



ANNO QUADRAGESIMO SEXTO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 114.

An Act for the more easy and speedy Recovery of Small Debts within the Townships of *Stockport* and *Brinnington*, and within the Hamlets of *Edgeley* and *Brinksway*, all in the County Palatine of *Chester*.  
[12th July 1806.]

**W**HEREAS within the several Townships of *Stockport* and *Brinnington*, and in the several Hamlets of *Edgeley* and *Brinksway*, in the Parish of *Cheadle*, all in the County Palatine of *Chester*, there are several very considerable Manufactories which employ great Numbers of People, who contract many Small Debts, which in the Whole yearly amount to a large Sum of Money; and although many of such Debtors are well able to pay their respective Debts, they often refuse to pay the same, by reason of which their respective Creditors are either obliged to forego their respective Debts, or for the Recovery thereof to incur an Expence sometimes far exceeding, and in all Cases greatly in Disproportion to the Sums in Dispute: And whereas it would greatly tend to the Improvement and Encouragement of Trade, and to the necessary Support and Protection of useful Credit within the said several Townships of *Stockport* and *Brinnington*, and in the several Hamlets of *Edgeley* and *Brinksway*, in the said County Palatine of *Chester*, if a more easy and speedy Method of recovering Small Debts within the same were provided: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

[Loc. & Per.]

258

Parliament

Commission-  
ers.

Parliament assembled, and by the Authority of the same, That the Lord of the Manor and Barony of *Stockport* aforesaid for the Time being, the Rector of the Parish and Parish Church of *Stockport* aforesaid for the Time being, the Curate of the Chapel of *Saint Peter* at *Stockport* aforesaid for the Time being, the Mayor of the Town of *Stockport* for the Time being, *John Arden*, *Francis Dakinfield Astley*, *George Hyde Clarke*, *John Philips*, *William Davenport*, *James Harrison*, *Robert Harrison*, *Henry Harrison*, *John Astley*, *Lawrence Wright*, *Wilbrabam Egerton*, *Thomas Tatton*, *Thomas Marriott*, *Robert Bancroft*, *Peter Marstand*, *John Mitchell*, *William Bowness Clerk*, *Elkanah Hoyle Clerk*, *Peter Ashton*, *George Martin*, *William Marriott Clerk*, *William Coppock*, *Thomas Steele*, *Jesse Howard*, *James Ramscarr*, *Thomas Partington*, *James Taylor*, *Edward Reddish*, *George Ferns*, *James Boote*, *Thomas Cartwright*, *Bradford Norbury*, *John Broadhurst*, *Peter Boardman*, *William Woodruffe*, *Charles Astley*, *Jonathan Robinson*, *Samuel Dodge*, *Matthew Rawlinson*, *Arthur Bostock*, *Joseph Coppock*, *Edward Turner*, *Henry Barrow*, *James Horsley Rookcliffe*, *Joseph Bellott*, *Thomas Fleet*, *Jonathan Worscroft*, *Peter Barrow*, *Joseph Fogg*, *James Heald*, *William Howard*, *Samuel Jowett*, *Joseph Ashton*, *Charles Bowers Grocer*, *John Back*, *John Marstand*, *Edward Thompson*, *Samuel Walker*, *Francis Wilson*, *Thomas Ross*, *William Pritchard*, *James Kinder*, *Samuel Haslehurst*, *John Graham*, *Solomon Thorniley*, *Richard Thorniley*, *Charles Potter*, *John Hope*, *John Collier*, *John Hampson*, *Robert Gee*, *Richard Owen*, *Josiah Haughton*, *Thomas Marstand*, *Olive Sims*, *John Robinson*, *John Robinson Cornfactor*, *William Barlow Worthington*, *Joseph Lane*, *Emanuel Moulf*, *William Boulton*, *Benjamin Harrop*, *Thomas Slater*, *John Barlow*, *Joseph Howard*, *Thomas Worsley*, *Jonathan Joule*, *James Atkinson*, *Henry Wild*, *John Wood*, *Thomas Chetham*, *William Stopford*, *Peter Goddard*, *Peter Brown*, *John Jackson*, *John Davis*, *William Radcliffe*, *Samuel Taylor*, *Samuel Slack*, *George Priestnall*, *Henry Hindley*, *William Bradshaw*, *Anthony Carrington*, *John Swinkell*, *William Carrington*, *John Holme*, *Matthew Mayer*, *Thomas Hope*, *Thomas Ollivant*, *George Garside*, *George Ollivant*, *John Middleton*, *James Ollivant*, *Thomas Chetham Morrey*, *George Bennett*, *Edward Lambert*, *James Ogden*, *William Giede*, *Nathaniel Chetham*, *Thomas Alcock*, *John Lowe*, and *Charles Turner*, shall be and are hereby appointed Commissioners for the Recovery of Small Debts within the said several Townships of *Stockport* and *Brinnington*, and in the several Hamlets of *Edgeley* and *Brinksway*, in the said County Palatine of *Chester*; and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of *The Court of Requests for the several Townships of Stockport and Brinnington, and the several Hamlets of Edgeley and Brinksway, in the County Palatine of Chester.*

Meetings.

It. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to meet and hold the said Court on every Monday in every Month, or oftener if there shall be Occasion in some convenient Place within the said Town of *Stockport*, to be appointed by the major Part of the said Commissioners for that Purpose assembled, and the First Meeting of the said Commissioners shall be holden on the Third Monday in the Month next after the passing of this Act; and the said Commissioners, or the major Part of them who shall be present, such Number present not being less than Three, at their Meetings to be holden in pursuance of this Act, are hereby authorized and empowered to hear and to determine all such Actions and Causes as are herein-after mentioned, and to give such Judgements, and to make such Orders and Decrees therein, and to award Execution thereupon with the Costs against the

Body

Body or Bodies, or against the Goods of all and every the Person or Persons against whom they shall give any such Judgement, or make any Order or Decree, as to them shall seem just in Law or Equity; and in case of an Equality of Votes in any Action, Cause, or Question before the said Commissioners, then and in every such Case, the Commissioner present who stands first in the List of Names of the said Commissioners (which List the said Commissioners shall and they are hereby required to hang, or cause to be hung up, in the Court or Place where the Commissioners meet) shall have the decisive or casting Vote.

III. And for better regulating the Sittings of the said Court, be it further enacted, That the said Commissioners shall not hold the said Court, or hear or determine any Case or Cases, Cause or Causes, to be heard or determined by the said Commissioners by virtue of this Act, but between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon; and nothing in this Act contained shall extend, or be construed to extend, so as to require or compel the Attendance of any Plaintiff or Plaintiffs, Defendant or Defendants, Witness or Witnesses, in the said Court, in pursuance of any Action or Summons issued out of the said Court, or by any Person or Persons whomsoever acting as an Officer or Officers of the said Court, save and except between the said Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon.

Time of hearing Causes.

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

Three Commissioners for Sums not exceeding Forty Shillings; and Five Commissioners for Sums above 40<sup>s</sup>.

V. And be it further enacted, That when any of the said Commissioners shall die, or refuse to act, or shall cease to be qualified in Manner herein directed, to act, as a Commissioner in the Execution of this Act, then and in every such Case, it shall and may be lawful to and for the surviving and remaining Commissioners acting in Execution of this Act, or the major Part of them as shall be present at a Meeting to be holden for that Purpose, within the Space of Twenty-one Days next after such Decease or Refusal to act shall happen to be known, or so soon after as conveniently may be, to elect and appoint one other Commissioner in the room or stead of every such Commissioner so dying, or refusing to act, or ceasing to be so qualified; and Notice in Writing of the Time and Place of Meeting for every such Election, and for the Purpose thereof, shall be given by the Clerk to each of the said Commissioners, or left at their last or usual Places of Abode, and such Notice shall also be affixed on the Door of the said Court House Fourteen Days at least before such Meeting shall be holden; and every such Commissioner so elected, shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to the same Rules, Regulations, and Restrictions, as fully and effectually, to all Intents and Purposes whatsoever, as if he had been particularly named herein as a Commissioner.

How new Commissioners shall be chosen.

VI. And

Commissioners to take an Oath.

VI. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (save and except in administering the Oath herein contained to the other Commissioners) until he shall have taken an Oath to the Effect following; that is to say,

Form of Oath.

I A. B. do swear [or, being one of the People called Quakers, do solemnly affirm, according to the Form in that Case made and provided] That I will faithfully, honestly, and impartially, according to the best of my Skill and Judgement, hear and determine such Matters and Things as shall be brought before me, by virtue of an Act made in the Forty-sixth Year of the Reign of King George the Third, intituled, [set forth the Title of this Act] without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever; and also that I am a Householder within the Jurisdiction of the said Court, and that I am possessed of a Real Estate of the Value of Forty Pounds, or of a Personal Estate of the Value of One thousand Pounds, above all Charges or Incumbrances whatsoever.

So help me GOD.

Which Oath or Affirmation the said Commissioners, or any One or more of them, is and are hereby empowered and required to administer in open Court; and each and every such Commissioner shall and he is hereby required (after taking the said Oath or Affirmation) to sign and subscribe his Name upon a Roll or Rolls of Parchment to be provided for that Purpose, with the said Oath or Affirmation written or printed thereon; and such Roll or Rolls shall be carefully kept amongst the Records of the said Court.

Qualification of Commissioners.

VII. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act, unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and seised of a Real Estate of the annual Value of Forty Pounds, or possessed of a Personal Estate of the Value of One Thousand Pounds, above all Charges and Incumbrances whatsoever; and if any Person not being qualified as aforesaid, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence (over and above any Punishment that he may be subject and liable to for wilful and corrupt Perjury) forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparance shall be allowed; and in every such Action, Bill, Plaint, and Information, the Proof of such Qualification shall be on the Defendant, and it shall be sufficient for the Plaintiff or Prosecutor to prove that the Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Judgements, Orders, Decrees, Acts, and Proceedings of all and every Person and Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Acts of the Commissioners good before Conviction.

VIII. And

VIII. And be it further enacted, That it shall and may be lawful to and for the Right Honourable *Thomas James Warren-Bulkeley* Viscount *Bulkeley*, and *Elizabeth Harriett Warren-Bulkeley* Viscountess *Bulkeley* his Wife, the Lord and Lady of the Manor and Barony of *Stockport* aforesaid, or the Lord and Lady or Lord or Lady of the said Manor and Barony of *Stockport* aforesaid for the Time being, and he, she, and they is and are hereby authorized and required, within Fourteen Days from and after the passing of this Act, to nominate and appoint, under their, his, or her Hand, fit and proper Persons for Clerk, Serjeant, and other necessary Officers of and in the said Court of Requests during his and their good Behaviour; and that when and as often as it shall happen that the Office or Offices of Clerk, Serjeant, or Crier, or of any other Officer or Officers, shall become vacant, either through Misbehaviour, Death, or Resignation, Suspension, Dismission, Removal, or Incapacity, then and in every such Case the said *Thomas James Warren-Bulkeley* Viscount *Bulkeley*, and *Elizabeth Harriett Warren-Bulkeley* Viscountess *Bulkeley* his Wife, the Lord and Lady of the said Manor and Barony of *Stockport* aforesaid, or the Lord and Lady or Lord or Lady of the said Manor and Barony of *Stockport* for the Time being, are and is, and he, she, and they is and are hereby authorized, empowered, and required, within Twenty-eight Days after such Vacancy shall happen, to nominate and appoint, under their or his or her Hand or Hands, another fit and proper Person to be Clerk, or Serjeant or Crier, or other Officer or Officers of and in the said Court of Requests during his and their good Behaviour; and until such Nomination and Appointment shall be made as aforesaid, it shall and may be lawful to and for the said Commissioners of the said Court of Requests, or any Three or more of them, assembled as aforesaid, to appoint such Officers respectively to do the Business of the said Court, until such Nomination and Appointment shall from Time to Time be made as aforesaid; and all Persons so appointed by the said Commissioners, or any Three of them, shall be and be deemed to be (during such Time as they shall respectively act) Officers under this Act, to all Intents and Purposes whatsoever, and entitled to all the Advantages and Emoluments specified in this Act, and subject to Removal from their respective Offices in like Manner as the Officers to be from Time to Time appointed by the Lord and Lady or Lord or Lady of the said Manor and Barony of *Stockport* aforesaid for the Time being are entitled or liable.

Appointment  
of Officers.

IX. Provided always, That no Person or Persons who shall keep any Victualling House, Alehouse, or any Publick House of Entertainment, or who shall sell any Wine, Cyder, Beer, Spirituous or other strong Liquors by Retail, shall be capable of holding the Office of Clerk, or any other Place of Profit belonging to the said Court; and that no Person nominated a Commissioner shall be capable of acting as a Commissioner during the Time he shall remain Clerk of the said Court;

No Victual-  
ler, &c. to be  
Clerk, nor  
any Commis-  
sioner capable  
of acting as  
such, during  
such Time as  
he shall be  
Clerk.

X. And be it further enacted, That it shall and may be lawful to and for the Clerk of the said Court of Requests for the Time being, to nominate one or more sufficient Deputy or Deputies to act for him in the Office of Clerk of the said Court of Requests, which Deputy, in the Absence of the said Clerk, shall have the same Authority as if the Clerk was himself personally present, and shall from Time to Time be displac-  
ably and removable, and shall accordingly be displaced and be removed at  
[Loc. & Per.]

Power for the  
Clerk to ap-  
point a  
Deputy.

the Will and Pleasure of the said Clerk of the said Court of Requests for the Time being; and such Clerk or his Deputy is and are hereby empowered and required to issue all Summonses, Warrants, and Precepts, and to register all Orders, Decrees, and Judgements of the said Court, and do all such Acts, Matters, and Things, as are directed or required to be done by the said Clerk by virtue of this Act; and shall enter and register, or cause to be entered and registered, in proper Books to be provided by such Clerk, and kept for that Purpose, all the Acts and Proceedings of the said Court, of what Nature or Kind soever.

If sufficient Commissioners do not attend Court may be adjourned.

XI. And be it further enacted, That in case of the Neglect or Refusal of the said Commissioners, a sufficient Number of the said Commissioners shall not be present to act in the Execution of this Act as is herein directed, on any of the Days appointed for holding of the said Court, then and in every such Case, it shall and may be lawful to and for any of the said Commissioners who shall be present, and if no Commissioner shall be present, it shall and may be lawful to and for the said Clerk or his Deputy for the Time being, to adjourn the said Court to the next Monday, or to some earlier Day.

Officers of Crier and Serjeants.

XII. And be it further enacted, That the Clerk and Crier of the said Court shall do and perform in their respective Offices, as they shall be directed or appointed by the said Commissioners; and the several Serjeants of the said Court shall serve all Summonses, and execute such Orders, Warrants, and Precepts, and do and perform all such other Acts, Matters, and Things as may be required to be done by them respectively by virtue of this Act.

Officers may be displaced.

XIII. And be it further enacted, That if any such Clerk, Serjeant, Crier, or other Officer, shall be guilty of any Misbehaviour, either by Neglect or Breach of Duty, or in taking greater Fees than are by this Act allowed to be taken, or otherwise, in the Discharge of their respective Offices, upon Complaint and due Proof thereof made upon Oath in open Court, the said Commissioners of the said Court then sitting shall and they are hereby directed and required to enquire into the Nature of the said Complaint, and if it shall appear to be well founded, then such Commissioners, or the major Part of them so sitting in Court as aforesaid, are hereby directed and required to cause the whole Number of Commissioners of the said Court, sitting within the Jurisdiction of the said Court, to be summoned to meet at a convenient Time and Place, which Meeting shall be holden not sooner than Fourteen Days nor more than Thirty Days after such Summons; and the said Commissioners at such Meeting, or the major Part of them present, shall and may examine and consider the Merits of such Complaint, and if it shall appear to such Commissioners of the said Court, or the major Part of them, that the said Clerk, Serjeant, Crier, or other Officer, hath or have been guilty of such Misbehaviour or Breach of Duty as aforesaid in his or their Office or Offices, then and in every such Case, it shall and may be lawful to and for the said Commissioners of the said Court, or the major Part of them, to suspend, dismiss, or remove such Clerk, Serjeant, Crier, and other Officer, from his or their Office or Offices.

What Debts to be decided by the Commissioners.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby enabled to decide and determine all

Disputes and Differences between Party and Party, for any Sum not exceeding Five Pounds, in all Actions or Causes of Debt, whether such Debt shall arise from any Bond, Bill, or Specialty, for Payment of Money only, or any Promissory Note or Inland Bill of Exchange, or for Rent upon Leases, Articles, Minutes, and in all Causes of Assumpsit, and Insimul Computasset, and in all Causes or Actions of Trover and Conversion, and in all Causes or Returns founded on a Quantum meruit, and in all Causes or Actions of Trespas, or Detinue for Goods and Chattels taken or detained.

XV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to enable the said Commissioners to determine the Right or Title to any Lands, Tenements, or Hereditaments, or Real Estates whatsoever; or to judge, determine, or decide on any Debt where the Title of the Freehold or Lease for Years of any Land, Tenements, or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come into question; nor to any Debt for any Sum being the Balance of an Account on Demand originally exceeding Five Pounds; or to judge, determine, or decide on any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments, situate elsewhere than in the said several Townships of *Stockport* and *Brinnington*, and in the several Hamlets of *Edgeley* and *Brinksway*, or any of them, or by reason of any Cause concerning Testament or Matrimony; or any Thing concerning or properly belonging to the Ecclesiastical Court, or for or concerning any Agreement by way of Composition for or by way of Retainer of Tythes; any Thing in this Act contained to the contrary notwithstanding.

Commissioners not to determine any Cause when the Title to the Land is brought in Question.

XVI. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable any Plaintiff to split or divide any Cause or Action for the Recovery of any Debt, where the whole Sum shall appear to be due and owing shall exceed the Sum of Five Pounds, in order that the same may be made the Ground of Two or more Causes or Actions, for the Purpose of bringing such Causes or Actions within the Jurisdiction of the said Court; and in case it shall appear to the said Commissioners, that any Plaintiff shall have so split or divided his or her Cause or Action as aforesaid, then and in every such Case the said Commissioners shall and they are hereby required to dismiss, with Costs, every such Cause or Action so split or divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or she may lawfully proceed.

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

XVII. Provided always, and be it enacted, That in case any Plaintiff who shall have so split or divided such his or her Cause or Action, shall be willing to accept such Sum of Money as the said Court is in and by this Act enabled to adjudge, decree, and pronounce, in full of the Whole of his or her Demand in such Cause or Action so split or divided, then and in every such Case the said Commissioners shall and may adjudge, decree, and pronounce, on such Plaintiff proving his or her Cause or Case to the Satisfaction of the said Commissioners, such Sum to the Plaintiff not exceeding the Sum of Five Pounds, as to the said Commissioners shall seem just and reasonable; and such Sum shall, in the Judgement or Decree to be pronounced by the said Commissioners, be declared to be and shall be in full

Action so split, if the Plaintiff shall be satisfied to receive the Money in full of all Demands in such Action.

full Discharge of all Demands from the Defendant to the Plaintiff in such Cause or Case so split or divided.

For summoning Commissioners to attend.

XVIII. And, to the Intent that no undue Preference may be made and given in summoning the said Commissioners appointed or to be appointed in pursuance of this Act, to attend the said Court, be it further enacted, That the Serjeant or Serjeants of the said Court for the Time being, to be nominated and appointed by virtue of this Act, shall be, and he and they is and are hereby required to summon in each and every Week, by Notice in Writing to be left at the respective last or usual Places of Abode of the Commissioners to be so summoned, Ten of the Commissioners to attend the said Court, as Commissioners for the Week next ensuing, and the first Ten Commissioners to be summoned shall be the Ten Commissioners whose Names shall stand first upon the List hereby directed to be hung up in the Court or Meeting Place of the said Commissioners, and the next Ten Commissioners to be so summoned shall be the Five Commissioners whose Names shall stand next in such List, and the Five last Commissioners who were summoned to attend the last preceding Court, and so in like Manner Ten Commissioners shall be summoned for each ensuing Week in Order and Rotation, until such List shall be gone through, and then such List shall be gone through again.

But this not to exclude any other Commissioners from acting.

XIX. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to exclude any of the said Commissioners for the Time being from sitting in the said Court, although such Commissioners shall not have been summoned, or stand in Rotation to be summoned, but that each and every such Commissioner, if he shall think fit so to do, shall and may sit and hear, and assist in determining, giving Judgement, and making Orders and Decrees in the said Court, and shall have the like Powers and Authorities as any Commissioner so summoned as aforesaid; any Thing herein before contained to the contrary thereof in anywise notwithstanding.

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

XX. And be it further enacted, That from and after the First Meeting of the said Commissioners, it shall and may be lawful to and for any Person or Persons, (whether such Person or Persons shall reside within the Jurisdiction of the said Court or not) having any Debt or Debts on the Balance of Account, or otherwise howsoever, not exceeding the Value of Five Pounds, due or owing, or belonging to him, her, or them, in his, her, or their own Right, or in the Right of any other Person or Persons; or as Executors or Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due or owing to him as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners, or to any Club or Friendly Society duly associated and constituted by the Statutes in that behalf made and provided, or in any other Manner whatsoever, which the said Commissioners by this Act are enabled to judge and determine, and not expressly prohibited by this Act, or by or from any other Person or Persons whatsoever inhabiting, residing, or being within the said several Townships and Hamlets, or keeping or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing or working, or going or frequenting the Markets there, or seeking a Liveryhood, or in any way trading or dealing within the same, to apply to the Clerk of the Court for the Time being, or his Deputy, who shall immediately make out



and deliver to one of the Serjeants of the said Court for the Time being, a Summons in Writing under the Hand of the said Clerk, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, and stating the Particulars of such Demand or Cause of Action, together with the Name of the Party demanding the same, and requiring him, her, or them to appear at a certain Time and Place to be mentioned in such Summons, before the Commissioners of the said Court, to answer such Demands; and such Serjeants shall forthwith serve, or cause such Summons to be served, on such Debtor or Debtors, either personally or by leaving the same with his, her, or their Servant or other Person belonging to him, her, or them, or at the Dwelling House, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working of such Debtor or Debtors, being within the Jurisdiction of the said Court; and upon due Proof made of such Summons having been duly served in Manner aforesaid, the said Commissioners present in Court, such Number present not being less than by this Act directed, are hereby required and empowered to make due Enquiry concerning such Demands or Plaints, and make such Orders and Decrees therein, and pass such final Sentence and Judgement thereupon, and award such Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience.

XXI. And, for the better Discovery of the Truth, and more solemn Determination of the Matters and Causes which shall be depending in the said Court, be it further enacted, That it shall and may be lawful to and for the said Commissioners present in the said Court to administer an Oath or Oaths, or Affirmation or Affirmations, to any Officer of the said Court, or to any Party or Parties whom they the said Commissioners shall think proper to examine touching the Matters then in question, and also to such Witness or Witnesses as shall be produced by each Party, and also to any other Person or Persons whose Evidence shall seem necessary towards the hearing or determining any of the said Causes or Actions, or making an Order or Decree therein, or for any other Purpose requisite for the better Execution of this Act.

Commissioners may administer Oaths.

XXII. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff on the Trial of any such Cause or Action as aforesaid, or of any Cause of Action except such as is stated in the said Summons hereby directed to be given, nor shall any Evidence be admitted on Behalf of the Defendant or Defendants on the Trial of such Cause or Action, of any Demand he, she, or they may have on the Plaintiff or Plaintiffs in the Nature of a Set-off, to lessen or discharge himself, herself, or themselves from such Demand or Cause of Action, unless Notice thereof in Writing has been given to the said Plaintiff or Plaintiffs by personal Service, or by leaving it at his, her, or their Dwelling House, Warehouse, Wharf, Quay, Lodging, Place of Abode; Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, previous to the Day when such Matter or Cause shall be heard or tried.

No Evidence to be given by Plaintiff of any Matter not stated in his Summons, nor by Defendant of any cross Demand he may have on the Plaintiff, unless Notice be given thereof by him.

XXIII. And be it further enacted, That if any Debtor or Debtors who shall have been duly summoned as aforesaid, shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, before the said Court, at the Time and Place mentioned

If Debtor does not appear, Commissioners may proceed.

[Loc. & Per.]

25 U

in

in the said Summons, then and in every such Case, it shall and may be lawful to and for the said Commissioners assembled in the said Court upon Proof made upon Oath of the Service of the said Summons in Manner aforesaid, to hear the Cause on the Part of the Plaintiff or Plaintiffs, only, and to make such Order, Decree, or Judgement therein, and to award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience.

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

XXIV. And be it further enacted, That if upon any Day of the Return of any Summons issued on the Behalf of any Plaintiff or Plaintiffs, or at any Continuation or Adjournment of the said Court, or of the Cause or on Account of which Suit Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demands to the Satisfaction of the said Court, but shall become nonsuited, or Judgement shall be pronounced against him, her or them, by the said Court, then and in every such Case, it shall and may be lawful to and for the said Commissioners present in Court, to award to the Defendant or Defendants such reasonable Costs and such reasonable Satisfaction for his, her, or their Trouble and Attendance, as they the said Commissioners in their Discretion shall think fit, and to order and compel the Plaintiff or Plaintiffs to pay the same, by such Ways and Means as are herein provided for the Recovery of Debts ordered or decreed by the said Court.

Commissioners may award Executions against the Body or Goods.

XXV. And be it further enacted, That in any Cause, Action, or Case, where the said Commissioners shall have made an Order or Decree for the Payment of Money, it shall and may be lawful to and for the said Commissioners present in Court, to award Execution either against the Body or Goods of the Party against whom such Order or Decree shall be made, and thereupon it shall and may be lawful to and for the proper Officer of the said Court, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal, by way of Capias ad Satisfaciendum, or Fieri facias, to one of the Serjeants of the said Court, who by virtue of such Precept issued upon Execution awarded against the Body of such Party, shall and may and he is hereby empowered to take such Party, being within the Jurisdiction of the said Court, and carry him, her, or them, to any Common Gaol or Prison within the said County of Chester, there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgement, for the Space of Time herein in that Behalf particularly directed; and in case any such Precept shall be issued upon Execution against the Goods and Chattels of such Party, such Serjeant shall and may and he is hereby empowered to levy, by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such Sum or Sums of Money and Costs as shall be so ordered, decreed, or adjudged; and if the Party against whose Body or Bodies any such Execution shall be awarded, and Process thereupon shall issue, shall, by absconding, or by secreting or removing his, her, or their Goods or Chattels, or by any other Means, prevent or evade the Service or Effect of any such Execution, it shall and may be lawful to and for the said Commissioners present in the said Court, upon due Proof made thereof before them, by the Oath or Oaths

In case Parties shall abscond or secrete their Goods.

Oaths of one or more credible Witness or Witnesses, at their Discretion, to award further Execution either against the Body or Goods and Chattels of such Party, and Process shall issue thereupon, and be served by one of the Serjeants of the said Court in Manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied; and it shall and may be lawful to and for the said Commissioners from Time to Time, in case they shall think fit, for the Ease and Convenience of the Defendant or Defendants (and they are hereby authorized and empowered) to order, decree, or adjudge any Debt due to the Plaintiff or Plaintiffs to be paid by several Payments or Instalments, and under such Terms and Conditions as may appear reasonable and just to them the said Commissioners, for the Ease of the Defendant or Defendants, and the Security of the Plaintiff or Plaintiffs; and it shall and may be lawful to and for the said Commissioners present in Court, in case any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, and directed, shall afterwards be made, and they are hereby authorized and empowered, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure, to award Execution against the said Defendant or Defendants, or against any other Person or Persons, who may have given Security to the said Plaintiff or Plaintiffs, under the Directions of the said Commissioners, for the Payment of such Payments or Instalments in Manner aforesaid, for the whole Debt, or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable; and such Debt, or such Part thereof, and such further Costs, shall be recovered by the same Ways and Means as are herein provided for the Recovery of the Debt and Costs first decreed.

XXVI. And as it may happen that Persons served with Process issuing out of the said Court of Requests, may, in order to avoid Execution, remove their Persons and Effects beyond the Limits of the Jurisdiction of the said Court; be it therefore enacted, That in all Cases where a final Decree or Judgement for any Sum or Sums exceeding Ten Shillings, shall have been obtained in the said Court, it shall and may be lawful to and for any of His Majesty's Courts of Record at *Westminster*, upon Affidavit made and filed of such Decree or Judgement being obtained, and of diligent Search and Enquiry having been made after the Person or Persons of the Defendant or Defendants, or his, her, or their Goods and Chattels, and of the Precept of Execution having issued against the Person or Persons or Effects, as the Case may be, of the Defendant or Defendants, and that the Person or Persons, Goods and Chattels of such Defendant or Defendants, is or are not to be found within the Jurisdiction of the said Court, which Affidavit may be made before a Judge or a Commissioner authorized to take Affidavits, and it shall and may be lawful to and for such Superior Court, to cause the Record of the said Decree or Judgement to be removed into such Superior Court, and to issue Writs of Execution thereupon, to the Sheriff of any County, City, Liberty, or Place, against the Person or Persons, or Effects of the Defendant or Defendants, in the same Manner as upon Judgement obtained in the said Courts at *Westminster*; and the Sheriff upon every such Execution shall and he is hereby authorized to detain the Defendant or Defendants until the Sum of Ten Shillings be paid to him, or to levy the same out of the Effects, according to the Nature of the Execution, for the extraordinary Costs of the Plaintiff or Plaintiffs

19 G. 3. c. 704  
l. 4.  
Record of such Judgement may be removed into the Superior Court, and Writs of Execution issued to the Sheriff of any County.

Plaintiffs in the said Court, subsequent to the said Decree or Judgement, and of the Execution in the Superior Court, over and above the Money for which such Execution shall be issued.

Clerk to indorse Debts and Costs on the Precept, and if paid to Clerk of Court before Sale, Execution to be superseded.

XXVII. And be it further enacted, That upon each and every Precept to be issued upon Execution awarded against the Body or Goods and Chattels of any Person or Persons whomsoever, the Clerk of the said Court shall indorse or cause to be indorsed the Sum or Sums of Money, and the Costs so ordered, decreed, and adjudged; and if the Party or Parties against whom such Execution shall be awarded respectively, shall, before any actual Sale of the Goods and Chattels, or before he, she, or they is or are apprehended, or before the Expiration of the Term of his, her, or their Imprisonment, as herein mentioned, pay or cause to be paid, or tendered, unto the Clerk of the said Court, such Sum or Sums of Money and Costs, together with the Fee or Fees herein directed to be paid to the Clerk, as a Compensation for his Trouble in receiving the same and in entering an Acknowledgment and Satisfaction in full for such Sum or Sums of Money and Costs, then and in every such Case the Execution shall be superseded, and the Body, or Goods and Chattels of the said Party or Parties, shall be discharged and set at Liberty.

Process not to issue against the Person and Goods and Chattels of the same Persons, 26th G. 3. c. 38. s. 7.

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

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

XXIX. And be it further enacted, That in case it shall at any Time during the Hearing of any Cause in the said Court, appear by the Oath of any Person or Persons, to the Satisfaction of the major Part of the Commissioners present at the Court at which such Cause shall be heard, that such Debtor or Debtors is or are unable, from Sickness or unavoidable Accident, to pay and discharge the Debt or Debts for which he, she, or they shall have been so summoned, then it shall and may be lawful to and for the major Part of the said Commissioners assembled at any such Court or Courts as aforesaid, to suspend or supersede the Proceedings in such Cause, until it shall, upon like Proof as aforesaid, appear to the Court that such Debtor or Debtors shall be able to pay such Debt or Debts, and then to proceed again in Manner aforesaid; any Thing herein contained to the contrary notwithstanding.

Goalers, &c. to receive Persons committed.

XXX. And be it further enacted, That the Keeper or Keepers for the Time being of the respective Common Gaols or Prisons within the said County Palatine of Chester, shall and may, and they are hereby required to receive and take into their Custody respectively, all and every Person and Persons who shall be committed or ordered to stand committed, by the said Commissioners, or any Three or more of them, present in Court; and in case the Keeper or Keepers of the said Gaols or Prisons shall neglect or refuse to receive and take into his or their Custody any Person or Persons committed by virtue of this Act, or shall, before the Expiration of the Time for which any Person or Persons shall be committed to his or their Custody, discharge such Person or Persons out of his or their Custody,

and wilfully suffer such Person or Persons to go at large without a Warrant or Order for that Purpose in Writing, signed in Court by the said Commissioners, or any Three or more of them, such Keeper or Keepers respectively so offending in either of the said Cases, and being thereof convicted before any One or more of His Majesty's Justices of the Peace for the said County Palatine of *Chester*, upon the Oath of one or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby authorized and required to administer) or upon his, her, or their own Confession, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds at the Discretion of the said Justice or Justices; and in case such Sum shall not be immediately paid by the Person or Persons so offending, into the Hands of the said Justice or Justices before whom such Offender or Offenders shall be convicted, then and in every such Case, such Sum shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) to such Offender or Offenders, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture, when so paid, levied, or recovered, shall be distributed amongst the Poor of the said Township of *Stockport*, in like Manner as the several other Fines and Penalties are by this Act directed to be distributed; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justices to commit such Offender or Offenders to the Common Gaol of the County Palatine of *Chester*, for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged.

XXXI. And be it further enacted, That no Privilege shall be allowed to exempt any Person liable to be summoned by virtue of this Act from the Jurisdiction of the said Court of Requests, on account of his being a sworn Attorney or Solicitor, or other Officer of any of His Majesty's Courts of Record at *Westminster*, or of any other Court whatsoever; but that all such Attornies, Solicitors, and other Officers, shall be subject to the several Processes, Orders, Judgements, and Executions of the said Court of Requests, in the same Manner as any other Person or Persons is and are subject to the same.

No Privilege to be allowed to Attornies

XXXII. And be it further enacted, That no such Attorney, Solicitor, Scrivener, or any Person practising the Law, shall be permitted to appear in the said Court of Requests as an Attorney, Solicitor, or Advocate, for or on Behalf of any Plaintiff or Defendant, or any other Person, or to be admitted to speak before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener, is not himself a Party or Witness; and in case any Attorney, Solicitor, or Scrivener, shall appear in the said Court of Requests as an Attorney, Solicitor or Advocate before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness, then and in every such Case such Attorney, Solicitor, or Scrivener so offending, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, on being convicted thereof, before any one or more of His Majesty's Justices of the Peace for the said County Palatine of *Chester*, upon the Oath of one or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby authorized and required

No Attorney, Solicitor, or Practiser of the Law, to be Advocate

to administer) or on his own Confession; and in case such Sum of Money shall not be paid forthwith by the Person or Persons so offending, into the Hands of the said Justice or Justices before whom such Offender shall be convicted, then and in every such Case such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) to such Offender, after deducting such Fine or Forfeiture; and the Costs and Charges of such Distress and Sale, when so paid, or levied and recovered, shall be distributed amongst the Poor of the Township of *Stackport*, in like Manner as the several other Fines and Penalties are by this Act directed to be distributed.

Fees to be taken.

XXXIII. And be it further enacted, That the several Fees herein-after limited and expressed, and no other, shall be taken by the said Clerk, Serjeant, and Crier, for their several and respective Services in the Execution of this Act, for the Recovery of all Sums not exceeding Five Pounds; that is to say,

	To 10s. inclusive	To 40s. inclusive	To £ 5. inclusive
	s. d.	s. d.	s. d.
<b>To the CLERK.</b>			
Entering every Cause	0 3	0 6	1 0
Issuing every Summons	0 3	0 6	0 6
Entering and drawing up Judgement, Decree, or Order	0 6	0 6	1 0
Paying Money into Court and entering same in his Book	0 3	0 6	0 6
Issuing Subpoena	0 3	0 6	0 6
Issuing any Attachments, Precept, Order, or Execution	0 6	0 6	0 9
For every Nonsuit	0 6	0 6	1 0
For every Search in the Book	0 2	0 3	0 6
For Swearing any Witnesses	0 2	0 2	0 4
<b>To the SERJEANT.</b>			
Serving every Summons, Order, or Subpoena, within One Mile of the Court	0 3	0 4	0 6
If above One Mile extra, for each Mile	0 2	0 3	0 3
Execution of any Warrant, Precept, or Attachment against the Goods or Body	0 6	1 0	1 6
If beyond One Mile from the Court, for every extra Mile	0 2	0 3	0 3
If an Assistant be necessary for the Serjeant for the Assistant	0 4	0 6	1 0
If beyond One Mile from the Court, for every Mile extra	0 2	0 3	0 3

And

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

Table of Fees to be hung up in the Court.

XXXIV. And be it further enacted; That in every Case where any Wages, or any other Sum or Sums of Money whatsoever, not exceeding the Sum of Five Pounds, shall be due and owing to any menial Servant, Clerk, Book-keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or any other Person whatsoever, under the Age of Twenty-one Years, it shall and may be lawful to and for such Servant, Clerk, Book-keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or other Person, to sue for and recover such Debt in the said Court, in the same Manner as if he or she were of full Age; and the said Commissioners present in the said Court, are hereby authorized and required to take Cognizance of and proceed in all Causes concerning such Debts, in the same Manner, and shall have such and the same Powers in regard thereto; as if the Plaintiff or Plaintiffs, Defendant or Defendants were all of full Age.

Debts due by Persons under Age may be recovered.

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

39<sup>h</sup> & 40<sup>th</sup> G. 3. c. 14. s. 15. Imprisonment of Debtors limited.

XXXVI. And, in order the more effectually to prevent Persons summoned for Debts to the said Court from the fraudulent Concealment of their Money or Goods, be it further enacted, That in case upon the Summons of any Person for any Debt or Debts before the said Court, Information of any such Practice shall be given, such Court shall have Power to hear Evidence as to such fraudulent Concealment; and in case it shall be proved to their Satisfaction, upon the Oath of one or more Witness or Witnesses (which Oath the said Court is hereby empowered to administer) that any such Debtor has Money or Goods which he or she has fraudulently and wilfully concealed, then and in every such Case, it shall and may be lawful to and for the said Court to enlarge the aforesaid Time of Imprisonment

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

Imprisonment to any Period, in addition thereto, not exceeding Three Calendar Months.

39 & 40 G. 3.  
c. 14. s. 16.  
But the  
Time of  
Imprisonment  
shall extend  
separately and  
successively  
for each  
Execution.

XXXVII. And be it further enacted, That all and every Person and Persons who shall be taken in Execution under or by virtue of any Process issuing from or out of the said Court of Requests, and who at the Time of his, her, or their being taken into Custody, or during his, her, or their Imprisonment, shall have more than one Execution against him, her, or them, in the said Court, shall be imprisoned the Time by this Act limited, for and in respect of such Execution; and after the Time so limited in the First Execution is expired, the Imprisonment on the Second Execution shall commence; and after the Time so limited on the Second Execution is expired, the Imprisonment on the Third Execution shall commence; and so on until he, she, or they shall have been imprisoned the Time by this Act limited, for and in respect of each separate Execution to be issued against him, her, or them, in the said Court, previous to his, her, or their being taken into Custody, or during his, her, or their Imprisonment; any Law, Statute, or Usage to the contrary notwithstanding.

Debtors not  
liable to pay  
Gaal Fees,  
26 G. 3. c. 38.  
s. 3.

XXXVIII. And be it further enacted, That each and every Person imprisoned by virtue of this Act, shall, on the Expiration of his or her Time of Imprisonment, be discharged and set at liberty without paying any Sum or Sums of Money, Fee or Fees, or other Reward, or other Gratuity whatsoever, to the Keeper or Keepers, Turnkey or Turnkeys of the said Gaol or Prisons, or others, by way of Gaol Fees or Discharge Fees, or on any other Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of the said Gaol or Prisons, or any other Person whomsoever, shall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatsoever, upon the Discharge of any such Person or Persons so committed to his or their Charge or Custody as aforesaid, or shall keep or detain any such Person or Persons a Prisoner or Prisoners after the Time by this Act limited for his, her, or their Imprisonment, every such Keeper, Turnkey, and other Person, shall for every such Offence forfeit and pay the Sum of Twenty Pounds; and it shall and may be lawful to and for any Two Justices of the Peace for the said County Palatine of *Chester* to hear and determine every such Offence, and such Two Justices are hereby authorized and required, upon any Information exhibited or Complaint made before them of such Offence having been committed, in case such Information shall be exhibited or Complaint made within Three Calendar Months after the Offence committed, to summon the Party accused, and also the Witnesses on each Side, and to examine into the Matter of Fact, and upon due Proof made thereof by the Oath of one or more credible Witness or Witnesses, or by the voluntary Confession of the Party accused, to give Judgement or Sentence for such Penalty or Forfeiture aforesaid, and in case such Penalty or Forfeiture shall not be forthwith paid, to issue a Warrant under their Hands and Seals, for levying such Penalty and Forfeiture by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus, if any, after deducting such Penalty and Forfeiture, and the Costs and Charges of such Distress and Sale, to the Owner or Owners thereof; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justices to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County Palatine of *Chester*, for any Time not exceeding

Two Justices  
may deter-  
mine such  
Offence.



exceeding Three Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged; and one Moiety of such Penalty and Forfeiture, when paid or received, shall be paid to the Person or Persons informing or suing for the same, and the other Moiety thereof to the Clerk to the said Commissioners, and the same shall be by the said Commissioners distributed amongst the Poor of the said Township of *Stockport*, in such Shares and Proportions as to the said Commissioners shall seem right and proper.

XXXIX. And be it further enacted, That if any Serjeant or Serjeants, or other Officer or Officers of the said Court, employed to serve any Execution, shall, by wilful Neglect, Omission, or Connivance, cause or suffer the Party against whom such Execution shall be awarded, to escape or abscond, or the Goods of such Party to be carried away or secreted, so that such Execution shall not have its due Effect, it shall and may be lawful to and for the said Commissioners, upon Complaint and due Proof thereof made upon the Oath or Oaths of one or more credible Witness or Witnesses, to order such Serjeant to pay the Sum or Sums of Money for which such Execution was awarded by the Party complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for Recovery of their Debts; and it shall and may be lawful to and for the said Commissioners, and they are hereby enabled to impose any Fine not exceeding Ten Pounds for every such Offence, on such Serjeant or Serjeants, Officer or Officers; and such Fine, if not forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of the said Commissioners, rendering the Overplus, if any, after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and such Fine, when so levied and recovered, shall be paid to and distributed by the said Commissioners in such Shares and Proportions, and in such Manner, amongst the Poor of the said Township of *Stockport*, as they the said Commissioners may think fit and proper.

Serjeant  
neglecting his  
Duty to pay  
the Debt.

XL. And be it further enacted, That if any Clerk, Serjeant, or Cryer, or any other Officer or Servant employed by the said Commissioners in putting this Act or any of the Powers thereof in Execution, shall exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are appointed and allowed to them respectively by virtue of this Act, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act into Execution, every such Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, or upon Verdict or Judgment being had against him in such Action as next herein-after mentioned, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall, over and above, forfeit and pay any Sum not exceeding Ten Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, within Three Calendar Months after the Offence committed, in which Action or Suit no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Officers taking  
any Fee,  
besides the  
Fees allowed  
by the Act.

[*Loc. & Per.*]

252

XLI. And

Punishing  
Witnesses not  
attending if  
summoned.

**XLI.** And be it further enacted, That in case any Person or Persons residing or being within the Jurisdiction of the said Court, after having been duly served with a Subpoena or Summons, to be issued by the Clerk of the said Court of Requests, and paid or tendered his or her reasonable Expences to attend and give his, her, or their Evidence at a Time and Place in such Subpoena or Summons mentioned on Behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpoena or Summons, due Proof being made of the Service of such Subpoena or Summons, and no sufficient Cause for his, her, or their Absence or Non-appearance being shewn to the Satisfaction of the said Court, and Oath being made before the said Commissioners, by the Party or Parties at whose Instance and on whose Behalf such Subpoena or Summons issued, that the Person or Persons served therewith was or were a Witness or Witnesses, by such Party or Parties judged necessary for the Proof of his, her or their Cause or Causes, Action or Actions, Complaint or Complaints, Defence or Defences, then and in every such Case, it shall and may be lawful so and for the said Commissioners to impose any Fine, not exceeding Ten Pounds, on such Person or Persons; and in case such Fine shall not be paid forthwith, such Fine shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of the said Commissioners, rendering the Overplus, if any, after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and such Fine, when so paid, levied, or recovered, shall be paid over to the Party or Parties at whose Instance or on whose Behalf such Subpoena or Summons shall have been issued; and in case sufficient Distress shall not be found, it shall and may be lawful to and for any Three or more of the said Commissioners, to commit such Offender to the Common Gaol or House of Correction in and for the said County Palatine of Chester, for any Time not exceeding the Space of One Calendar Month.

Punishing  
Persons guilty  
of Perjury.

**XLII.** And be it further enacted, That if any Person or Persons, upon Examination on Oath or Affirmation before the said Commissioners in any Action, Cause, or Matter depending in the said Court of Requests, or before any Justice or Justices of the Peace acting in Execution of this Act, shall wilfully and corruptly give false Evidence, or shall wilfully and corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law or Statute, Laws or Statutes in force or effect, Persons guilty of wilful and corrupt Perjury are subject and liable to.

Commission-  
ers not to act  
when they are  
interested.

**XLIII.** And be it further enacted, That if any Commissioner of the said Court for the Time being, shall be Party to, or concerned or interested in any Cause, Action, or Matter depending in the said Court, or shall be the Father, or Son, or Brother of any Person or Persons concerned or interested in any such Cause, Action, or Matter, such Commissioner shall not be capable of acting as a Commissioner on the hearing or determining such Cause, Action, or Matter, or making any Order, Decree, or Judgment therein; but such Commissioner, after being heard in such Cause, Action, or Matter, shall withdraw until the same be finally determined; and if the Clerk or his Deputy, or other Officer of the said Court for the

the Time being, shall be a Party to or interested in any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy, or other Officer shall not exercise his said Office in such Cause, Action, or Matter, or in any Thing relating thereto, but the said Commissioners forming the said Court, shall and may appoint another Person to exercise the Office of such Clerk or Deputy, or other Officer respectively, in all Things relating to such Cause, Action, or Matter.

XLIV. And be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the said Commissioners, or any of the Officers of the said Court for the Time being, during his or their Sitting or Attendance in the said Court, or going to or from the said Court, or shall hinder or obstruct the Proceedings of the said Court, then and in every such Case, it shall and may be lawful to and for the Serjeant or Serjeants of the said Court, with or without the Assistance of any other Person or Persons, by the Order of the said Commissioners, to take such Offender or Offenders into Custody and the said Commissioners shall examine into such Insult, Abuse, or Misbehaviour, either from their own View or Knowledge of what passed, or by the Oath or Oaths of one or more credible Witness or Witnesses; and upon such Insult, Abuse, or Misbehaviour, being proved as aforesaid, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to impose a Fine not exceeding Ten Pounds on each and every such Offender or Offenders; and in case such Fine shall not be forthwith paid, such Fine shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the said Commissioners, rendering the Overplus, if any, upon Demand, after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the said Fine, when so paid, levied, or recovered, shall be paid to and distributed by the Commissioners in such Shares and Proportions, and in such Manner, amongst the Poor of the said Township of *Stockport*, as they the said Commissioners shall think fit and proper; and in case sufficient Distress shall not be found, it shall and may be lawful for any Three or more of the said Commissioners, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County Palatine of *Chester*, for any Time not exceeding the Space of One Calendar Month.

For supporting the Dignity of the said Court and preventing Insults.

XLV. And be it further enacted, That the Clerk of the said Court shall fix or cause to be affixed or stuck up in the most publick Part of the said Court, or other Place where the Commissioners of the said Court shall meet, a true Copy of the preceding Clause of this Act, to the end that no Person or Persons shall or may plead Ignorance thereof.

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

XLVI. And be it further enacted, That if any Action or Suit for any Debt recoverable by virtue of this Act in the said Court of Requests, shall be commenced in any other Court whatsoever, or elsewhere than in the said Court of Requests (save and except in the Court for the Liberty of the Hundred of *Macclesfield*, in the said County Palatine of *Chester*), then and in every such Case, the Plaintiff or Plaintiffs in such Action or Suit shall not, by reason of a Verdict for him, her, or them, or otherwise,

39 & 40 G. 3. c. 104. s. 12. Verdicts in any other Courts for Debts recoverable in this, not entitled to Costs, &c.

No Proceed-  
ing to be re-  
moved into  
any Superior  
Court, except,  
etc.

Nothing  
herein con-  
tained to pre-  
vent any Per-  
son from  
distraining  
for Rent.

Where Debt  
due from  
Two Persons  
summoning,  
one of them  
shall be suffi-  
cient.

Statute of  
Limitations  
shall be  
pleaded.

Recovery and  
Application  
of Penalties.

have or be entitled to any Costs whatsoever; and if the Verdict shall be given for such Defendant or Defendants in such Action or Suit, and the Judge or Judges before whom the same shall be tried or heard, shall think fit to certify that such Debt ought to have been recovered in the said Court of Requests, then and in every such Case the Defendant or Defendants shall have Costs, and such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs in any Cases by Law; and no Action or Suit which shall be commenced or prosecuted in the said Court of Requests in pursuance of this Act, nor any Proceedings therein, shall or may be removed into any Superior Court, except by the Plaintiff or Plaintiffs, in Cases where the Defendant or Defendants shall have removed himself, herself, or themselves, or his, her, or their Effects, out of the Jurisdiction of the said Court, after a Decree or Judgement by *Certiorari*, or any other Writ or Process whatsoever; but every such Decree and Judgement shall be final and conclusive between the Parties to all Intents and Purposes whatsoever; Provided always, that nothing herein contained shall extend, or be construed to extend, so as to prevent or restrain any Person from distraining for any Rent or Arrears thereof, although the same shall not exceed the Sum of Five Pounds.

XLVII. And be it further enacted, That where any Debt shall be due and owing, or demanded from any Two or more Persons jointly, by reason or on account of such Persons being Partners in Trade, or otherwise jointly concerned, Service of such Summons as aforesaid on any one of such Partners or Persons, or left at his, her, or their last usual Place or Places of Abode, Warehouse, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, shall be as good and sufficient as if each of such Partners or Persons were separately summoned as aforesaid.

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

XLIX. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the said Commissioners (which Warrant such Commissioners are hereby empowered to grant upon the Confession of the Party; or upon the Evidence of any credible Witness upon Oath) and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting such Fines

Fines and Penalties, and the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not herein before directed to be otherwise applied) shall be paid to the Clerk to the said Commissioners, and shall be by the said Commissioners distributed amongst the Poor of the said Township of *Stockport*, in such Manner, as the said Commissioners, or any Three or more of them, shall think right and proper; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County Palatine of *Chester*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

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

Form of Conviction.

BE it remembered, That on this \_\_\_\_\_ Day  
of \_\_\_\_\_ in the \_\_\_\_\_ Year of the  
Reign of \_\_\_\_\_ A. B. is convicted  
before \_\_\_\_\_ of His Majesty's Justices of the Peace for the  
County Palatine of *Chester* [or, before Three of the Commissioners for  
the Recovery of Small Debts, within the Townships of *Stockport* and  
*Brinnington*, and the Hamlets of *Edgeley* and *Brinksway*, in the County  
Palatine of *Chester*, of having [as the Offence shall be] and I [or, We]  
the said \_\_\_\_\_ do adjudge him,  
[her, or them] to forfeit and pay for the same, such Offence being con-  
trary to the Provisions of an Act, made in the Forty-sixth Year of the  
Reign of King *George* the Third, intituled, [here insert the Title of this  
Act] the Sum of \_\_\_\_\_ Given under  
my Hand and Seal [or, our Hands and Seals] the Day and Year  
aforesaid.

LI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not to be unlawful for want of Form.

LII. And be it further enacted, That no Order, Verdict, Assessment, or Judgement, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for

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

[Loc. & Per.]

25 Z

Want

Want of Entry only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not to recover without Notice, or after Tender of Amends.

LIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action unless sufficient Amends hath been made to him, her, or their, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought, and in case no such Amends shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitations of Actions.

LIV. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County of Chester, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff shall be nonsuited or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Costs, and have such Remedy for recovering the same, as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

LV. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1806.