberties thereof. [17th *June* 1852.]

**W**HEREAS an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands within the City of London and the Liberties thereof*: And whereas an Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and fifty-two, for amending the said Act: And whereas it is expedient to repeal the said recited Acts, for the Purpose of extending the Provisions thereof to Debts, Damages, and Demands not exceeding the Sum of Fifty Pounds: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

10 & 11 Vict.  
c. 71.

11 & 12 Vict.  
c. 152.

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Recited Acts  
repealed.

I. That from and after the Commencement of this Act the said recited Acts shall be and the same are hereby repealed, save only and except so far as relates to any Judgment given, or any Act, Matter, or Thing done, or directed or ordered to be done, previously to the Commencement of this Act, which Judgment shall be enforced, and all which Acts, Matters, and Things shall, if done, be as valid and effectual, or if directed or ordered to be done shall be done, and when done shall be as valid and effectual, as if this Act had not passed.

Actions  
hereafter  
commenced  
in Sheriffs  
Court for  
Sums not  
above 50*l.*  
to be deter-  
mined under  
the Provi-  
sions of this  
Act.

II. That all Pleas of personal Actions, where the Debt or Damage claimed is not more than Fifty Pounds, whether on Balance of Account or otherwise, which shall after the Commencement of this Act be commenced or tried in the Sheriffs Court, shall be holden in the said Court without Writ, and shall be heard and determined in a summary Way, and according to the Provisions of this Act: Provided always, that the said Court shall not under the Provisions of this Act have Cognizance of any Action of Ejectment, or in any Action in which, although the Debt or Damage claimed may not exceed Fifty Pounds, the Title to any corporeal or incorporeal Hereditaments, or to any Tithe, Toll, Fair, Market, or Franchise, shall be in question, or in which the Validity of any Devise, Bequest, or Limitation under any Will or Settlement may be disputed, or in any Action for any Libel or Slander, or for Criminal Conversation, or for Seduction, or for Breach of Promise of Marriage.

All other  
Actions and  
Proceedings  
to be carried  
on as if this  
Act had not  
passed.

III. Provided always, That all Pleas of personal Actions, and all other Proceedings in the Sheriffs Court, except Pleas of personal Actions under the Provisions of this Act, where the Debt or Damage claimed is not more than Fifty Pounds, or, not being more than Fifty Pounds, is excepted from the Provisions of this Act, shall and may be commenced and carried on in the said Court as if this Act had not been passed; and all Proceedings in personal Actions where the Debt or Damage claimed is not more than Fifty Pounds, which may have been actually commenced in the Sheriffs Court before the Commencement of this Act, and which might have been commenced in the said Court under the Provisions of the said recited Acts or either of them, shall be continued, executed, and enforced against all Persons liable thereto, in the same Manner as if they had been commenced therein under the Provisions of this Act; and all other Proceedings in the said Court, not being Proceedings in personal Actions, where the Debt or Damage claimed is not more than Fifty Pounds, and which could not have been commenced in the said Court under the Provisions of this Act, shall be continued, executed, and enforced against all Persons liable thereto, in the same Manner in all respects as they might have been continued, executed, and enforced in case this Act had not passed.

IV. That

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IV. That if both Parties shall agree, by a Memorandum signed by them or by their Attornies, in the Presence of the Chief Clerk or of One of the Assistant Clerks, that the Court shall have Power to try any of the Actions herein-before respectively mentioned, in which the Sum sought to be recovered shall exceed the Sum of Fifty Pounds, or any Action in which the Title to Land, whether of Freehold, Copyhold, Leasehold, or other Tenure, or to any Tithe, Toll, Market, Fair, or Franchise, shall be in question, then and in such Case the Court shall have Jurisdiction and Power to try such Action: Provided always, that the said Parties or their Attornies shall state in their said Memorandum of Agreement that they know such Cause of Action to be above the said Sums respectively, or that they know such Title to come in question in such Action; and provided that such Memorandum shall be filed with the Clerk of the Court at the Time of filing the Demand of the Plaintiff: Provided always, that no such Memorandum shall give any Authority to the said Court to try any Action in which the Validity of any Devise, Bequest, or Limitation under any Will or Settlement may be disputed, or in any Action for any Libel or Slander, or for Criminal Conversation, or for Seduction, or for Breach of Promise of Marriage.

In certain Cases Court shall have Power to try Causes, although the Matters be beyond its Jurisdiction.

V. That the Court shall, as well for the Purposes of this Act as for all other Purposes, be held at the *Guildhall* within the City of *London*, or at such other Place within the said City as the Mayor, Aldermen, and Commons shall from Time to Time by any Order direct or appoint.

Court to be held at Guildhall, or where the Corporation shall direct.

VI. That it shall be lawful for the Mayor, Aldermen, and Commons from Time to Time to appoint the Place and Day or Days for holding the Sheriffs Court for the Purposes of this Act.

Corporation to appoint Place, &c. for holding Court.

VII. That the Judge of the Sheriffs Court, and in case there shall be more than One Judge of such Court, then One of such Judges, shall preside at the Trial in the said Court of all Actions and Proceedings commenced or directed or authorized to be carried on therein under the Provisions of this Act.

Judge of Sheriffs Court to preside in Actions under this Act.

VIII. That in case of Illness or unavoidable Absence, not occasioned by his other official Duties, the Cause whereof shall be entered on the Minutes of the Court; it shall be lawful for the Judge of the Court, or, in case of the Inability of the Judge to make such Appointment, for the Mayor, Aldermen, and Commons, to appoint some other Person, who shall have practised as a Barrister at Law for at least Seven Years, to act as the Deputy of such Judge during such Illness or unavoidable Absence; and it shall also be lawful for the Judge, with the Approval of the Mayor, Aldermen, and Commons, to appoint a Deputy,

Power to Judge of Court in case of Illness, &c., to appoint a Deputy.

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Deputy, who shall have practised as a Barrister for at least Seven Years, to act for him for any Time or Times not exceeding in the whole Two Months in any consecutive Period of Twelve Months; and every Deputy so appointed, during the Time for which he shall be so appointed, shall have all the Powers and Privileges and perform all the Duties of the Judge of the said Court.

Chamberlain  
to be Treas-  
urer of the  
Court.

IX. That the Chamberlain for the Time being of the City of *London* shall, for the Purposes of this Act, be and be considered as the Treasurer of the Sheriffs Court.

Clerks, &c.  
to assist the  
Chamberlain  
in his Duties  
of Treasurer,  
and to be  
paid such  
extra Salary  
as Corpora-  
tion shall  
think fit.

X. That the several Clerks and other Officers and Servants for the Time being employed in the Office of the Chamberlain of the said City shall from Time to Time perform such Duties in reference to the Court and the Office of Treasurer thereof, hereby imposed on the said Chamberlain, as the Chamberlain for the Time being in his Character of Treasurer of the Court shall require; and every Clerk, Officer, and Servant of the Chamberlain, so employed in performing any of the Duties of the Treasurer of the Court, shall receive and be paid by the Mayor, Aldermen, and Commons, out of the general Fund of the Court, such extra Salary or Allowance as a Remuneration for their Services as the Mayor, Aldermen, and Commons shall from Time to Time think sufficient and proper.

Chief Clerk  
of the Court  
to be ap-  
pointed by  
Corporation.

XI. That every Chief Clerk of the Court to be hereafter appointed shall be an Attorney of One of Her Majesty's Superior Courts of Common Law, who shall have practised as an Attorney for at least Five Years; and such Clerk shall be appointed by the Mayor, Aldermen, and Commons; and it shall be lawful for the Mayor, Aldermen, and Commons, in case of the Inability or Misbehaviour of the Clerk for the Time being of the Court, or for any other Cause which may appear reasonable to the Mayor, Aldermen, and Commons, to remove such Clerk, and to appoint some other Person, qualified as aforesaid, to be Clerk of the Court; and, until otherwise directed by the Mayor, Aldermen, and Commons, every such Clerk shall be paid by Fees, as herein-after provided; and in case any Assistant Clerk or Clerks shall be necessary for carrying on the Business of the Court, such Assistant Clerk or Clerks shall, during such Time as the Chief Clerk shall be paid by Fees, be provided and paid by the Chief Clerk of the Court; but if the Chief Clerk shall at any Time be paid by a Salary, and not by Fees, then the Assistant Clerk or Clerks shall be appointed by the Mayor, Aldermen, and Commons, and shall be paid out of the general Fund of the Court such yearly Salary for their Services as the Mayor, Aldermen, and Commons shall from Time to Time think proper.

In Case of  
Illness of  
Chief Clerk,

XII. That it shall be lawful for the Chief Clerk of the Court, with the Approval of the Judge, or, in case of the Inability of the Chief Clerk

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Clerk to make such Appointment, for the Judge, from Time to Time to appoint a Deputy, qualified to be appointed Chief Clerk of the Court, to act for the Chief Clerk of the Court at any Time when he shall be prevented by Illness or unavoidable Absence from acting in such Office, and to remove such Deputy at his Pleasure; and such Deputy, while acting under such Appointment, shall have the like Powers and Privileges, and be subject to the like Provisions, Duties, and Penalties for Misbehaviour, as if he were the Chief Clerk of the Court for the Time being.

a Deputy  
may be ap-  
pointed.

XIII. That the Clerk of the Court, with such Assistant Clerk or Clerks as aforesaid, in case any such shall be employed, shall issue all Summonses, Warrants, Precepts, and Writs of Execution, and register all Orders and Judgments of the Court, and keep an Account of all Proceedings of the Court, and shall take charge of and keep an Account of all Court Fees and Fines payable or paid into Court, and of all Monies paid into and out of Court, and shall enter an Account of all such Fees, Fines, and Monies in a Book belonging to the Court, to be kept by him for that Purpose, and shall from Time to Time at such Times as shall be directed by Order of the Court submit his Accounts to be audited or settled by the Treasurer.

Duties of  
Clerks.

XIV. That it shall not be lawful for the Clerk of the Court, or the Partner of any such Clerk, or any Person in the Service or Employment of any such Clerk or his Partner, to act as Treasurer or as a Bailiff of the Court, or for the Treasurer, his Partner or Clerk, or any Person in the Service or Employment of such Treasurer or his Partner, to act as Clerk or as a Bailiff, or for any Bailiff, his Partner or Clerk, or any Person in the Service or Employment of any Bailiff or his Partner, to act as Clerk or Treasurer of the Court.

Offices of  
Clerk, Treas-  
urer, and  
Bailiff not to  
be con-  
joined.

XV. That no Clerk, Treasurer, Bailiff, or other Officer of the Court shall, either by himself or his Partner, be directly or indirectly engaged as Attorney or Agent for any Party in any Proceeding in the Court.

Officers not  
to act as  
Attornies in  
the Court.

XVI. That any Person who, being the Clerk of the Court or the Partner of such Clerk, or a Person in the Service or Employment of any such Clerk or of his Partner, shall accept the Office of Treasurer or of a Bailiff of the Court, or who, being the Treasurer of the Court, or the Partner of any such Treasurer, or a Person in the Service or Employment of any such Treasurer or of his Partner, shall accept the Office of Clerk or of a Bailiff in the Execution of this Act, or who, being One of the Bailiffs of such Court, or the Partner of any such Bailiff, or a Person in the Service or Employment of any such Bailiff or of his Partner, shall accept the Office of Clerk or Treasurer in the

Penalty on  
Non-observ-  
ance of the  
Two pre-  
vious Enact-  
ments.

[*Local.*]

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Execution

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Execution of this Act, and also every Clerk, Treasurer, Bailiff, or other Officer of the Court who shall be, by himself or his Partner, or in any Way, directly or indirectly, concerned as Attorney or Agent for any Party in any Proceeding in the Court, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same in any of Her Majesty's Superior Courts of Record, by Action of Debt or on the Case, and shall also be liable to be dismissed by the Mayor, Aldermen, and Commons, who are hereby authorized and empowered to dismiss such Clerk, Treasurer, Bailiff, or other Officer accordingly.

Appoint-  
ment of  
Bailiffs.

XVII. That there shall be One or more Bailiff or Bailiffs of the Court; and such Bailiff or Bailiffs shall be appointed by the Mayor, Aldermen, and Commons; and it shall be lawful for the Mayor, Aldermen, and Commons, or the Judge of the Court, by an Order of Court, in case of the Inability or Misbehaviour of such Bailiff or Bailiffs, or for any other Cause which may appear reasonable to the Mayor, Aldermen, and Commons, to remove such Bailiff or any of such Bailiffs; and One of the Bailiffs of the Court, if there shall be more than One, shall be called the Chief Bailiff of the Court.

Duties of  
the Bailiffs

XVIII. That the said Bailiffs shall attend every Sitting of the Court for such Time as shall be required by the Judge, unless when their Absence shall be allowed for reasonable Cause by the Judge, and shall by themselves serve all the Summonses and Orders, and execute all the Warrants, Precepts, and Writs issued out of the Court under the Provisions of this Act; and the said Bailiffs shall, in the Execution of their Duties, conform to all such General Rules as shall be from Time to Time made for regulating the Proceedings of the Court as herein-after provided, and subject thereunto to the Order and Direction of the Judge; and the said Bailiffs shall be entitled to receive all Fees and Sums of Money allowed by this Act in the Name of Fees payable to the Bailiff, out of which they shall provide for the Execution of the Duties for which such Fees are allowed, and for the Payment of the Bailiffs according to such Scale of Remuneration as shall be from Time to Time approved by the Judge; and every such Bailiff shall be responsible for all the Acts and Defaults of himself, in like Manner as the Sheriff of any County in *England* is responsible for the Acts and Defaults of himself and his Officers.

Regulations  
as to Actions  
brought  
against  
Bailiff, &c.,  
acting under  
Order of the  
Court.

XIX. That from and after the Commencement of this Act no Action shall be brought against any Bailiff, or against any Person acting by the Order and in aid of any Bailiff, for anything done in Obedience to any Warrant under the Hand of the Clerk of the Court and the Seal of the Court, until Demand hath been made or left at the Office of such Bailiff, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding  
the

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the same, of the Perusal and Copy of such Warrant, and the same hath been refused or neglected by the Space of Six Days after such Demand; and in case after such Demand, and Compliance therewith by showing the said Warrant to and permitting a Copy to be taken thereof by the Party demanding the same, any Action shall be brought against such Bailiff or other Person acting in his Aid for any such Cause as aforesaid, without making the Clerk of the Court who signed or sealed the said Warrant Defendant, then, on producing or proving such Warrant at the Trial of such Action, the Jury shall give their Verdict for the Defendant, notwithstanding any Defect of Jurisdiction or other Irregularity in the said Warrant; and if such Action be brought jointly against such Clerk and also against such Bailiff or Person acting in his Aid as aforesaid, then, on Proof of such Warrant, the Jury shall find for such Bailiff and for such Person so acting as aforesaid, notwithstanding such Defect or Irregularity as aforesaid; and if the Verdict shall be given against the said Clerk, then in such Case the Plaintiff shall recover his Costs against him, to be taxed in such Manner by the proper Officer as to include such Costs as such Plaintiff is liable to pay to such Defendant for whom such Verdict shall be found as aforesaid; and if any Action shall be brought the Defendant shall and may plead the General Issue, and give the special Matter in Evidence at any Trial had thereupon.

XX. Provided always, That the Persons holding the Offices or performing the Duties of Clerk or Bailiff in the Court under the first-recited Act at the Time of the Commencement of this Act shall continue to execute their several Offices, subject to the Power of Removal provided in this Act.

Clerk and Bailiff to remain in Office until removed.

XXI. That the Treasurer, Clerk, Deputy Clerk, and Bailiff of the Court who may receive any Monies in the Execution of their Duty, shall give Security for such Sum, and in such Manner and Form, as the Mayor, Aldermen, and Commons from Time to Time shall order, for the due Performance of their several Offices, and for the due accounting for and Payment of all Monies received by them under this Act, or which they may become liable to pay for any Misbehaviour in their Office: Provided always, that the Security given by the Chamberlain of the City of *London* to the Mayor and Commonalty and Citizens, for the faithful Execution of his Office, shall be considered as a Security given by the Treasurer within the Meaning of this Act.

Treasurers, Clerks, and Bailiffs to give Security.

XXII. That on every Proceeding in the Court under the Provisions of this Act there shall be payable such Fees as are set down in the Schedule to this Act annexed, or which shall be set down in any Schedule of Fees reduced or altered under the Power herein-after contained for that Purpose, and none other; and that such Fees shall be divided as follows, Nineteen Fortieth Parts thereof to be the Judge's Fees, Nineteen Fortieth Parts thereof to be the Clerk's Fees, and Two Fortieth Parts thereof to be the High Bailiff's Fees, and that the Fees called

Fees to be taken according to Schedule, and Tables to be exhibited in conspicuous Places.

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called High Bailiff's Fees shall be payable to the High Bailiff; and a Table of such Fees shall be put up in some conspicuous Place in the Place where the Court shall be held, and in the Clerk's Office; and the Fees on every Proceeding shall be paid in the first instance by the Plaintiff or Party on whose Behalf such Proceeding is to be had, on or before such Proceeding, and in default of Payment thereof shall be enforced by Order of the Judge by such Ways and Means as any Debt or Damage ordered to be paid by the Court can be recovered; and the Fees upon Execution shall be paid into Court at the Time of the Issue of the Warrant of Execution, and shall be paid by the Clerk of the Court to the Bailiff upon the Return of the Warrant of Execution, and not before: Provided always, that it shall be lawful for the Mayor, Aldermen, and Commons to lessen the Amount of the Fees to be taken in the Court under the Provisions of this Act in such Manner as to them shall seem fit, and again to increase such Fees so that the Scale of Fees given in the Schedule to this Act be not in any Case surpassed; and in case the Fees allowed to be taken by the Judge, Clerk, or Bailiffs of the Court shall appear to the Mayor, Aldermen, and Commons to be more than sufficient, it shall be lawful for the Mayor, Aldermen, and Commons to order that a certain Part of their Fees only shall be paid to them respectively, as the greatest Salaries to be by them respectively received; and in such Case, and so long as such Direction shall be in force, the Amount of the Residue of the Fees shall be accounted for and paid to the Treasurer of the Court for the Purposes of this Act, and shall form Part of the General Fund of the Court.

Power to Corporation to pay Officers of Court by Salaries instead of Fees.

XXIII. That it shall be lawful for the Mayor, Aldermen, and Commons to order that the Judge, Clerk, Bailiffs, and Officers of the Court, or any of them, shall be paid by Salaries instead of Fees, or in any Manner other than is provided by this Act; and if the Mayor, Aldermen, and Commons shall make such Order, or if any Act shall be passed whereby it shall be provided that the Court shall be otherwise constituted than is provided by this Act, no such Clerk or Bailiff, nor any Judge, Treasurer, or other Officer of the Court, shall be entitled to any Compensation on account of ceasing to hold his Office or to receive the Fees allowed by this Act, or on account of his Emoluments being affected by such Alteration, unless he shall have acted as Clerk, Bailiff, or other Officer of the Court of Requests for the Recovery of Small Debts in the City of *London* previously to the passing of the first-recited Act, in which Case he shall be entitled to Compensation for the Loss of his Fees or Emoluments in like Manner and subject to the same Regulations as he would have been entitled to under the Provisions herein contained in case he had been deprived of any Fees or Emoluments by reason of the passing of the first-recited Act; and in such Case all Sums payable in the Name of Fees to such Officers of the Court as shall be paid by Salaries shall be paid from Time to Time to the Treasurer of the Court, who shall pay the said several Salaries

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Salaries out of the Proceeds of such Fees, and the Surplus shall form Part of the General Fund of the Court; and whenever the net Amount of the Fees shall not be sufficient to pay the said several Salaries, the Deficiency shall be made good and paid out of the Corporate Funds of the said City, or such of them as the Mayor, Aldermen, and Commons shall think proper and direct.

XXIV. That the Clerk of the Court from Time to Time, as often as he shall be required so to do by the Treasurer or Judge of the Court, and in such Form as the Treasurer or Judge shall require, shall deliver to the Treasurer a full Account in Writing of the Fees received in the Court under the Authority of this Act, and a like Account of all Fines imposed by the Court under the Provisions of this Act, and of the Expenses of levying the same, and shall pay over to the Treasurer, quarterly or oftener in every Year, by Order of the Court, the Monies remaining in his Hands over and above his own Fees, and such Balance as he shall be allowed, by Order of the Court, to retain for the current Expenditure of the Court.

Fees and Fines to be accounted for to Treasurer.

XXV. That the Treasurer of the Court shall from Time to Time, quarterly or oftener, as shall be directed by Order of the Court, audit and settle the Accounts of the Clerk and other Officers of the Court, and shall receive the Balance of the various Monies which such Clerk and other Officers shall have received under this Act, and shall pay over to the Judge of the Court the Amount of his Fees, and make all such other Payments as it shall be requisite to make thereout in accordance with the Provisions of this Act, and shall from Time to Time carry the Balance remaining in his Hands, or so much thereof as he shall be directed to carry, to such Account as the Mayor, Aldermen, and Commons shall direct.

Clerk's Account to be settled and audited by Treasurer.

XXVI. That the Treasurer of the Court shall, once in every Year, and oftener if required, on such Day as the Mayor, Aldermen, and Commons from Time to Time shall appoint, render to the Mayor, Aldermen, and Commons a true Account in Writing of all Monies received and of all Monies disbursed by him on account of the Court during the Period comprised in such Account, in such Form, and with such Particulars of Receipt and Disbursement, or otherwise, as the Mayor, Aldermen, and Commons shall from Time to Time require.

Treasurer of Court to render Accounts to Corporation.

XXVII. That the Mayor, Aldermen, and Commons shall from Time to Time make such Rules as to them shall seem meet for securing the Balances and other Sums of Money in the Hands of any Officer of the Court, and for the due accounting for and Application of all such Balances and other Sums of Money.

Corporation to direct how Balances shall be applied.

[Local.]

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XXVIII. That

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Clerk to  
send to Cor-  
poration An-  
nual Ac-  
count of all  
Sums paid  
by him to  
Treasurer.

XXVIII. That the Clerk of the Court shall, once in every Year, and oftener if required, on such Days as shall be appointed by the Mayor, Aldermen, and Commons, make out and send to the Mayor, Aldermen, and Commons an Account of all Sums paid over by him to the Treasurer of the Court, including all unclaimed Balances carried to the Account of the General Fund as herein-after provided; and every such Account, duly vouched by Receipts given under the Hand of the Treasurer, shall be a Voucher to charge the Treasurer in his Account before the Mayor, Aldermen, and Commons.

Power to  
Corporation  
to provide  
Court  
Houses,  
Offices, &c.

XXIX. That it shall be lawful for the Mayor, Aldermen, and Commons, if they shall think proper so to do, to build, purchase, or otherwise provide Messuages and Lands with all necessary Appurtenances fit for holding the Sheriffs Court therein, as well for the Purposes of this Act as for the other Purposes of the said Court, and for the Offices necessary for carrying on the Business of the said Court; or, instead of providing separate Buildings, may contract with any Person, being the Owner of or having the Control and Management of any Building, for the Use and Occupation thereof, or of so much thereof as may be needed for the Purposes of the Court, and subject to such annual Rent, and to such Conditions as to the Repairs, Alterations, or Improvements of such Building, as may be agreed upon; and all Lands, Messuages, and other Real and Personal Estates and Effects belonging to the Court shall vest in the Mayor and Commonalty and Citizens of the City of *London*, in trust for the Purposes of the Court.

Power to  
Corporation  
to appoint a  
Prison to be  
used for the  
Purposes of  
this Act.

XXX. That it shall be lawful for the Court to use as a Prison for the Purposes of the Court any Prison within or for the City of *London* and Liberties thereof now or hereafter to be used as a Prison for Debtors, which the Mayor, Aldermen, and Commons may from Time to Time approve of, and such Prison shall for the Purposes of this Act be deemed a Common Gaol of the City of *London*.

Powers of  
8 & 9 Vict.  
c. 18. for  
purchasing  
Land to ap-  
ply to this  
Act.

XXXI. That the Provisions of the Lands Clauses Consolidation Act, 1845, shall apply to the Purchase of Lands by the Mayor, Aldermen, and Commons for the Purposes of the Sheriffs Court, except so much thereof as relates to the Purchase and taking of Lands otherwise than by Agreement; and in construing the said Act the Mayor and Commonalty and Citizens, acting by the Mayor, Aldermen, and Commons, shall be deemed the Promoters of the Undertaking for which such Lands are required.

Corporation  
empowered  
to borrow  
Money for  
the Purposes  
of this Act.

XXXII. That for the Purpose of defraying the Expenses of building, purchasing, or providing any Messuages and Lands for the Purposes aforesaid, it shall be lawful for the Mayor, Aldermen, and Commons to borrow and take up at Interest so much Money as they shall

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shall find to be necessary, and to enter into and execute such Securities as may be required; and the Securities so entered into shall be binding on them, and on the Treasurer of the Court and his Successors in the Office of Treasurer, for securing Repayment of the Monies borrowed, with Interest for the same, out of the General Fund hereinafter mentioned; and the Treasurer shall enter in a Book belonging to the Court, to be kept by him for that Purpose, the Names of the several Persons by whom any Money shall be advanced for the Purpose aforesaid, in the Order in which the same shall be advanced; and the Monies so borrowed shall be paid off in the same Order.

XXXIII. That for raising a Fund for providing a Building fit for holding the Sheriffs Court therein, and Offices, and for paying off any Monies which may have been borrowed under the Authority of the first-recited Act, or which may be borrowed under this Act, and the Interest due in respect thereof, the Clerk of the Court, while it shall be necessary to raise such Fund, shall demand and receive from the Plaintiff in any Suit brought in the Court under the Provisions of this Act the Sum of Sixpence when the Debt or Damage claimed shall exceed Twenty Shillings and shall not exceed Forty Shillings, and for every Claim exceeding Forty Shillings One Twentieth Part thereof, neglecting any Sum less than Sixpence in estimating such Twentieth Part, or such other Sum, in either Case not exceeding the Rates herein-before mentioned, as the Mayor, Aldermen, and Commons from Time to Time shall order, which Sum, if not paid in the first instance by the Plaintiff upon Suit brought in the Court, may be deducted from the Sum recovered for the Plaintiff, and shall be considered as Costs in the Cause; and the Clerk of the Court shall keep an Account of all Monies so paid to him, and shall pay over the Amount from Time to Time to the Treasurer of the Court; and the Amount thereof shall accumulate to form a Fund to be called "The General Fund of the Sheriffs Court of the City of *London*," and shall be applied in the first place toward paying the Interest of the several Sums so borrowed, and in the second place toward paying the Rent and other Expenses necessarily incurred in holding the Court, and in the third place toward paying off the several Principal Sums borrowed in the Order in which they were borrowed, and in the fourth place toward defraying the other Expenses herein charged on the said General Fund, in such Manner as the Mayor, Aldermen, and Commons shall direct; and the Surplus which shall from Time to Time accumulate, after providing for all the said Expenses, shall be paid over to the Credit of the Mayor and Commonalty and Citizens of the City of *London*, subject nevertheless to any Charge which may arise from any future Deficiency in the same Fund.

A General Fund to be raised for paying off Money borrowed.

XXXIV. That if a separate Court House shall be built, purchased, or hired for the Purposes of the Sheriffs Court, the Clerk of the Court

If separate Court House built, &c.,

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the Clerk to have the Charge thereof, and appoint and dismiss Servants, &c.

Court shall have the Care of such Court House and Offices of the Court, and shall appoint, and have Power to dismiss, the necessary Servants for taking charge of such Court House and Offices, at such Salaries as shall be from Time to Time authorized by the Judge, with the Consent of the Mayor, Aldermen, and Commons; and the Mayor, Aldermen, and Commons shall in every Case make all necessary Contracts or otherwise provide for repairing and furnishing, and for cleaning, lighting, and warming the Court House for the Time being and Offices, and for supplying the Court and Offices with Law and Office Books and Stationery, and for defraying all other necessary Expenses, not otherwise provided for, incident to the holding of the Court; and the Charge of the Court House and Offices, and Expenses thereby incurred, shall be paid out of the General Fund of the Court: Provided always, that the Treasurer or Clerk of the Court, or the Partner of such Treasurer or Clerk, or any Person in the Service or Employment of such Treasurer or Clerk, shall not be directly or indirectly concerned or interested in any such Contract, or in supplying any Articles for the Use of the Court and Offices; provided also, that no Payment of any such Charge shall be allowed in the Clerk's Accounts until allowed under the Hand of the Judge.

Judge to hold the Court where Corporation shall direct.

XXXV. That the Judge of the Court shall attend and hold the Court for the Purposes of this Act at the *Guildhall* of the said City, or at the Place where the Mayor, Aldermen, and Commons shall have ordered that the Court shall be holden, at such Times as they shall appoint for that Purpose, so that a Court shall be holden for the Purposes of this Act once at least in every Month; and Notice of the Days on which the Court will be holden for the Purposes of this Act shall be put up in some conspicuous Place in the Court and in the Office of the Clerk of the Court, and no other Notice thereof shall be needed; and whenever any Day so appointed for holding the Court shall be altered, Notice of such intended Alteration, and of the Time when it will take effect, shall be put up in some conspicuous Place in the Court and in the Clerk's Office; and the Judge may, if he shall think fit, adjourn the Court, and all Plaints and Proceedings therein, to the same or any future Day, and may from Time to Time hold additional Courts besides those herein-before authorized to be appointed by this Act.

Notices for holding Courts to be put up in a conspicuous Place.

Process of the Court to be under Seal.

XXXVI. That the Seal made or used for the Sheriffs Court for the Purposes of the said first-recited Act shall, until the same be varied or altered, be the Seal for the Court for the Purposes of this Act; and all Summonses and other Process issuing out of the Court, under the Provisions of this Act, shall be sealed or stamped with the Seal of the Court; and every Person who shall forge the Seal or any Process of the Court, or who shall serve or enforce any such forged Process knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons  
or

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or other Process of the Court, knowing the same to be false, or who shall act or profess to act under any false Colour or Pretence of the Process of the Court, shall be guilty of Felony.

XXXVII. That none of the Provisions and Enactments of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws of Insolvency, Bankruptcy, and Execution*, or of an Act passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act for the better securing the Payment of Small Debts*, or of an Act passed in the Fourteenth Year of the Reign of Her said Majesty, intituled *An Act to extend the Act for the more easy Recovery of Small Debts and Demands in England, and to amend the same*, or of any Act altering or amending the said Acts or either of them, shall extend or relate to or affect the Jurisdiction and Practice of the Sheriffs Court in any Action or Proceeding to be commenced or carried on therein under the Powers and Provisions of this Act.

Provisions of  
7 & 8 Vict.  
c. 96., 8 & 9  
Vict. c. 127.,  
and 13 & 14  
Vict. c. 61.,  
not to ex-  
tend to this  
Act.

XXXVIII. That on the Application of any Person desirous to bring a Suit in the Court, the Clerk of the Court shall enter in a Book, to be kept for this Purpose in his Office, a Complaint in Writing stating the Names and the last known Places of Abode of the Parties, and the Substance of the Action intended to be brought, every One of which Complaints shall be numbered in every Year according to the Order in which it shall be entered; and thereupon a Summons, stating the Substance of the Action, and bearing the Number of the Complaint on the Margin thereof, shall be issued under the Seal of the Court, according to such Form, and be served on the Defendant so many Days before the Day on which the Court shall be holden at which the Cause is to be tried, as shall be directed by the Rules made for regulating the Practice of the Court, as herein-after provided; and Delivery of such Summons to the Defendant, or in such other Manner as shall be specified in the said Rules of Practice, shall be deemed good Service; and no Misnomer or inaccurate Description of any Person or Place in any such Complaint or Summons shall vitiate the same, so that the Person or Place be therein described so as to be commonly known.

Suits to be  
by Plaintiff.

XXXIX. That such Summons may issue, provided the Defendant or One of the Defendants shall dwell or carry on Business or have Employment within the City of *London* or the Liberties thereof at the Time of the Action brought, or provided the Defendant or One of the Defendants shall have dwelt or carried on Business or shall have had Employment therein at some Time within Six Months next before the Time of the Action brought, or if the Cause of Action either wholly or in part arose therein.

Summons  
may issue, if  
Defendant  
dwells or  
carries on  
Business in  
the City.

XL. That all Precincts and Extra-parochial Places within the City of *London* or the Liberties thereof, or adjoining thereto, shall, for the  
[Local.] 12 X Purposes  
Places  
within or  
adjoining the

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Liberties of the City of London to be deemed Parts thereof. Processes out of District of Court may be served by Bailiff of any other Court holden under 9 & 10 Vict. c. 95.

Purposes of this Act, be deemed to be Parts of the City of *London* and the Liberties thereof.

XLI. That any Summons or other Process which under this Act shall be required to be served out of the City of *London* or the Liberties thereof may be served by the Bailiff of any Court holden in any Part of *England*, under an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in England*, or any Act altering or amending the same; and such Service shall be as valid as if the same had been made under the Provisions of this Act by the Bailiff of the Sheriffs Court within the City of *London* or the Liberties thereof.

As to Service of Process of County Courts in the City of London.

XLII. That any Summons or other Process which, under the before-mentioned Act for the more easy Recovery of Small Debts and Demands in *England*, or under any Act altering or amending the same, shall be required to be served out of the District of the Court from which the same shall have issued, may be served within the City of *London* or the Liberties thereof by the Bailiff of the Sheriffs Court; and such Service shall be as valid as if the same had been made by the Bailiff of the Court out of which such Summons or other Process shall have issued within the Jurisdiction of the Court.

Proof of Service out of District, or in the Absence of the Bailiff.

XLIII. That Service of any Summons or other Process of the Court which shall require to be served out of the City of *London* or the Liberties thereof may be proved by Affidavit purporting to be sworn before any Judge of a County Court, or before a Master Extraordinary in Chancery, or any Person now authorized by Law to take Affidavits; and the Fee for taking such Affidavit shall not be more than One Shilling, and shall be Costs in the Cause; and in every Case of the unavoidable Absence of the Bailiff by whom any Summons or other Process of the Court shall have been served the Service of such Summons or other Process may be proved, if the Judge shall think fit, in the same Manner as a Summons served out of the City of *London* or the Liberties thereof, but without additional Charge to either of the Parties to the Suit.

Demands not to be divided for the Purpose of bringing Two or more Suits.

XLIV. That it shall not be lawful for any Plaintiff in any Plaint to divide any Demand or Cause of Action for the Purpose of bringing Two or more Suits in the Court; but any Plaintiff having any Demand or Cause of Action for more than Fifty Pounds, for which a Plaint might be entered under this Act if not more than Fifty Pounds, may abandon the Excess of such Demand over and above Fifty Pounds, and thereupon the Plaintiff shall, on proving his Case, recover to an Amount not exceeding Fifty Pounds; and the Judgment of the Court upon such Plaint shall be in full Discharge of all Claims in respect of such

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such Demand or Cause of Action, and Entry of the Judgment shall be made accordingly.

XLV. That if any Party shall sue another in the Court for any Debt or other Cause of Action for which he hath already sued him, and obtained Judgment, in any Court, the Proof of such former Suit having been brought and Judgment obtained may be given, and the Party so suing shall not be entitled to recover in such Second Suit, and shall be adjudged to pay Three Times the Costs of such Second Suit to the opposite Party.

No Second Suit for the same Cause.

Treble Costs.

XLVI. That it shall be lawful for any Person under the Age of Twenty-one Years to prosecute any Suit in the Court for any Sum of Money not greater than Fifty Pounds, which may be due to him for Wages or Piecework, or for Work as a Servant, in the same Manner as if he were of full Age.

Minors may sue for Wages.

XLVII. That the Jurisdiction of the Court shall extend to the Recovery of any Demand not exceeding the Sum of Fifty Pounds which is the whole or Part of the unliquidated Balance of a Partnership Account, or the Amount or Part of the Amount of a distributive Share under an Intestacy, or of any Legacy under a Will.

As to Cases of Partnership and Intestacy.

XLVIII. That it shall be lawful for any Executor or Administrator to sue and be sued in the Court, in like Manner as if he were a Party in his own Right, and Judgment and Execution shall be such as in the like Case would be given or issued in any Superior Court.

Executors may sue and be sued.

XLIX. That no Privilege, except as herein-after excepted, shall be allowed to any Person, to exempt him from the Jurisdiction of the Court.

No Privilege allowed.

L. That where any Plaintiff shall have any Demand recoverable in the Court against Two or more Persons jointly answerable, it shall be sufficient if any of such Persons be served with Process, and Judgment may be obtained and Execution issued against the Person or Persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the Jurisdiction of the Court; and every such Person against whom Judgment shall have been obtained under this Act, and who shall have satisfied such Judgment, shall be entitled to demand and recover in the Court Contribution from any other Person jointly liable with him.

One of several Persons liable may be sued.

LI. That the Judge of the Court shall be the sole Judge in all Actions brought in the Court, and shall determine all Questions, as well of Fact as of Law, unless a Jury shall be summoned as herein-after

Judge alone to determine all Questions, unless

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a Jury be  
summoned.

after mentioned; and no Suitors shall in any Case be summoned to hold or have any Jurisdiction in the Court.

Actions may  
be tried by  
Jury when  
Parties  
require it.

LII. That in all Actions where the Amount claimed shall exceed Five Pounds it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the said Action; and in all Cases where the Amount claimed shall not exceed Five Pounds it shall be lawful for the Judge, in his Discretion, on the Application of either of the Parties, to order that such Action be tried by a Jury; and in every Case such Jury shall be summoned according to the Provisions hereinafter contained: Provided always, that the Party requiring a Jury to be summoned shall give to the Clerk of the Court, or leave at his Office, such Notice thereof as shall be directed by the Rules made for regulating the Practice of the Court as herein-after provided; and the said Clerk shall cause Notice of such Demand of a Jury, made either by the Plaintiff or Defendant, to be communicated to the other Party to the said Action, either by Post or by causing the same to be delivered at his usual Place of Abode or Business, but it shall not be necessary for either Party to prove on the Trial that such Notice was communicated to the other Party by the Clerk.

Party re-  
quiring a  
Jury to  
make a  
Deposit.

LIII. That every Party requiring any Jury to be summoned shall at the Time of giving the said Notice, and before he shall be entitled to have such Jury summoned, pay to the Clerk of the Court the Sum of Five Shillings for Payment of the Jury, and such Sum shall be considered as Costs in the Cause, unless otherwise ordered by the Judge.

Who shall be  
Jurors.

LIV. That the Secondaries of the said City shall cause to be delivered to the Clerk of the Court a List of Persons qualified and liable to serve as Jurors in the Courts of Assize and Nisi Prius for the said City, within Fourteen Days from the First Day of *January* in each Year, each List containing only the Names of Persons residing within the Jurisdiction of the Court, for which List the said Secondaries shall be entitled to receive out of the General Fund of the Court a Fee after the Rate of Twopence for every Folio of Seventy-two Words; and whenever a Jury shall be required under the Provisions of this Act, the Clerk of the Court shall cause so many of the Persons named in the List as shall be needed, in the Opinion of the Judge, to be summoned to attend the Court at a Time and Place to be mentioned in the Summons, and shall administer or cause to be administered to such of them as shall be impannelled to try any Cause or Causes an Oath to give a true Verdict according to the Evidence; and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Judge shall direct, not being more than Five Pounds for each Default; and the Delivery of such Summons to the Person whose Attendance is required on such Jury, or Delivery thereof to his

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his Wife or Servant, or any Inmate at the usual Place of Abode, trading, or dealing of such Person, shall be deemed good Service: Provided always, that no Person shall be summoned or compelled to serve on such Jury more than Twice within One Year, or who shall have been summoned and shall have attended upon any Jury at the Assizes, or any Court of Nisi Prius, or at the Central Criminal Court, within Six Months next before the Delivery of such Summons.

LV. That whenever there are any Jury Trials, Five Jurymen shall be impanelled and sworn, as Occasion shall require, to give their Verdicts in the Causes which shall be brought before them in the Court, and, being once sworn, shall not need to be re-sworn in each Trial; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against all or any of the said Jurors, in like Manner as he would be entitled in any Superior Court; and the Jurymen so sworn shall be required to give an unanimous Verdict.

Number of  
the Jury.

LVI. That on the Day in that Behalf named in the Summons the Plaintiff shall appear, and thereupon the Defendant shall be required to appear to answer such Plaintiff; and on Answer being made in Court the Judge shall proceed in a summary Way to try the Cause and give Judgment, without further Pleading or formal Joinder of Issue.

Proceedings  
on hearing  
the Plaintiff.

LVII. That it shall be lawful for the Judge, if he shall think fit, to cause the Summons to be altered or amended in such Particulars and on such Terms as he shall think reasonable; but no Evidence shall be given by the Plaintiff on the Trial of any such Cause as aforesaid of any Demand or Cause of Action, except such as shall be stated in the Summons hereby directed to be issued or so amended as aforesaid.

Power to  
Judge to  
alter, &c.  
Summons  
but no Evi-  
dence to be  
given of  
Cause of  
Action that  
is not in  
Summons.

LVIII. That no Defendant in the Court be allowed to set off any Debt or Demand claimed or recoverable by him from the Plaintiff, or to set up by way of Defence or to claim and have the Benefit of Infancy, Coverture, or any Statute of Limitations, or of his Discharge under any Statute relating to Bankrupts, or any Act for the Relief of Insolvent Debtors, without the Consent of the Plaintiff, unless such Notice thereof as shall be directed by the Rules made for regulating the Practice of the Court shall have been given to the Clerk of the Court; and in every Case in which the Practice of the Court shall require such Notice to be given the Clerk of the Court shall, as soon as conveniently may be after receiving such Notice, communicate the same to the Plaintiff by the Post, or by causing the same to be delivered at his usual Place of Abode or where he carries on Business or has Employment; but it shall not be necessary for the Defendant to

Notices of  
special  
Defences  
given to the  
Clerk, who  
shall com-  
municate  
the same to  
the Plaintiff.

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prove on the Trial that such Notice was communicated to the Plaintiff by the Clerk.

Confession  
of Debts, or  
Parts of  
Debts, &c.,  
and Judgment there-  
upon.

LIX. That any Person against whom a Plaint shall be entered in the Court may, if he think fit, whether he be summoned upon such Plaint or not, in the Presence of the Clerk or Assistant Clerk of the Court, or in the Presence of an Attorney of One of the Superior Courts, sign a Statement confessing and admitting the Amount of the Debt or Demand, or Part of the Amount of the Debt or Demand for which such Plaint shall have been entered; and such Clerk or Assistant Clerk shall, as soon as conveniently may be after receiving such Statement, send Notice thereof to the Plaintiff by the Post, or by causing the same to be delivered at his usual Place of Abode or Business or Employment, and thereupon it shall not be necessary for the said Plaintiff to prove the Debt or Demand so confessed and admitted as aforesaid; but the Judge, at the next Sitting of the Court, whether the Parties or either of them attend the Court or not, shall, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, proceed to give Judgment for the Debt or Demand so confessed and admitted, in the same Manner and subject to the same Conditions as if he had tried the Cause and given Judgment thereupon under the Provisions of this Act.

Agreement  
as to the  
Amount of  
Debt, &c.,  
and Condi-  
tions of Pay-  
ment.

LX. That if the Person against whom a Plaint shall be entered in the Court can agree with the Person on whose Behalf such Plaint shall have been entered upon the Amount of the Debt or Demand in respect of which such Plaint shall have been entered, and upon the Terms and Conditions upon which the same shall be paid or satisfied, it shall be lawful for such Persons respectively, in the Presence of the Clerk or Assistant Clerk of the Court, or in the Presence of an Attorney of One of the Superior Courts, to sign a Statement of the Amount of the Debt or Demand so agreed upon between such Persons respectively, and of the Terms and Conditions upon which the same shall be paid or satisfied; such Clerk or Assistant Clerk shall receive such Statement, and shall thereupon, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, enter up Judgment for the Plaintiff for the Amount of the Debt or Demand so agreed on, and upon the Terms and Conditions mentioned in such Statement; and such Judgment shall to all Intents and Purposes be the same, and have the same Effect, and shall be enforced and enforceable in the same Manner, as if it had been a Judgment of the Judge of the Court.

Suits may  
be settled by  
Arbitration.

LXI. That the Judge may in any Case, with the Consent of both Parties to the Suit, order the same, with or without other Matters within

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within the Jurisdiction of the Court, in dispute between such Parties, to be referred to Arbitration, to such Person or Persons, and in such Manner and on such Terms, as he shall think reasonable and just, and such Reference shall not be revocable by either Party, except by Consent of the Judge; and the Award of the Arbitrator or Arbitrators or Umpire shall be entered as the Judgment in the Cause, and shall be as binding and effectual to all Intents as if given by the Judge; provided that the Judge may, if he think fit, on Application to him at the First Court held after the Expiration of One Week after the Entry of such Award, set aside any such Award so given as aforesaid, or may, with the Consent of both Parties aforesaid, revoke the Reference, or order another Reference to be made in the Manner aforesaid.

LXII. That the Recorder for the Time being of the said City, the Common Serjeant for the Time being of the said City, and the Judge or Judges for the Time being of the Sheriffs Court shall have Power and they are hereby required, from Time to Time, to make and issue all the General Rules for regulating the Practice and Proceedings of the Court, and also to frame Forms for every Proceeding in the Court for which they shall think it necessary that a Form be provided, and also for keeping all Books, Entries, and Accounts to be kept by the Clerk of the Court, and from Time to Time to alter any such Rules or Forms, and the Rules so made and the Forms so framed shall be observed and used in the Court; and in any Case not expressly provided for herein or by the said Rules the general Principles of Practice in the Superior Courts of Common Law may be adopted and applied, at the Discretion of the Judge, to Actions and Proceedings in the Court under the Provisions of this Act: Provided always, that the Rules made and issued for regulating the Practice and Proceedings of the Court now held under the said first-recited Act, and the Forms framed for the Proceedings in the said last-mentioned Court, and for keeping the Books, Entries, and Accounts directed to be kept by the Clerk of the Court, shall be valid and effectual until new Rules and Forms be made, framed, and issued as authorized and directed by the Provisions of this Act.

Forms of  
Procedure  
in Court to  
be framed  
by the Re-  
corder, &c.

LXIII. Provided always, That no such General Rules and Forms shall be in force until the same shall have been approved by the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or One of them.

Forms of  
Procedure  
to be ap-  
proved by  
the Chief  
Justices or  
One of them.

LXIV. That if upon the Day of the Return of any Summons, or at any Continuation or Adjournment of the Court or of the Cause for which the said Summons shall have been issued, the Plaintiff shall not appear,

Proceedings  
if Plaintiff  
does not  
appear or

appear,

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prove his  
Case.

appear, the Cause shall be struck out; and if he shall appear, but shall not make Proof of his Demand to the Satisfaction of the Court, it shall be lawful for the Judge to non-suit the Plaintiff, or to give Judgment for the Defendant, and in either Case, where the Defendant shall appear, and shall not admit the Demand, to award to the Defendant by way of Costs and Satisfaction for his Trouble and Attendance such Sum as the Judge in his Discretion shall think fit; and such Sum shall be recoverable from the Plaintiff, by such Ways and Means as any Debt or Damage ordered to be paid by the same Court can be recovered: Provided always, that if the Plaintiff shall not appear when called upon, and the Defendant or some one duly authorized on his Behalf shall appear, and admit the Cause of Action to the full Amount claimed, and pay the Fees payable in the first instance by the Plaintiff, the Court, if it shall think fit, may proceed to give Judgment as if the Plaintiff had appeared.

If Plaintiff  
do not ap-  
pear on Day  
of Hearing,  
Costs may  
be awarded  
to De-  
fendant for  
Attendance,  
&c.

LXV. That in every Case where the Plaintiff shall not appear, either by himself or his Attorney, upon the Day of the Return of any Summons for Hearing, or at any Continuation or Adjournment of the said Hearing, and the Defendant shall appear either by himself or his Attorney upon such Day of Hearing, Continuation, or Adjournment, it shall be lawful for the Judge to award to the Defendant or to his Attorney, by way of Costs of his Attendance and Satisfaction for his Trouble, such Sum as the Judge in his Discretion shall think fit; and the Sum so awarded shall be recoverable from the Plaintiff by such Ways and Means as any Debt or Damage ordered to be paid by the Court can be recovered.

Proceedings  
if the De-  
fendant does  
not appear.

LXVI. That if on the Day so named in the Summons, or at any Continuation or Adjournment of the Court or Cause in which the Summons was issued, the Defendant shall not appear, or sufficiently excuse his Absence, or shall neglect to answer when called in Court, the Judge, upon due Proof of Service of the Summons, may proceed to the Hearing or Trial of the Cause on the Part of the Plaintiff only, and the Judgment thereupon shall be as valid as if both Parties had attended: Provided always, that the Judge in any such Case, at the same or any subsequent Court, may set aside any Judgment so given in the Absence of the Defendant, and the Execution thereupon, and may grant a new Trial of the Cause, upon such Terms (if any) as to Payment of Costs, giving Security for Debt or Costs, or such other Terms as he may think fit, on sufficient Cause shown to him for that Purpose.

Judge may  
grant Time.

LXVII. That the Judge may in any Case make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of the Suit, and also may from Time to Time adjourn any  
Court,

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Court, or the Hearing or further Hearing of any Cause, in such Manner as to the Judge may seem fit.

LXVIII. That it shall be lawful for the Defendant in any Action brought under this Act, within such Time as shall be directed by the Rules made for regulating the Practice of the Court, to pay into Court such Sum of Money as he shall think a full Satisfaction for the Demand of the Plaintiff, together with the Costs incurred by the Plaintiff up to the Time of such Payment; and Notice of such Payment shall be communicated by the Clerk of the Court to the Plaintiff by Post, or by causing the same to be delivered at his usual Place of Abode or where he carries on Business or has Employment, and the said Sum of Money shall be paid to the Plaintiff; but if he shall elect to proceed, and if the Plaintiff shall recover no further Sum in the Action than shall have been so paid into Court, the Plaintiff shall pay to the Defendant the Costs incurred by him in the said Action after such Payment; and such Costs shall be settled by the Court, and an Order shall thereupon be made by the Court for the Payment of such Costs by the Plaintiff.

Defendant may pay Money into Court in Satisfaction of Demand.

Notice of such Payment to be given to Plaintiff.

LXIX. That on the Hearing or Trial of any Action, or on any other Proceeding in the Court, the Parties thereto, their Wives, and all other Persons, may be examined, either on behalf of the Plaintiff or Defendant, upon Oath, or solemn Affirmation in those Cases in which Persons are by Law allowed to make Affirmation instead of taking an Oath, to be administered by the proper Officer of the Court.

Parties and others may be examined.

LXX. That every Person who in any Examination upon Oath or solemn Affirmation, before any Judge of the Court, in any Action or Proceeding therein under the Provisions of this Act, shall wilfully and corruptly give false Evidence, shall be deemed guilty of Perjury.

Persons giving false Evidence guilty of Perjury.

LXXI. That either of the Parties to the Suit or any other Proceeding in the Court may obtain, at the Office of the Clerk of the Court, Summonses to Witnesses, to be served by One of the Bailiffs of the Court, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control; and in any such Summons any Number of Names may be inserted: Provided always, that any such Summons requiring to be served out of the Jurisdiction of the said Court may be served by any Person authorized to serve the same by any of the Parties to the Suit.

Summonses to Witnesses,

LXXII. That every Person on whom any such Summons shall have been served, either personally or in such other Manner as shall be directed by the General Rules or Practice of the Court, and to whom at the same Time Payment or a Tender of Payment of his Expenses

Penalty on Witnesses neglecting Summons.

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shall

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shall have been made, on such Scale of Allowance as shall be from Time to Time settled by the General Rules of Practice of the Court, and who shall refuse or neglect, without sufficient Cause, to appear or to produce any Books, Papers, or Writings required by such Summons to be produced, and also every Person present in Court who shall be required to give Evidence, and who shall refuse to be sworn and give Evidence, shall forfeit and pay such Fine, not exceeding Ten Pounds, as the Judge shall set on him ; and the whole or any Part of such Fine, in the Discretion of the Judge, after deducting the Costs, shall be applicable toward indemnifying the Party injured by such Refusal or Neglect, and the Remainder thereof shall form Part of the General Fund of the said Court.

As to enforcing Payment of Fines, &c.

LXXIII. That Payment of any Fine imposed by the Court may be enforced, upon the Order of the Judge, in like Manner as Payment of any Debt adjudged in the Court, and shall be accounted for as herein provided.

Costs to abide the Event of the Action.

LXXIV. That all the Costs of any Action or Proceeding in the Court, not herein otherwise provided for, shall be paid by or apportioned between the Parties in such Manner as the Judge shall think fit, and in default of any special Direction shall abide the Event of the Action, and Execution may issue for the Recovery of any such Costs in like Manner as for any Debt adjudged in the Court.

Judgments, how far final.

LXXV. That every Order and Judgment of the Court, except as herein provided, shall be final and conclusive between the Parties ; but the Judge shall have Power to nonsuit the Plaintiff in every Case in which satisfactory Proof shall not be given to him entitling either the Plaintiff or the Defendant to the Judgment of the Court, and shall also in every Case whatever have the Power, as often as he shall think fit, to order a new Trial to be had, upon such Terms as he shall think reasonable, and in the meantime to stay the Proceedings.

No Actions to be removed into Superior Courts, but on certain Conditions.

LXXVI. That no Plaint entered in the Court under the Provisions or by the Authority of this Act, or by this Act directed to be continued therein, shall be removed or removable from the Court into Her Majesty's Superior Courts of Record by any Writ or Process, unless the Debt or Damage claimed shall exceed Five Pounds, and then only by Leave of a Judge of One of the said Superior Courts, in Cases which shall appear to the Judge fit to be tried in One of the Superior Courts, and upon such Terms as to Payment of Costs, giving Security for Debt or Costs, or such other Terms as he shall think fit.

No Actions to be removed in

LXXVII. That no Plaint entered in the Court under the Provisions of this Act, or by this Act directed to be continued therein, shall

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shall in any Case be removed or removable from the Court by Writ of *Levetur querela*, or any other Writ or Process, into the Court of our Lady the Queen holden before the Lord Mayor and Aldermen in the Chamber of the *Guildhall* of the City of *London*, or into the Court of *Hustings* in the City of *London*, nor be liable to be re-heard or examined by the Lord Mayor of the City of *London* by Markment or other customary Process.

any Case into the Lord Mayor's Court, &c

LXXVIII. That if either Party in any Cause of an Amount exceeding Twenty and not exceeding Fifty Pounds shall be dissatisfied with the Determination or Direction of the Court in point of Law, or upon the Admission or Rejection of any Evidence, such Party may appeal from the same to any of the Superior Courts of Common Law at *Westminster*, Two or more of the *Puisne Judges* whereof shall sit out of Term as a Court of Appeal for that Purpose; provided that such Party shall within Ten Days after such Determination or Direction give Notice of such Appeal to the other Party or his Attorney, and also give Security, to be approved by the Clerk of the Court, for the Costs of the Appeal, whatever be the Event of the Appeal, and for the Amount of the Judgment, if he be the Defendant, and the Appeal be dismissed: Provided nevertheless, that such Security, so far as regards the Amount of the Judgment, shall not be required in any Case where the Judge of the Court shall have ordered the Party appealing to pay the Amount of such Judgment into the Hands of the Clerk of the Court, and the same shall have been paid accordingly; and the said Court of Appeal may either order a new Trial, on such Terms as it thinks fit, or may order Judgment to be entered for either Party, as the Case may be, and may make such Order with respect to the Costs of the said Appeal as such Court may think proper, and such Orders shall be final.

Power to Parties dissatisfied with Judgment to appeal to a Superior Court.

LXXIX. That such Appeal shall be in the Form of a Case agreed on by both Parties or their Attornies; and if they cannot agree the Judge of the Court, upon being applied to by them or their Attornies, shall settle the Case, and sign it; and such Case shall be transmitted by the Appellant to the Rule Department of the Masters Office of the Court in which the Appeal is to be brought.

Appeal to be in the Form of a Case, &c.

LXXX. That, save and except in the Manner and according to the Provisions herein mentioned, no Judgment, Order, or Determination given or made by the Judge of the Court, nor any Cause or Matter brought before him, or pending in the Court, shall be removed by Appeal, Motion, Writ of Error, *Certiorari*, or otherwise into any other Court whatever.

No *Certiorari* to be allowed.

LXXXI. That

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Who may  
appear for  
any Party  
in the Court.

LXXXI. That no Person shall, unless by Leave of the Court, be entitled to appear for any other Party to any Proceeding in the Court unless he be an Attorney of One of Her Majesty's Superior Courts of Record, or a Barrister-at-Law instructed by such Attorney on behalf of the Party; but no Barrister or Attorney, or other Person, except by Leave of the Judge, shall be entitled to be heard to argue any Question, as Counsel, Attorney, or Agent for any other Person, in any Proceeding in the Court; and no Person, not being an Attorney admitted to One of Her Majesty's Superior Courts of Record, shall be entitled to have or recover any Sum of Money for appearing or acting on behalf of any other Person in the Court; and the Judge shall have Power, and he is hereby required, from Time to Time, to settle and regulate the Fees to be taken by Barristers-at-Law and Attornies practising in the Court, and in what Cases the Expense of employing Barristers and Attornies shall be allowed on Taxation of Costs.

Court may  
make Orders  
for Payment  
by Instal-  
ments.

LXXXII. That the Judge may make Orders concerning the Time or Times, and by what Instalments, any Debt or Damages, or Costs, for which Judgment shall be obtained in the Court, shall be paid; and all such Monies shall be paid into Court, unless the Judge shall otherwise direct.

As to cross  
Judgments.

LXXXIII. That if there shall be cross Judgments between the Parties, Execution shall be taken out by that Party only who shall have obtained Judgment for the larger Sum, and for so much only as shall remain after deducting the smaller Sum, and Satisfaction for the Remainder shall be entered, as well as Satisfaction on the Judgment for the smaller Sum; and if both Sums shall be equal, Satisfaction shall be entered upon both Judgments.

Court may  
award Ex-  
ecution  
against  
Goods.

LXXXIV. That whenever the Judge shall, under the Provisions of this Act, have made an Order for the Payment of Money, the Amount shall be recoverable, in case of Default or Failure of Payment thereof forthwith, or at the Time or Times and in the Manner thereby directed, by Execution against the Goods and Chattels of the Party against whom such Order shall be made; and the Clerk of the Court, at the Request of the Party prosecuting such Order, shall issue under the Seal of the Court a Writ of Fieri facias as a Warrant of Execution to the Chief Bailiff of the Court, who by such Warrant shall be empowered to levy or cause to be levied, by Distress and Sale of the Goods and Chattels of such Party, such Sum of Money as shall be so ordered, wheresoever they may be found within the City of *London* or the Liberties thereof, and also the Costs of the Execution; and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Warrant.

LXXXV. That

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LXXXV. That if the Judge shall have made any Order for the Payment of any Sum of Money by Instalments, Execution upon such Order shall not issue against the Party until after Default in Payment of some Instalment according to such Order; and Execution or successive Executions may then issue for the whole of the said Sum of Money and Costs then remaining unpaid, or for such Portion thereof as the Judge shall order, either at the Time of making the original Order or at any subsequent Time, under the Seal of the Court.

Execution not to issue till after Default in Payment of some Instalment, and then it may issue for the whole Sum due.

LXXXVI. That every Bailiff or Officer executing any Process of Execution issuing out of the Court against the Goods and Chattels of any Person may by virtue thereof seize and take any of the Goods and Chattels of such Person (excepting the Wearing Apparel and Bedding of such Person or his Family, and the Tools and Implements of his Trade, which shall to the Extent of Five Pounds be protected from such Seizure), and may also seize and take any Money or Bank Notes (whether of the Bank of *England* or any other Bank), and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or Securities for Money belonging to any such Person against whom any such Execution shall have issued as aforesaid.

What Goods may be taken in Execution.

LXXXVII. That the Bailiff executing any such Process of Execution shall hold any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money which shall have been so seized or taken as aforesaid as a Security or Securities for the Amount directed to be levied by such Execution, or so much thereof as shall not have been otherwise levied or raised, for the Benefit of the Plaintiff; and the Plaintiff may sue thereon in his own Name or in the Name of the Defendant, or in the Name of any Person in whose Name the Defendant might have sued, for the Recovery of the Sum or Sums secured or made payable thereby, when the Time of Payment thereof shall have arrived.

Securities seized to be held by Bailiff.

LXXXVIII. That it shall be lawful for any Party who has obtained a Judgment or Order in the Court, either under this Act or under the said recited Act, for the Payment of any Debt or Damages, or Costs, which Judgment or Order shall not be satisfied, and for any Party who has obtained a Judgment or Order in any County Court established under or by virtue of the before-mentioned Act for the more easy Recovery of Small Debts and Demands in *England*, which last-mentioned Judgment or Order shall not be satisfied, to obtain a Summons from the Court, in case the Party against whom such Judgment or Order shall have been obtained shall then dwell or carry on Business or have Employment within the City of *London* or the Liberties thereof, such Summons to be in such Form as shall be directed by the Rules made for regulating the Practice of the Court; and it shall

Parties having obtained an unsatisfied Judgment may obtain a Summons on Charge of Fraud.

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be lawful for any Party who has obtained any such Judgment or Order in the Court, which said last-mentioned Judgment or Order shall not be satisfied, to obtain a Summons from any County Court established under or by virtue of the last-mentioned Act for the more easy Recovery of Small Debts and Demands in *England*, within the Limits of which Court the Party against whom such last-mentioned Judgment or Order shall have been obtained shall then dwell or carry on Business, such last-mentioned Summons to be in such Form as shall be directed by the Rules made for regulating the Practice of the said County Court, which Summonses, as the Case may be, are to be respectively served personally upon the Person to whom it is directed, requiring him to appear at such Time as shall be directed by the said Rules, to answer such Things as are named in such Summons; and if he shall appear in pursuance of such Summons, he may be examined upon Oath touching his Estate and Effects, and the Manner and Circumstances under which he contracted the Debt or incurred the Damages or Liability which is or are the Subject of the Action in which Judgment has been obtained against him, and as to the Means and Expectation he then had and as to the Property and Means he still hath of discharging the said Debt or Damages or Liability, and as to the Disposal he may have made of any Property; and the Person obtaining such Summons as aforesaid, and all other Witnesses whom the Judge shall think requisite, may be examined upon Oath touching the Inquiries authorized to be made as aforesaid; and the Costs of such Summons and of all Proceedings thereon shall be deemed Costs in the Cause.

Commitment  
for Frauds,  
&c.

LXXXIX. That if the Party so summoned shall not attend as required by such Summons, or shall not allege a sufficient Excuse for not attending, or shall, if attending, refuse to be sworn or to disclose any of the Things aforesaid, or if he shall not make Answer touching the same to the Satisfaction of the Judge, or if it shall appear to the Judge, either by the Examination of the Party or by any other Evidence, that such Party, if a Defendant, in incurring the Debt or Liability which is the Subject of the Action in which Judgment has been obtained, has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, or shall have charged, removed, or concealed the same with Intent to defraud his Creditors or any of them, or if it shall appear to the Satisfaction of the Judge that the Party so summoned has then, or has had since the Judgment obtained against him, sufficient Means and Ability to pay the Debt or Damages, or Costs, so recovered against him, either altogether or by any Instalment or Instalments

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Instalments which the Court in which the Judgment was obtained shall have ordered, and if he shall refuse or neglect to pay the same as shall have been so ordered, or as shall be ordered pursuant to the Power herein-after provided, it shall be lawful for the Judge, if he shall think fit, to order that any such Party may be committed to some Gaol or House of Correction of the County, District, or Place in which the Party summoned is resident, or to some Gaol or House of Correction or other Prison within or for the City of *London* or the Liberties thereof, for any Period not exceeding Forty Days.

XC. That it shall be lawful for the Judge of any Court before whom such Summons shall be heard, if he shall think fit, whether or not he shall make any Order for the Committal of the Defendant, to rescind or alter any Order that shall have been previously made against any Defendant so summoned before him, for the Payment by Instalments or otherwise of any Debt or Damages recovered, and to make any further or other Order, either for the Payment of the whole of such Debt or Damages and Costs forthwith, or by any Instalments, or in any other Manner as such Judge may think reasonable and just.

Power of Judge to rescind or alter Orders.

XCI. That in every Case where the Defendant in any Suit brought or continued in the Court, or, as the Case may be, in any County Court, shall have been served with the Summons to appear, or shall personally appear at the Trial of the same, the Judge at the Hearing of the Cause or at any Adjournment thereof, if Judgment shall be given against the Defendant, shall have the same Power and Authority of examining the Defendant and the Plaintiff and other Parties, touching the several Things herein-before mentioned, and of committing the Defendant to Prison, and of making an Order, as he might have and exercise under the Provisions herein-before contained in case the Plaintiff had obtained a Summons for that Purpose after the Judgment obtained as herein-before mentioned.

Power to examine and commit at Hearing of the Cause.

XCII. That whenever any Order of Commitment shall have been made as aforesaid, the Clerk of the Court shall issue, under the Seal of the Court, a Warrant of Commitment directed to One of the Bailiffs of the Court, who by such Warrant shall be empowered to take the Body of the Person against whom such Order shall be made; and in like Manner, whenever any Order of Commitment shall have been made by the Judge of any County Court, the Clerk of such Court may issue, under the Seal of the Court, a Warrant of Commitment directed to One of the Bailiffs of the Court, who by such Warrant shall be empowered to take the Body of the Person against whom such Order shall be made; and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such

Mode of issuing and executing Warrants of Commitment.

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such Warrant; and the Gaoler or Keeper of every Gaol, House of Correction, and Prison mentioned in any such Order shall be bound to receive and keep the Defendant therein until discharged under the Provisions of this Act, or otherwise by due Course of Law; and no Protection, Order, or Certificate granted by any Court of Bankruptcy or for the Relief of Insolvent Debtors shall be available to discharge any Defendant from any Commitment under such last-mentioned Order.

Imprisonment not to operate as a Satisfaction for the Debt, &c.

XCIII. That no Imprisonment under this Act shall in anywise operate as a Satisfaction or Extinguishment of the Debt or other Cause of Action on which a Judgment had been obtained, or protect the Defendant from being anew summoned and imprisoned for any new Fraud or other Default rendering him liable to be imprisoned under this Act, or deprive the Plaintiff of any Right to take out Execution against the Goods and Chattels of the Defendant, in the same Manner as if such Imprisonment had not taken place.

How Execution may be had out of the Jurisdiction of the Court.

XCIV. That in all Cases where a Warrant of Execution shall have issued against the Goods and Chattels of any Party, or an Order for his Commitment shall have been made under this Act, and such Party or his Goods and Chattels shall be out of the Jurisdiction of the Court, it shall be lawful for the Chief Bailiff of the Court to send such Warrant of Execution or of Commitment to the Clerk of any County Court constituted under the before-mentioned Act for the more easy Recovery of Small Debts and Demands in *England* within the Jurisdiction of which such Party or his Goods and Chattels shall then be or be believed to be, with a Warrant thereto annexed, under the Hand of the Chief Bailiff and Seal of the Court holden under the Provisions of this Act, requiring Execution of the same; and the Clerk of the County Court to which the same shall be sent shall seal or stamp the same with the Seal of his Court, and issue the same to the High Bailiff of his Court; and thereupon such Bailiff shall be authorized and required to act in all respects as if the original Warrant of Execution or Commitment had been directed to him by the Court of which he is the High Bailiff, and shall, within such Time as shall be specified in the Rules of Practice, return to the Chief Bailiff of the Court holden under the Provisions of this Act what he shall have done in the Execution of such Process; and in case a Levy shall have been made shall, within such Time as shall be specified in the Rules of Practice, pay over all Monies received in pursuance of the Warrant to the Chief Bailiff of the Court holden under the Provisions of this Act, retaining the Fees for Execution of the Process; and where any Order of Commitment shall have been made, and the Person apprehended, he shall be forthwith conveyed, in Custody of the Bailiff or Officer apprehending him, to the Gaol or House of Correction or other

Prison

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Prison of the Court within the Jurisdiction of which he shall have been apprehended, and kept therein for the Time mentioned in the Warrant of Commitment, unless sooner discharged under the Provision of this Act; and all Constables and other Peace Officers shall be aiding and assisting within their respective Districts in the Execution of such Warrant: Provided always, that if such Party, or his Goods and Chattels, shall not be within the Jurisdiction of any County Court constituted under the before-mentioned Act, it shall be lawful for the Bailiff of the Court holden under the Provisions of this Act to apply to any Justice of the Peace acting for the County or Place in which such Party or his Goods and Chattels shall happen to be, and upon such Officer producing to such Justice such Warrant, and making Oath (which Oath such Justice is hereby empowered to administer) that the same has been duly issued out of the Court, and that the Person or Goods and Chattels (as the Case may be) of such Person is or are not to be found within the Jurisdiction of the Court, but is or are believed by such Officer to be within the County or Place where such Justice acts, such Justice shall sign his Name on the Back of such Warrant, and thereupon such Bailiff shall have Power to take the Body or Goods and Chattels of such Person (as the Case may be) wheresoever the same shall be found within such County or Place, and deal forthwith, in like Manner as if the same had been taken within the Jurisdiction of the Court; and all Constables and other Peace Officers are hereby required to be aiding, within their respective Jurisdictions, in the Execution of the Warrant so endorsed as aforesaid.

XCV. That in all Cases where a Warrant of Execution shall have issued against the Goods and Chattels of any Party, or an Order for his Commitment shall have been made, under the before-mentioned Act for the more easy Recovery of small Debts and Demands in *England*, and such Party or his Goods and Chattels shall be or be believed to be within the City of *London* or the Liberties thereof, it shall be lawful for the High Bailiff of the County Court from which such Warrant of Execution shall have issued, or by which such Order of Commitment shall have been made, to send such Warrant or Order to the Chief Bailiff of the Sheriffs Court, with a Warrant thereto annexed under the Hand of the High Bailiff and the Seal of the County Court from which the original Warrant or Order issued, requiring Execution of the same, and the Clerk of the Sheriffs Court shall seal or stamp the same with the Seal of the Court holden under the Provisions of this Act, and shall issue the same to the Chief Bailiff of the Court; and thereupon such Chief Bailiff shall be authorized and required to act in all respects as if the original Warrant of Execution or Order of Commitment had been directed to him by the Court holden under the Authority of this Act, and shall, within such Time as shall be specified

How Execution out of any County Court may be had within the Jurisdiction of this Court.

[*Local.*]

13 B

in

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in the Rules of Practice, return to the High Bailiff of the County Court from which the same originally issued what he shall have done in the Execution of such Process; and in case a Levy shall have been made shall, within such Time as shall be specified in the Rules of Practice, pay over all Monies received in pursuance of the Warrant to the High Bailiff of the Court from which the same shall have originally issued, retaining the Fees for Execution of the Process; and where any Order of Commitment shall have been made, and the Person apprehended mentioned in such Order shall be within the City of *London* or the Liberties thereof, he shall be forthwith conveyed in the Custody of the Bailiff or Officer apprehending him to some Gaol, House of Correction, or other Prison within the City of *London* or the Liberties thereof, and kept therein for the Time mentioned in the Warrant of Commitment, unless sooner discharged under the Provisions of the before-mentioned Act for the Recovery of Small Debts and Demands in *England*, or under any Act altering or amending the same.

Power to Judge to suspend Execution in certain Cases.

XCVI. That if it shall at any Time appear to the Satisfaction of the Judge, by the Oath or Affirmation of any Person, or otherwise, that any Defendant is unable, from Sickness or other sufficient Cause, to pay and discharge the Debt or Damages recovered against him, or any Instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Judge, in his Discretion, to suspend or stay any Judgment, Order, or Execution given, made, or issued in such Action, for such Time and on such Terms as the Judge shall think fit, and so from Time to Time, until it shall appear, by the like Proof as aforesaid, that such temporary Cause of Disability has ceased.

Regulating the Sale of Goods taken in Execution.

XCVII. That no Sale of any Goods which shall be taken in Execution as aforesaid shall be made until after the End of Five Days at least next following the Day on which such Goods shall have been so taken, unless such Goods be of a perishable Nature, or upon the Request in Writing of the Party whose Goods shall have been taken; and until such Sale the Goods shall be deposited by the Bailiff in some fit Place, or they may remain in the Custody of a fit Person, approved by the Chief Bailiff, to be put in possession by the Bailiff; and it shall be lawful for the Chief Bailiff, from Time to Time, as he shall think proper, to appoint such and so many Persons for keeping Possession, and so many Sworn Brokers and Appraisers, for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under this Act, as shall appear to him to be necessary, and to direct Security to be taken from each of them for such Sum and in such Manner as he shall think fit, for the faithful Performance of their Duties without Injury or Oppression; and the Judge or Chief Bailiff may dismiss any Person, Broker, or Appraiser so appointed; and no Goods taken in Execution under this Act shall be sold for the Purpose

of

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of satisfying the Warrant of Execution, except by One of the Brokers or Appraisers so appointed; and the Brokers or Appraisers so appointed shall be entitled to have out of the Produce of the Goods so distrained or sold Sixpence in the Pound on the Value of the Goods for the Appraisal thereof, whether by One Broker or more, over and above the Stamp Duty, and for Advertisements, Catalogues, Sale and Commission, and Delivery of Goods, One Shilling in the Pound on the net Produce of the Sale.

XCVIII. That so much of an Act passed in the Eighth Year of the Reign of Queen *Anne*, intituled *An Act for the better Security of Rents, and to prevent Frauds committed by Tenants*, as relates to the Liability of Goods taken by virtue of any Execution, shall not be deemed to apply to Goods taken in Execution under the Process of the Court; but the Landlord of any Tenement in which any such Goods shall be so taken shall be entitled, by any Writing under his Hand or under the Hand of his Agent, to be delivered to the Bailiff or Officer making the Levy, (which Writing shall state the Amount of the Rent claimed to be in arrear and unpaid, and the Time for and in respect of which such Rent is claimed to be due, in like Manner as is required by Law in Cases of ordinary Distress for Rent,) to claim the Rent so in arrear and unpaid, not exceeding the Rent of Four Weeks where the Tenement is let by the Week, and not exceeding the Rent accruing due in Two Terms of Payment where the Tenement is let for any other Term less than a Year, and not exceeding in any Case the Rent accruing due in One Year; and in case of any such Claim being so made the Bailiff or Officer making the Levy shall distrain as well for the Amount of the Rent so claimed, and the Costs of such additional Distress, as for the Amount of Money and Costs for which the Warrant of Execution issued under this Act, and shall not proceed to sell the same or any Part thereof within Five Days next after such Distress taken; and for every such additional Distress for Rent in arrear the Bailiff of the Court shall be entitled to have, as the Costs of the Distress, instead of the Fees allowed by this Act for making such Distress and keeping Possession thereof, the Fees allowed by 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 the Payment of small Rents*; and if any Replevin be made of the Goods so distrained, so much of the Goods taken under the said Warrant of Execution shall be sold as will satisfy the Money and Costs for which the said Warrant issued, and the Costs of the Sale, and the Surplus of such Sale, and the Goods so distrained, shall be returned as in other Cases of Distress for Rent, and Replevin thereof; but no Execution Creditor under this Act shall be satisfied his Debts out of the Proceeds of such Execution and Distress, or Execution only, where the Tenant shall replevy, until the Landlord, who shall conform to the Provisions of this Act, shall have

As to the Liability of Goods taken in Execution under 8 Anne, c. 17.

Landlords may claim certain Rents in arrear.

Bailiffs making Levies may distrain for Rent and Costs.

Bailiff entitled to Fees allowed by 57 G. 3. c. 93. in certain Cases.

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have been paid the Rent in arrear for the Period herein-before mentioned.

No Execu-  
tion shall  
be stayed by  
Writ of  
Error.

XCIX. That no Judgment or Execution shall be stayed, delayed, or reversed upon or by any Writ of Error or Supersedeas thereon to be sued for the reversing of any Judgment given in the Court.

Execution  
to be super-  
seded on  
Payment of  
Debt and  
Costs.

C. That in or upon every Warrant of Execution issued against the Goods and Chattels of any Person whomsoever the Clerk of the Court shall cause to be inserted or endorsed the Sum of Money and Costs adjudged, with the Sums allowed by this Act, as increased Costs for the Execution of such Warrant; and if the Party against whom such Execution shall be issued shall, before an actual Sale of the Goods and Chattels, pay or cause to be paid or tendered unto the Clerk of the Court, or of any other Court out of which such Warrant of Execution has issued, or to the Bailiff holding the Warrant of Execution, such Sum of Money and Costs as aforesaid, or such Part thereof as the Person entitled thereunto shall agree to accept, in full of his Debt or Damages and Costs, together with the Fees herein directed to be paid, the Execution shall be superseded, and the Goods and Chattels of the said Party shall be discharged and set at liberty.

Debtor to be  
discharged  
from Cus-  
tody upon  
Payment of  
Debt and  
Costs.

CI. That any Person imprisoned under this Act who shall have paid or satisfied the Debt or Demand, or the Instalments thereof payable, and Costs, remaining due at the Time of the Order of Imprisonment being made, together with the Costs of obtaining such Order, and all subsequent Costs, shall be discharged out of Custody, upon the Certificate of such Payment or Satisfaction, signed by the Clerk of the Court, by Leave of the Judge.

Minutes of  
Proceedings  
to be kept.

CII. That the Clerk of the Court shall cause a Note of all Plaints and Summonses, and of all Orders, and of all Judgments and Executions, and Returns thereto, and of all Fines, and of all other Proceedings of the Court, to be fairly entered from Time to Time in a Book belonging to the Court, which shall be kept at the Office of the Court; and such Entries in the said Book, or a Copy thereof, bearing the Seal of the Court, and purporting to be signed and certified as a true Copy by the Clerk of the Court, shall at all Times be admitted in all Courts and Places whatsoever as Evidence of such Entries, and of the Proceeding referred to by such Entry or Entries, and of the Regularity of such Proceeding, without any further Proof.

Suitors  
Money un-  
claimed in  
Six Years

CIII. That the Clerk of the Court shall, in the Month of *March* in each Year, make out a correct List of all Sums of Money belonging to Suitors in the Court of Requests abolished by the first-recited Act, or in

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in the Court held under the Provisions of such Act, which shall have been paid into Court, and which shall have remained unclaimed for Five Years before the First Day of the Month of *January* then last past, specifying the Names of the Parties for whom or on whose Account the same were so paid into Court, and a Copy of such List shall be put up, and remain during Court Hours, in some conspicuous Part of the Court House, and at all Times in the Clerk's Office; and all Sums of Money which shall have been paid into Court to the Use of any such Suitor or Suitors thereof, and which shall have remained unclaimed for the Period of Six Years after the same shall have been paid into and which are now in the Hands of the Treasurer or any Officer of the Court or otherwise held in trust for such Suitors, and all further Sums of Money which shall hereafter be paid into the Court to the Use of any Suitor or Suitors thereof, shall, if unclaimed for the Period of Six Years after the same shall have been so paid into Court, be applicable as Part of the General Fund of the Court, and shall be carried to the Account of such Fund; and no Person shall be entitled to claim any Sum which shall have remained unclaimed for Six Years, but no Time during which the Person entitled to claim such Sum shall have been an Infant, or Feme Covert, or of unsound Mind, or beyond the Seas, shall be taken into account in estimating the said Period of Six Years.

to go to  
General  
Fund.

CIV. That if any Person shall wilfully insult the Judge, or any Juror, or any Bailiff, Clerk, or Officer of the Court for the Time being, during his sitting or Attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the Proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the Assistance of any other Person, by the Order of the Judge, to take such Offender into Custody, and detain him until the rising of the Court; and the Judge shall be empowered, if he shall think fit, by a Warrant under his Hand, and sealed with the Seal of the Court, to commit any such Offender to any Prison to which he has Power to commit Offenders under this Act, for any Time not exceeding Seven Days, or to impose upon any such Offender a Fine not exceeding Five Pounds for every such Offence, and in default of Payment thereof to commit the Offender to any such Prison as aforesaid for any Time not exceeding Seven Days, unless the said Fine be sooner paid.

Power of  
Committal  
for Con-  
tempt.

CV. That if any Officer or Bailiff of the Court shall be assaulted while in the Execution of his Duty, or if any Rescue shall be made, or attempted to be made, of any Goods levied under Process of the Court, the Person so offending shall be liable to a Fine not exceeding Five Pounds, to be recovered by Order of the Court, or before a Justice of the Peace, as herein-after provided; and it shall be lawful for the Bailiff

Penalty for  
assaulting  
Bailiffs, or  
rescuing  
Goods taken  
in Execu-  
tion.

[*Local.*]

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of the Court, or any Peace Officer, in any such Case to take the Offender into Custody (with or without Warrant), and bring him before such Court or Justice accordingly.

Bailiffs made answerable for Escapes, and Neglect to levy Execution.

CVI. That in case any Bailiff of the Court who shall be employed to levy any Execution against Goods and Chattels shall, by Neglect or Connivance or Omission, lose the Opportunity of levying any such Execution, then, upon Complaint of the Party aggrieved by reason of such Neglect, Connivance, or Omission (and the Fact alleged being proved to the Satisfaction of the Court, on the Oath of any credible Witness), the Judge shall order such Bailiff to pay such Damages as it shall appear that the Plaintiff has sustained thereby, not exceeding in any Case the Sum of Money for which the said Execution issued; and the Bailiff shall be liable thereto, and upon Demand made thereof, and on his Refusal so to pay and satisfy the same, Payment thereof shall be enforced by such Ways and Means as are herein provided for enforcing a Judgment recovered in the Court.

Remedies against and Penalties on Bailiffs and other Officers for Misconduct.

CVII. That if any Clerk, Bailiff, or Officer of the Court, acting under Colour or Pretence of the Process of the Court, shall be charged with Extortion or Misconduct, or with not duly paying or accounting for any Money levied by him under the Authority of this Act, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties, in like Manner as the Attendance of Witnesses in any Case may be enforced, and to make such Order thereupon for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs, as he shall think just, and also, if he shall think fit, to impose such Fine upon the Clerk, Bailiff, or Officer, not exceeding Ten Pounds for each Offence, as he shall deem adequate; and in default of Payment of any Money so ordered to be paid, Payment of the same may be enforced by such Ways and Means as are herein provided for enforcing a Judgment recovered in the Court.

Penalty on Officers taking Fees, besides those allowed.

CVIII. That every Treasurer, Clerk, Bailiff, or other Officer employed in putting this Act or any of the Powers thereof in execution, who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are or shall be appointed and allowed respectively as aforesaid, for or on account of anything done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon Proof thereof before the Court, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall also be liable for Damages as herein provided.

CIX. That

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CIX. That if any Claim shall be made to or in respect of any Goods or Chattels taken in Execution under the Process of the Court, or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful for the Clerk of the Court, upon Application of the Officer charged with the Execution of such Process, as well before as after any Action brought against such Officer, to issue a Summons, calling before the Court as well the Party issuing such Process as the Party making such Claim; and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, shall be stayed; and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons out of the Court holden under the Provisions of this Act; and the Judge of the Court shall adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order made in any Suit brought in such Court.

Claims as to Goods taken in Execution to be adjudicated in Court.

CX. That all Actions of Replevin in Cases of Distress for Rent in arrear, or Damage faisant, made within the Jurisdiction of the Court, may be brought in the Court without Writ.

Actions of Replevin may be brought in the Court without Writ.

CXI. That in case either Party to any such Action of Replevin shall declare to the Court that the Title to any corporeal or incorporeal Hereditament, or to any Leasehold Premises, or to any Tithe, Toll, Market, Fair, or Franchise, or to the whole or any Part of the Distress, is in question, or that the Rent or Damage in respect of which the Distress shall have been taken is more than the Sum of Fifty Pounds, and shall become bound, with Two sufficient Sureties, to be approved by the Clerk of the Court, in such Sums as to the Judge shall seem reasonable, regard being had to the Nature of the Claim and the alleged Value or Amount of the Property in dispute, or of the Rent or Damage, to prosecute the Suit with Effect and without Delay, and to prove before the Court by which such Suit shall be tried that such Title as aforesaid is in dispute between the Parties, or that there was Ground for believing that the said Rent or Damage was more than Fifty Pounds, then, and not otherwise, the Action may be removed before any Court competent to try the same.

How Actions of Replevin may be removed.

CXII. That when and so soon as the Term and Interest of the Tenant of any House, Land, or other corporeal Hereditament, situate either

Possession of small Tenements

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may be re-  
covered by  
Plaint in the  
Court.

If Tenant,  
&c. neglect  
to appear, or  
refuse to  
give Posses-  
sion, Judge  
may, on  
Proof of  
Service of  
Summons,  
issue a  
Warrant to  
enforce the  
same.

either in the whole or in part within the Jurisdiction of the Court, where the Value of the Premises or the Rent payable in respect of such Tenancy did not exceed the Sum of Fifty Pounds by the Year, and upon which no Fine shall have been paid, shall have ended, or shall have been duly determined by a legal Notice to quit, and such Tenant, or, if such Tenant do not actually occupy the Premises or occupy only a Part thereof, any Person by whom the same or any Part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up Possession of the Premises or of such Part thereof respectively, it shall be lawful for the Landlord or his Agent to enter a Plaint in the Court, and thereupon a Summons shall issue to the Person so neglecting or refusing; and if the Tenant or Occupier shall not thereupon appear at the Time and Place appointed, and show Cause to the contrary, and shall still neglect or refuse to deliver up Possession of the Premises, or of such Part thereof of which he is then in possession, to the said Landlord or his Agent, it shall be lawful for such Landlord or Agent to give to the Court Proof of the holding and of the End or other Determination of the Tenancy, with the Time or Manner thereof, and, where the Title of the Landlord has accrued since the letting of the Premises, the Right by which he claims the Possession; and upon Proof of the Service of the Summons, and of the Neglect or Refusal of the Tenant or Occupier, as the Case may be, it shall be lawful for the Judge to issue a Warrant under the Seal of the Court to any Bailiff of the Court, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord or Agent, and to levy upon the Goods and Chattels of the Person or Persons so holding over, in the same Manner as upon a Judgment obtained in the Court, such Sum of Money as shall be ordered by the Court to be paid to the Landlord for his Costs occasioned by such holding over as aforesaid; and such Warrant shall be a sufficient Warrant to the said Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly, and to make such Levy as aforesaid: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday*, *Good Friday* or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon; provided also, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant shall be sued out of the Court from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the same Premises.

CXIII. That

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CXIII. That such Summons as last aforesaid may be served either personally or by leaving the same with some Person being in and apparently residing at the Place of Abode of the Person or Persons so holding over as aforesaid; provided that if the Person or Persons so holding over, or any or either of them, cannot be found, and the Place of Abode of such Person or Persons shall either not be known, or Admission thereto cannot be obtained for serving such Summons, the posting of the said Summons on some conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person or Persons respectively.

The Manner in which such Summons shall be served.

CXIV. That it shall not be lawful to bring any Action or Prosecution against the Judge or against the Clerk of the Court by whom such Warrant as aforesaid shall have been issued, or against any Bailiff or other Person by whom such Warrant may be executed or Summons affixed, for issuing such Warrant or executing the same respectively, or affixing such Summons, by reason that the Person by whom the same shall be sued out had not lawful Right to the Possession of the Premises.

Judges, Clerks, &c. not liable to Actions on account of Proceedings taken.

CXV. That where the Landlord, at the Time of applying for such Warrant as aforesaid, had lawful Right to the Possession of the Premises, or of the Part thereof so held over as aforesaid, neither the said Landlord nor his Agent, nor any other Person acting in his Behalf, shall be deemed to be a Trespasser by reason merely of any Irregularity or Informality in the Mode of proceeding for obtaining Possession under the Authority of this Act, but the Party aggrieved may, if he think fit, bring an Action on the Case for such Irregularity or Informality, in which the Damage alleged to be sustained thereby shall be specially laid, and may recover full Satisfaction for such special Damage, with Costs of Suit; provided that if the special Damage so laid be not proved the Defendant shall be entitled to a Verdict, and that if proved, but assessed by the Jury at any Sum not exceeding Five Shillings, the Plaintiff shall recover no more Costs than Damages, unless the Judge before whom the Trial shall have been holden shall certify that, in his Opinion, full Costs ought to be allowed.

Where Landlord has a lawful Title, he shall not be deemed a Trespasser by reason of Irregularity.

CXVI. That in every Case in which the Person by whom any such Warrant shall be sued out of the Court had not at the Time of suing out the same lawful Right to the Possession of the Premises, the suing out of any such Warrant as last aforesaid shall be deemed a Trespass by him against the Tenant or Occupier of the Premises, although no Entry shall be made by virtue of the Warrant; and in case any such Tenant or Occupier will become bound with Two sufficient Sureties, to be approved by the Clerk of the Court, in such Sum as to the Judge shall seem reasonable, regard being had to the Value of the

How Execution of Warrant of Possession may be stayed.

*The London (City) Small Debts Extension Act, 1852.*

Premises, and to the probable Cost of such Action, to sue the Person by whom such Warrant was sued out with Effect and without Delay, and to pay all the Costs of the Proceeding in such Action in case a Verdict shall pass for the Defendant, or the Plaintiff shall discontinue or not prosecute his Action, or become Nonsuit therein, Execution upon the Warrant shall be stayed until Judgment shall have been given in such Action of Trespass; and if upon the Trial of such Action of Trespass a Verdict shall pass for the Plaintiff, such Verdict and Judgment thereupon shall supersede the said Warrant.

Proceedings  
on the Bond  
for staying  
Warrant of  
Possession,  
&c.

CXVII. That every Bond given on the Removal of any Action out of the Court, or upon staying the Execution of any such Warrant of Possession as aforesaid, or on moving for a new Trial, or to set aside a Verdict, Judgment, or Nonsuit, shall be made to the other Party to the Action at the Costs of such other Party, and shall be approved by the Judge and attested under the Seal of the Court; and if the Bond so taken be forfeited, or if, upon the Proceeding for securing which such Bond was given, the Judge before whom such Proceeding shall be had shall not certify upon the Record in Court that the Condition of the Bond hath been fulfilled, the Party to whom the Bond shall have been so made may bring an Action of Debt, and recover thereon: Provided always, that the Court in which such Action as last aforesaid shall be brought may, by a Rule of Court, give such Relief to the Parties liable upon such Bond as may be agreeable to Justice and Reason, and such Rule shall have the Nature and Effect of a De-feazance to such Bond.

Concurrent  
Jurisdiction  
with Super-  
ior Courts.

CXVIII. That all Actions and Proceedings which before the Com-mencement of this Act might have been brought in any of Her Majesty's Superior Courts of Record, where the Plaintiff dwells more than Twenty Miles from the Defendant, or where any Officer of the Court holden under the Provisions of this Act shall be a Party, except in respect of any Claim to any Goods and Chattels taken in Execution of the Process of the Court, or the Proceeds or Value thereof, may be brought and determined in any such Superior Court, at the Election of the Party suing or proceeding, as if this Act had not been passed.

As to Ac-  
tions  
brought for  
Small Debts  
in Superior  
Courts.

CXIX. That if any Action shall be commenced after the Com-mencement of this Act in any of Her Majesty's Superior Courts of Record, for any Cause other than those lastly herein-before specified, for which a Plaint might have been entered in the Court holden under the Provisions of this Act, and a Verdict shall be found for the Plain-tiff for a Sum not more than Fifty Pounds if the said Action is founded on Contract, or less than Five Pounds if it be founded on Tort, the said Plaintiff shall have Judgment to recover such Sum only, and no

Costs;

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Costs; and if a Verdict shall not be found for the Plaintiff, the Defendant shall be entitled to his Costs as between Attorney and Client, unless in either Case the Judge who shall try the Cause shall certify on the Back of the Record that the Action was fit to be brought in such Superior Court.

CXX. That if in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Covenant, Debt, Detinue, or Assumpsit, not being an Action for Breach of Promise of Marriage, the Plaintiff shall recover a Sum less than Twenty Pounds, or if in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Trespass, Trover, or Case, not being an Action for Malicious Prosecution, or for Libel, or for Slander, or for Criminal Conversation, or for Seduction, the Plaintiff shall recover a Sum less than Five Pounds, the Plaintiff shall have Judgment to recover such Sum only, and no Costs, except in the Cases herein-after provided, and except in the Case of a Judgment by Default, and it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs, nor shall any such Plaintiff be entitled to Costs by reason of any Privilege as Attorney or Officer of such Court or otherwise.

Plaintiffs recovering in the Superior Courts Sums less than 20*l.* in Actions of Contract, or 5*l.* in Actions of Tort, over which the Sheriffs Court has Jurisdiction, to have no Costs.

CXXI. Provided always, That if the Plaintiff shall in any such Action as aforesaid recover a Sum less than the Sum in that Behalf herein-before mentioned, by Verdict, and the Judge or other presiding Officer before whom such Verdict shall be obtained shall forthwith certify on the Back of the Record that it appeared to him at the Trial that the Cause of Action was One for which a Plaint could not have been entered in the Sheriffs Court, or that it appeared to him at the Trial that there was a sufficient Reason for bringing the said Action in the Court in which the said Action was brought, the Plaintiff in such Case shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

Judge at the Trial may certify, to entitle the Plaintiff to Costs.

CXXII. Provided also, That if in any such Action, whether there be a Verdict in such Action or not, the Plaintiff shall make it appear to the Satisfaction of the Court in which such Action was brought, or to the Satisfaction of a Judge at Chambers, upon Summons, that the said Action was brought for a Cause in which concurrent Jurisdiction is given to the Superior Courts by this Act, or for which no Plaint could have been entered in the Court, or that the said Cause was removed from a County Court by Certiorari, then and in such Case the Court in which the said Action is brought, or the said Judge at Chambers, may thereupon, by Rule or Order, direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have the

If the Court or a Judge at Chambers make an Order, the Plaintiff to have Costs.

same

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same Judgment to recover his Costs that he would have had if this Act had not been passed.

Penalties and Costs to be recovered before a Justice, and levied by Distress.

CXXIII. That all Penalties, Fines, and Forfeitures by this Act inflicted or authorized to be imposed (the Manner of recovering and applying whereof is not hereby otherwise particularly directed) shall, upon Proof before any Justice of the Peace having Jurisdiction within the County or Place where the Offender shall reside or be, or the Offence shall be committed, either by the Confession of the Party offending, or by the Oath of any credible Witness, be levied, with the Costs attending the Summons and Conviction, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand of any such Justice, and the Overplus (if any), after such Penalties, Fines, and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels.

In default of Security, Offender may be detained till Return of Warrant of Distress.

CXXIV. That if any such Penalties, Fines, and Forfeitures respectively shall not be paid forthwith upon Conviction, it shall be lawful for such Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the Time of taking any such Security, which Security such Justice shall be empowered to take by way of Recognizance or otherwise as to him shall seem fit.

In default of Distress, Offender may be committed.

CXXV. That if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by Confession of the Offender or otherwise, that he hath not within the Jurisdiction of such Justice sufficient Goods and Chattels whereon to levy all such Penalties, Forfeitures, Costs, and Charges, such Justice may, at his Discretion, without issuing any Warrant of Distress, commit the Offender to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Penalties not otherwise applied to be paid into the General Fund.

CXXVI. That the Monies arising from any such Penalties, Forfeitures, and Fines as aforesaid, when paid and levied, shall (if not by this Act directed to be otherwise applied) be from Time to Time paid to the Clerk of the Court, and shall be applied in aid of the General Fund thereof.

CXXVII. That



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and not afterwards or otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Judges may hear Applications for Writs of Prohibition, either in Term or in Vacation.

CXXXII. That it shall be lawful for any Judge of any of Her Majesty's Superior Courts of Common Law at *Westminster*, as well in Term Time as in Vacation, to hear and determine Applications for Writs of Prohibition directed to the Judge of the Court holden under the Provisions of this Act, and to make such Rules or Orders for the issuing of such Writs as might have been made by the Court; and all such Rules or Orders so made by any such Judge shall have the same Force and Effect as Rules of Court for such Purposes now have; and such Writs shall be issued by virtue of such Rules or Orders as well in Term Time as in Vacation: Provided always, that any Rule or Order made by any such Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by such Judge, or any other such Judge, or by the Court, on Application made thereto by any Party dissatisfied with such Rule or Order.

Before whom Affidavits may be sworn.

CXXXIII. That all Affidavits to be used in the Court shall and may be sworn before a Judge of the Court or any County Court, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of *Westminster*, or before a Magistrate of the County, City, Town, or Place where any such Affidavit may be sworn.

For the Protection of Officers of the Court.

CXXXIV. That if any Person shall bring any Suit in any of Her Majesty's Superior Courts of Record in respect of any Grievance committed by any Clerk, Bailiff, or Officer of the Court holden under the Provisions of this Act, under Colour or Pretence of the Process of the Court, and the Jury, upon the Trial of the Action, shall not find greater Damages than the Sum of Fifty Pounds, no Costs shall be awarded to the Plaintiff in such Action, unless the Judge shall certify in Court, upon the Back of the Record, that the Action was fit to be brought in such Superior Court.

Act not to affect Court of Hustings or Lord Mayor's Court.

CXXXV. That nothing in this Act contained shall be construed to alter or affect the Court of Hustings in the City of *London*, or the Court of our Lady the Queen holden before the Lord Mayor and Aldermen in the Chamber of the *Guildhall* of the City of *London*, or to take away, lessen, or diminish the Powers and Jurisdictions of the said Courts or either of them.

CXXXVI. That

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CXXXVI. That in construing this Act the Word "Person" shall be understood to mean a Body Politic, Corporate, or Collegiate, as well as an Individual; and the Words "Mayor, Aldermen, and Commons" shall be understood to mean the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled; and the Words "the Court" shall be understood to mean the Sheriffs Court holden under the Provisions and for the Purposes of this Act; and the Term "Landlord" shall be understood to mean the Person entitled to the immediate Reversion of the Lands, or, if the Property be holden in Joint Tenancy, Coparcenary, or Tenancy in Common, shall be understood to mean any One of the Persons entitled to such Reversion; and the Word "Clerk" shall be understood to mean "Chief Clerk;" and the Words "Attorney at Law" shall be understood to include a Solicitor in any Court of Equity; and the Word "Agent" shall be understood to mean any Person usually employed by the Landlord in the letting of Lands, or in the Collection of the Rents thereof, or specially authorized to act in any particular Matter by Writing under the Hand of such Landlord; and the Word "Bailiff" shall be understood to include Chief Bailiff; unless in any of these Cases there be something in the Context inconsistent with such Meaning.

Interpreta-  
tion of  
Terms.

CXXXVII. That the Costs, Charges, and Expenses attending or incident to the applying for, obtaining, and passing this Act shall be paid and defrayed by, from, and out of the Monies which have from Time to Time been paid into the Chamber of *London* on account of the Business transacted in the Court holden under the first-recited Act, or which shall be paid to the Treasurer of the Court to be holden under this Act.

Expenses of  
Act.

CXXXVIII. That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression "The *London (City) Small Debts Extension Act, 1852.*"

Short Title.

CXXXIX. That this Act shall commence and take effect on the Twenty-ninth Day of *September* next after the passing hereof.

Commence-  
ment of Act.

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The SCHEDULE to which the foregoing Act refers.

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N.B.— In Cases within the ordinary Jurisdiction of the Court the under-mentioned Poundage and Fees are to be taken; but where the Sum demanded is above Twenty Pounds the Poundage is to be taken on Twenty Pounds only. All Fractions of a Pound for the Purpose of calculating the Poundage shall be treated as an entire Pound.

For every Summons, Sevenpence in the Pound on the Amount of the Demand.

For every Application for a Summons out of the District, Threepence in the Pound on the Amount of the Demand. This Sum to include every Fee for such Application.

Notice.— No other Fee whatever is to be taken on the Entry of a Plaint, except for Service by the High Bailiff, and for Affidavit of Service out of the District.

For every Hearing without a Jury, Twenty-six Pence in the Pound on the Amount of the Demand.

For every Hearing with a Jury, Thirty-eight Pence in the Pound on the amount of the Demand.

Judgments by Consent, under Sections 59 and 60, and Judgments upon Applications in the Nature of *Sci. fa.*, to be charged the same Fee as on the Hearing of a Cause without a Jury.

Notice.— No other Fee whatever is to be taken for the Hearing or Trial of a Cause, except for the Service of the Order by the High Bailiff.

For every Subpœna (each Witness), Two Shillings, without reference to the Amount of the Demand.

For entering and giving Notice of a special Defence, Eighteenpence, without Reference to the Amount of the Demand.

For any Adjournment of a Cause or other Matter to another Court, at the request of either Party, Threepence in the Pound on the Amount of the Demand.

For paying Money into or out of Court, whether before or after Judgment, on each Payment not exceeding Ten Shillings, One Penny; and on each Payment above Ten Shillings, Twopence in the Pound on the Amount of the Payment.

For Notice to be given by pre-paid Post Letter to Plaintiff of every Payment  
whatever

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whatever made into Court, Twopence, without reference to the Amount of the Payment. Out of this Fee the Postage of such Letter is to be paid by the Clerk.

For issuing any Warrant, Attachment, or Execution, Twopence in the Pound on the Amount for which such Warrant, Attachment, or Execution issues.

For taking Recognizance, Bond, or Security for Costs, Fourpence in the Pound on the Amount of the Demand.

For inquiring into Sufficiency of Sureties, Sixpence in the Pound on the Amount of the Demand.

For Application for new Trial, or to set aside Proceedings, Sixpence in the Pound on the Amount of the Demand.

For every Summons for Commitment under Section 88, Sixpence in the Pound on the Amount of the original Demand then remaining due.

For every Hearing of the Matters mentioned in such Summons for Commitment, One Shilling in the Pound on the Amount last aforesaid.

Notice. — No other Fees than the above to be taken on any account whatever, except the High Bailiff's Fees for Service. No Application to the Court is to be charged with a Fee, except those above mentioned. No Increase of Fees shall be made by reason of there being more than One Plaintiff or Defendant.

## HIGH BAILIFF'S FEES.

For serving every Summons, Order, or Subpœna, within Two Miles of the Court House, One Penny in the Pound on the Amount of the Demand, except for the Service of a Summons under Section 88, when the Poundage is to be calculated on the Amount of the original Demand then remaining due.

For such Service, if beyond Two Miles, then extra for every additional Mile Sixpence, without reference to the Amount of the Demand.

For Affidavit of Service of Summons out of the Jurisdiction, One Shilling, without reference to the Amount of the Demand.

For Execution of every Warrant or Attachment against the Goods or Body, within Two Miles of the Court House, One Shilling in the Pound on the Amount for which such Warrant or Attachment issues.

For such Execution, if beyond Two Miles, then extra for every additional Mile Sixpence, without reference to the Amount for which such Warrant or Attachment issues.

For keeping Possession of Goods till Sale, per Day, (including Expenses of Removal, Storage of Goods, and all other Expenses whatever,) not exceeding Five Days, Sixpence in the Pound on the Amount for which the Execution issues. [This, however, does not apply to Cases of Interpleader, in which the Costs and Expenses of Possession are in the Discretion of the Judge.]

For carrying every Delinquent to Prison, including all Expenses and Assistance, One Shilling per Mile, without reference to the Amount mentioned in the Warrant.

For issuing Warrant to Clerk of another Court, Two Shillings and Sixpence, without reference to the Amount mentioned in the Warrant.

N.B. — Where the Plaintiff recovers less than the Amount of his Claim, so as to reduce the Scale of Costs, the Plaintiff to pay the Difference.

[Local.]

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The several Fees payable on Proceedings in Replevin to be regulated on the above Scale by the Amount distrained for, and on Proceedings for the Recovery of Tenements by the yearly Rent or Value of the Tenement sought to be recovered, but in neither Case to exceed the Fees payable on a Demand of Twenty Pounds.

In Cases of extraordinary Jurisdiction given to the Court by the Consent of Parties to the Trial of Questions under Section 4, the Poundage shall be taken in every such Case on the Sum of Fifty Pounds.

In Cases of Interpleader, the Summons is to be issued to the High Bailiff gratis, and the Poundage for the Hearing is to be estimated on the Value of the Goods claimed, which, in case of Dispute, is to be assessed by the Judge; the Costs, however, of the Summons estimated on the above-mentioned Value shall be included in the general Costs, which may, in the Discretion of the Judge, be awarded at the Hearing.

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