



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 37.

An Act for the more speedy and easy Recovery of Small Debts in the Town and Borough of *Grimby*, and the Liberties thereof, and in the several Parishes and Places therein mentioned, in the County of *Lincoln*. [23d. May 1806.]

WHEREAS the Town and Borough of *Grimby* is much connected in Trade and Business with the several Parishes and Places in the Wapentake or Hundred of *Bradley Haverstoe*, and the East Division of the Wapentake or Hundred of *Yarborough*, in the County of *Lincoln*; all of which Parishes and Places adjoin or are near to the said Town and Borough, and the Inhabitants and Trade of the said Borough, and of the said Parishes and Places respectively, have of late Years very much increased, by Reason of the Haven of the said Town having been rendered commodious for Shipping and Navigation; and that many Persons resort to the said Town, both by Sea and Land, from most Parts of the United Kingdom, and from Foreign Countries: And whereas the Merchants, Tradesmen, and Inhabitants of the said Town and Borough, and Parishes and Places respectively, are, for the Purpose of recovering Small Debts, under the respective Jurisdictions to which by the Common Law they must at present resort, obliged to be at an Expence sometimes far exceeding, and in all Cases highly disproportioned to, the Value of the Sum in Contest: And whereas it would greatly tend to the Improvement and Encouragement of Trade, and to the necessary Support

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and Protection of useful Credit in the said Town and Borough, and in the said Parishes and Places, were sufficient Powers vested in Commissioners to hear and determine Plaints concerning such Debts in a summary Way: But as the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable *Charles Anderson Pelham*, the Honourable *George Pelham*, the Mayor, Aldermen, Recorder, High Steward, and Town Clerk, of the Borough of *Grimsby* for the Time being, *Joseph Anningson*, *John Beatniffe*, *John Simon Brandstrom*, *William Grantham*, *Theophilus Harneis*, *John Loft*, *Charles Manby*, *William Marshall*, *William Mellish*, *William Osbourn*, *William Richardson*, *George Tennyson* and *Charles Tennyson*, Esquires, *John Parkinson* Doctor in Divinity, *Marmaduke Alington* Clerk, *Samuel Byron* Clerk, *Thomas Dixon* Clerk, *David Field* Clerk, *John Grantham* Clerk, *George Gray* Clerk, *Charles Wray Haddelsey* Clerk, *George Holwell* Clerk, *Robert Leake* Clerk, *John Parkinson* Clerk, *Joseph Stockdale* Clerk, and *William Thorold* Clerk, together with *Joseph Ashton*, *William Bancroft*, *Thomas Barkworth* the younger, *Thomas Barnard*, *William Bates*, *John Bee*, *Christopher Bell*, *Thomas Bell*, *Robert Bell*, *William Bennett*, *Richard Birkett*, *Hewson Bonsor*, *John Borman*, *Richard Borman*, *Benjamin Borrell*, *Edward Bower*, *Henry Bower*, *Samuel Bowling*, *Thomas Bradley*, *John Bratton*, *Richard Brocklesby*, *Joseph Brown*, *James Brown* the younger, *Thomas Buringham*, *John Carr*, *Edward Carritt*, *Edmund Hewson Carritt*, *John Carritt*, *Thomas Carritt*, *John Chapman*, *Benjamin Chapman*, *Joseph Clarke*, *Thomas Clarkson*, *John Codd*, *Robert Cooke*, *John Corden*, *Thomas Curtis*, *Benjamin Dannatt*, *William Dickinson*, *Christopher Epworth*, *Francis Epworth*, *Francis Epworth* the younger, *Matthew Fawcett*, *Robert Fawcett*, *Richard Fishwick*, *John Foord*, *William Foster*, *John Garniss*, *Samuel Goulding*, *James Goulton*, *Joseph Hill*, *William Hollinshead*, *William Holland*, *Francis Hudson*, *John Hufion*, *Robert Joys*, *Thomas Kirby*, *Joseph Laceby*, *Elijah Lambden*, *Anthony Liller*, *Thomas Lumley*, *Richard Marris*, *Richard Marsh*, *William Marshall*, *John Marshall*, *Michael Marshall*, *Joseph Maughan*, *Richard Mautby*, *William Mautby*, *Jacob Michael*, *Charles Nainby*, *Charles Nevile*, *John Nichols*, *John Nicholson*, *Joseph Odling*, *Francis Overton*, *William Parker*, *Robert Peters*, *Joseph Phillipson*, *Joshua Plaskitt*, *Joseph Plaskitt* the younger, *Richard Raby*, *Richard Raby* the younger, *Richard Roadley*, *Samuel Robson*, *John Stewardson*, *Edward Shelton*, *James Simonds*, *Philip Skipworth*, *George Smith*, *John Smith*, *Thomas Spring* the younger, *Robert Story*, *Samuel Temple*, *William Torr*, *Thomas Travis*, *John Walesby*, *Thomas Ward*, *William Wells*, *Taylor White*, *William Whitehead*, *Robert Willerton*, *George Williamson*, *William Wilson*, *George Whitworth*, and *Theophilus Woolmer*, Gentlemen; shall be and are hereby appointed Commissioners for the Recovery of Small Debts within the said Borough of *Grimsby*, and the Liberties thereof, and in the several Parishes and Places within the Hundred or Wapentake of *Bradley Haverstoe*, and the East Division of the Hundred or Wapentake of *Tarborough*, in the County of *Lincoln*; and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of *The Court of Requests for the Borough of Grimsby, and the Liberties thereof, and the several Parishes and Places in the Hundred or Wapentake of Bradley Haverstoe, and the East Division of the Hundred or Wapentake of Tarborough, in the County of Lincoln;* and

and the said Commissioners are hereby empowered and required to meet ^{Meetings.} and to hold the said Court on *Wednesday* in every Week, in the Town Hall of the said Borough, or in some other convenient Place within the same Borough, 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 *Wednesday* after the passing of this Act; and the said Commissioners, or the major Part of them present at their Meetings, to be duly holden in pursuance of this Act, are hereby authorized and empowered to hear and determine all such Actions and Causes as are hereinafter mentioned, and to give such Judgments, and to make such Orders, and Decrees therein, and to award Execution thereupon, with the Costs, against the Body or Bodies, or against the Goods of all and every the Person and Persons against whom they shall give any such 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 on 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.

II. Provided always, and be it enacted, That on the Decision of each and every 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 40 s. and Five Commissioners for Sums above 40 s.}

III. And be it further enacted, That when any of the said Commissioners (save and except the said Mayor, Aldermen, Recorder, High Steward, and Town Clerk) or any of the Successors of such Commissioners, to be elected in Manner herein mentioned, shall die or refuse to act, or shall cease to be qualified in manner herein directed to act as a Commissioner in the Execution of this Act, then and in 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 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 or be known, or as 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 respective last or usual Places of Abode; and such Notice shall also be affixed on the Door of the Town Hall, in the said Borough of *Grimsbj*, Fourteen Days at least before such Meeting shall be holden; and every 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. ^{For Appointment of new Commissioners.}

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in Execution of this Act, save and except in administering ^{Commissioners Oath.}

ing the Oath herein mentioned to the other Commissioners, until he shall have taken the Oath following; that is to say:

Oath.

I *A. B.* do swear, [*or, being one of the Persons called Quakers, do solemnly affirm*] 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 annual 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 among the Records of the said Court.

Qualification of Commissioners.

V. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act, unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and possessed of a Real Estate of the annual Value of Forty Pounds, or of a Personal Estate of the Value of One thousand Pounds above all Charges and Incumbrances whatsoever; and if any Person, not being qualified as aforesaid, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence (over and above any Punishment that he may be subject and liable to for wilful and corrupt Perjury) forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, 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 good, valid, and effectual, as if such Person or Persons had been duly qualified according to the Directions of this Act.

Acts of Commissioners, before Conviction good.

Appointment of Officers.

VI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby required, at their said First Meeting, to nominate and appoint fit and proper Persons for Clerk, Serjeant, Crier, and other necessary Offices of and in the said Court of Requests;

quests; and that it shall and may be lawful to and for the said Clerk, immediately after his Appointment, and from Time to Time, to nominate and appoint a Deputy to act in his room or stead in case of Sickness, or for other sufficient Cause to be allowed by the said Commissioners, but not otherwise; and such Clerk or his Deputy is and are hereby empowered and required to issue all Summonses, Warrants, and Precepts, and to register all Orders, Decrees, and Judgements of the said Court, and to do all such Acts, Matters, and Things as are directed or required to be done by the said Clerk by virtue of this Act; and shall enter and register, or cause to be entered or registered, in a proper Book or Books to be provided by such Clerk and kept for that Purpose, all the Acts and Proceedings of the said Court of whatever Nature or Kind soever.

VII. And be it further enacted, That in case 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 *Saturday* or to some earlier Day.

If sufficient Number of Commissioners do not attend, Clerk may adjourn.

VIII. And be it further enacted, That the Clerk and Crier of the said Court shall and do 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.

Offices of Clerk, Crier, and Serjeant.

IX. And be it further enacted, That it shall and may be lawful for the major Part of the Commissioners who shall be sitting and acting in Court on the next Court Day after the Death, Resignation, or Removal of any Clerk, Crier, Serjeant, or other Officer nominated or appointed by virtue of this Act, or so soon after as the same shall be known, to cause the whole Number of Commissioners for the Time being to be summoned to meet at some convenient Place to be appointed for that Purpose, within Fourteen Days next after their being summoned as aforesaid; and such Commissioners at such Meeting, or the major Part of them present, are hereby authorized and required to elect another Person or Persons in the room or stead of every such Clerk, Crier, Serjeant, and other Officer so dying, resigning, or being removed as aforesaid, for the Uses and Purposes in this Act contained, and so from Time to Time when and as often as any Clerk, Crier, Serjeant, or other Officer shall die, resign, or be removed from their respective Offices; and if it shall at any Time appear necessary to any Five of the said Commissioners, or to the major Part of them in Court assembled at any Meeting, from the Increase of the Business of the said Court, or for any other Reason, that more Serjeants or other inferior Officers of the said Court are wanting, it shall and may be lawful to and for such Five Commissioners, or the major Part of them assembled in Court on any Court Day, to appoint any additional Serjeants or other inferior Officers, who may appear to the said Commissioners to be wanting or necessary for carrying any of the Purposes of this Act into Execution; and it shall and

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

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may be lawful to and for the said Commissioners, or the major Part of them assembled for that Purpose, from Time to Time to remove all such Clerks, Criers, Serjeants, and other Officers, or any of them, for Misbehaviour in their respective Offices or any other sufficient Cause.

What Debts to be decided by the Commissioners.

X. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered and 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 Promisory Note or Inland Bill of Exchange, or for Rent upon Leases, Articles, or Minutes, and in all Causes of Assumpsit and Infimul computasset, and in all Causes or Actions of Trover and Conversion, and in all Causes or Returns founded on a Quantum meruit, and in all Causes or Actions of Trespass or Detinue for Goods and Chattels taken or detained.

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

XI. 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 Lands, Tenements; or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come into Question, or to judge, determine, or decide on any Debt that shall arise by reason of any Cause concerning Testament or Matrimony, or any Thing concerning or properly belonging to the Ecclesiastical Court.

Commissioners not to act where interested.

XII. And be it further enacted, That if any Commissioner of the said Court for the Time being, shall be Party to, or concerned or interested in any Cause, Action, or Matter depending in the said Court, such Commissioner shall not be capable of acting as a Commissioner on the hearing or determining such Cause, Action, or Matter, or in making any Order, Decree, or Judgement therein; but such Commissioners, after being heard in such Cause, Action, or Matter, shall withdraw until the same is finally determined; and if the Clerk or his Deputy, or other Officer of the said Court for the Time being, shall be a Party or interested in any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy, or other Officer, shall not exercise his said Office in such Cause, Action, or Matter, or in any Thing relating thereto, but the said Commissioners forming the said Court, shall and may appoint another Person to exercise the Office of such Clerk or Deputy, or other Officer respectively, in all Things relating to such Cause, Action, or Matter.

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

XIII. 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 Recovery of any Debt, where the whole Sum that 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

missioners shall and they are hereby required to dismiss, with Costs, every such Cause or Action so split and divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt, in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or she may lawfully proceed.

XIV. Provided always, 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 Discharge of all Demands from the Defendant to the Plaintiff, in such Cause or Case so split and divided.

But the Court may decree in such Action so split, if the Plaintiff shall be content to receive the Money in full of all Demands.

XV. 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 Executor, Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due and owing to him as Mayor, Chamberlain, Town Clerk, or other Officer, to any Body Corporate, as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners, or to any Club or Friendly Society duly associated and constituted by the Statutes in that Case made and provided, or in any other Manner whatsoever, which the said Commissioners are by this Act enabled to judge and determine, and not expressly prohibited by this Act, by or from any other Person or Persons whatsoever inhabiting, residing, or being within the said Borough, or the Liberty or Precincts thereof, or within any of the several Parishes or Places in the Hundred or Wapentake and Division as aforesaid, or keeping or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or using or frequenting the Markets there, or seeking a Livelihood, 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,

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

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 empowered and required to make due Enquiry concerning such Demands or Complaints, and make such Orders and Decrees therein, and pass such final Sentence or Judgement thereupon, and award such Costs of Suit as to them shall seem most agreeable to Equity and good Conscience; and for the better Discovery of the Truth, and more solemn Determination of the Matters and Causes which shall be depending in the said Court, it shall and may be lawful to and for the said Commissioners present in the said Court, to administer an Oath or Oaths, or Affirmation or Affirmations, to any Officer of the said Court, or to either of the said Parties whom they the said Commissioners shall think proper to examine, touching the Matters then in Question, and also to such Witness or Witnesses as shall be produced by each Party, and also to any other Person or Persons whose Evidence shall seem necessary towards the hearing or determining any of the said Causes or Actions, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

Service on one Partner to be deemed Service on both.

XVI. And be it further enacted, That where any Debt shall be due or 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.

No Evidence to be given by the Plaintiff of any Matter not stated in his Summons, nor by Defendant in any cross Demand he may have on the Plaintiff, without Notice given thereof.

XVII. 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 or 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, or lessen or discharge himself, herself, or themselves from such Demand or Cause of Action, unless Notice thereof in Writing shall have been given to the 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.

If Debtor does not appear, Commissioners may proceed.

XVIII. And be it further enacted, That if any Debtor or Debtors who shall have been duly summoned as aforesaid shall not appear, either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, before the said Court, at the Time and Place mentioned in the said Summons, then and in every such Case it shall and may be lawful to and for the said Commissioners assembled in the said Court, after Proof made upon Oath of the Service of the said Summons in manner aforesaid,

to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgment therein, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

XIX. 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 such Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demands to the Satisfaction of the said Court, but shall become nonsuited, or Judgment 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 or Means as are herein provided for the Recovery of Debts ordered or decreed by the said Court.

If Plaintiff does not appear to prove his Demand, Defendant shall have Costs.

XX. 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 is hereby empowered to take such Party, being within the Jurisdiction of the said Court, and carry him, her, or them, to the Common Gaol of the said Borough of *Grimby*, there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgement, for the Space or 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 Goods any such Execution shall be awarded, and Process thereupon issue, shall, by absconding, or by secreting or removing his, her, or their Goods or Chattels, or by any other Means prevent or evade the Service or Effect of any such Execution, it shall and may be lawful to and for the said Commissioners present in the said Court upon due Proof thereof made before them by the Oath or Oaths of one or more credible Witnesses or 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

Commissioners may award Execution against the Body or Goods.

In case Parties abscond or secrete their Goods.

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satisfied;

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 or Debts 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, or 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 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.

Process not to issue against the Goods or Chattels of the same Person.

XXI. 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 Defendant or Defendants, in any Case or Cases where the Plaintiff or Plaintiffs, entitled to the Benefit of any Order, Judgement, or Decree, shall have obtained any Warrant or Process against the Goods and Chattels of the same Defendant or Defendants.

Record of Judgement may be removed into the Superior Court, and Writ of Execution issue thereon.

XXII. 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 Twenty 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 Judgment being obtained, and of diligent Search and Enquiry having been made after the Person or Persons of the Defendant or Defendants, or his, her, or their Goods and Chattels, and of the Precept of Execution being 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 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 Judgements obtained in the said Court 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 Twenty Shillings be paid to him, or to levy the same out of the Effects, according to the Nature

ture of the Execution, for the extraordinary Costs of the Plaintiff or Plaintiffs in the said Court, over and above the Money for which such Execution shall be issued.

XXIII. 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.

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

XXIV. And be it further enacted, That the Keeper or Keepers for the Time being of the Common Gaol or Prison within the said Borough of *Grimby*, shall, and he and they is and are hereby required to receive and take into his or their Custody respectively, all and every Person or Persons who shall be committed, or ordered to stand committed, under or by virtue of this Act; and in case the Keeper or Keepers of the said Gaol or Prison respectively, shall neglect or refuse to receive and take into his or their Custody any Person or Persons so committed, 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 and Keepers respectively so offending in either of the said Cases, and being thereof convicted before any one or more of His Majesty's Justices of the Peace for the said Borough and Liberties, or Parts of *Lindsey* in the County of *Lincoln*, upon the Oath of one or more credible Witnesses or Witnesses (which Oath such Justice or Justices is and are hereby authorized and required to administer) or upon his or their own Confession, shall for every such Offence forfeit and pay any Sum not exceeding 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 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 Justice or

Penalty of Keeper of Prison neglecting his Duty.

Justices to commit such Offender or Offenders to the Common Gaol for the County of *Lincoln*, for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged.

No Privilege
to be allowed
to Attorneys.

XXV. 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 Attorneys, 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 Attorney,
Solicitor, or
Scrivener, or
Practiser of
the Law to be
an Advocate.

XXVI. 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 for or on Behalf of any Plaintiff or Defendant, or speak before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness, then and in every such Case such Attorney, Solicitor, or Scrivener so offending, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, on being convicted thereof before any one or more of His Majesty's Justices of the Peace for the said Borough and the Liberties thereof, upon the Oath of one or more credible Witnesses or Witnesses (which Oath such Justice and Justices is and are hereby authorized and required to administer) or on his own Confession; and in case such Sum of Money shall not be paid forthwith by the Person or Persons so offending, into the Hands of the said Justice or Justices before whom such Offender shall be convicted, then and in every such Case such Sum 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; and such Fine or Forfeiture when so paid, and levied or recovered, shall be distributed in like Manner as the several other Fines and Penalties are by this Act directed to be distributed.

Fees to be
taken.

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

To

| | Not exceed- ing Ten Shillings. | Not exceed- ing Forty Shillings. | Not exceed- ing Five Pounds. |
|--|--------------------------------------|--|------------------------------------|
| TO THE CLERK : | | | |
| Entering every Cause | — 3 | — 9 | 1 6 |
| Issuing every Summons | — 3 | — 6 | — 9 |
| Entering and drawing up the Judgment, or Decree, or Order | — 6 | — 9 | 1 6 |
| Paying Money into Court, and entering of same in his Book | — 3 | — 6 | — 9 |
| Paying Money by Instalments | — 6 | 1 — | 1 6 |
| Issuing Subpoena | — 3 | — 6 | 1 — |
| Issuing every Attachment, Precept, or Order, for Execution | — 6 | — 9 | 1 6 |
| Acknowledging Satisfaction | — 3 | — 6 | — 9 |
| For every Nonsuit | — 6 | 1 — | 2 — |
| Every Search in the Book | — 2 | — 3 | — 6 |
| Swearing every Witness | — 2 | — 4 | — 6 |
| TO THE CRIER : | | | |
| For calling every Cause | — 1 | — 2 | — 3 |
| For calling every Plaintiff or Defendant | — 1 | — 2 | — 3 |
| For every Hearing | — 2 | — 3 | — 4 |
| For every Nonsuit | — 3 | — 4 | — 6 |
| TO THE SERJEANTS : | | | |
| Serving every Summons, Order, or Subpoena in the Borough | — 4 | — 6 | 1 — |
| If out of the Borough, for every Mile extra | — 2 | — 3 | — 3 |
| Execution of every Warrant, Precept, or Attachment against the Goods or Body | — 6 | 1 — | 2 — |
| If out of the Borough, for every Mile extra | — 2 | — 3 | — 3 |
| If an Assistant is necessary for the Serjeant, | | | |
| For the Assistant | — 4 | — 8 | 1 — |
| If out of the Borough, for every Mile extra | — 2 | — 3 | — 3 |

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 Part 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.

[Loc. & Per.]

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XXVIII. And

Time of Imprisonment of Debtors limited.

XXVIII. And be it further enacted, That no Person or Persons who shall soever, shall be committed to the said Gaol or Prison by Order of the said Court, for any Debt or Debts, or kept or continued in Custody on any Pretence whatsoever (except in the Cases herein-after provided for) for any longer Space or Spaces of Time, from the Time of his, her, or their Commitment to Prison, than is or are herein-after limited; (that is to say), where the 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, and does not exceed Five 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 Prison is and are hereby directed and required to discharge such Persons accordingly.

concealing Money or Goods, the Time of his Imprisonment shall be enlarged.

XXIX. And, in order the more effectually to prevent Persons summoned for Debt to the said Court, from fraudulently concealing their Money, Goods, or Effects, be it further enacted, That in case upon the Summons of any Person for any Debt or Debts before the said Court, Information of any such fraudulent Concealment shall be given, such Court shall have Power to hear Evidence as to the Fact; and in case it shall be proved to their Satisfaction, upon the Oath of one or more credible Witnesses or Witnesses (which Oath the said Court is hereby empowered to administer) then and in every such Case, it shall and may be lawful to and for the said Court to enlarge the aforelaid Time of Imprisonment of such Debtor to any Period, in Addition thereto, not exceeding Three Calendar Months.

The Time of Imprisonment shall be separately and successively for each Execution.

XXX. 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 thereof in anywise notwithstanding.

Debtors not liable to pay Gaol Fees.

XXXI. 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 Gratuity whatsoever, to the Keeper or Keepers, or Turnkey or Turnkeys of the said

said Gaol, or others, by way of Gaol Fees or Discharge Fees, or on any Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of the said Gaol, or any other Person whatsoever, 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 Borough of *Grimby*, or Parts of *Lindsey*, in the County of *Lincoln*, 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 the 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 for the County of *Lincoln*, for any Time not exceeding Three Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged; and One Moiety of such Penalty or Forfeiture, when paid or received, shall be paid to the Person or Persons informing or suing for the same, and the other Moiety thereof to the Clerk to the said Commissioners; and the same shall be by the said Commissioners distributed amongst the Poor of the said Borough and Liberties thereof, and the said Parishes and Places, in such Shares and Proportions as to the said Commissioners shall seem right and proper.

Justices may determine such Offence.

XXXII. And be it further enacted, That if any Serjeant or Serjeants, or other Officer or Officers of the said Court, employed to serve any Execution, shall, by wilful Neglect, Omission, or Connivance, cause or suffer the Party against whom such Execution shall be awarded to escape or abscond, or the Goods of such Party to be carried away or secreted, so that such Execution shall not have its due Effect, it shall and may be lawful to and for the said Commissioners, upon Complaint and due Proof thereof made upon the Oath or Oaths of one or more credible Witness or Witnesses, to order such Serjeant or other Officer to pay the Sum or Sums of Money for which such Execution was awarded, to the Party complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for the Recovery of his, her, or their Debt or 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

Serjeant neglecting his Duty to pay the Debt.

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 Borough and the Liberties thereof, and the several Parishes and Places within the Jurisdiction of the said Court, as they the said Commissioners may think fit and proper.

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

XXXIII. And be it further enacted, That if any Clerk, Serjeant, or Crier, 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 under or by virtue thereof, 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 Judgement being had against him in such Action as next herein-after mentioned, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall, over and above, forfeit and pay the Sum of Five 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 Suit no Effoign, Protection, or Wager of Law, or more than one Imparance, shall be allowed.

Clerk or Serjeant not performing his Duty may be removed.

XXXIV. And be it further enacted, That if any Clerk, or Serjeant of the said Court, shall neglect to issue or serve any Summons in the due or proper Time for serving the same, or shall be guilty of any Neglect or Misbehaviour, or otherwise misconduct himself, in the Execution of his Office, then and in every such Case, upon Complaint made, it shall and may be lawful to and for the said Commissioners and they are hereby empowered, in open Court, to hear and enquire into the Matter of such Neglect, Misbehaviour, or Misconduct, by the Oath or Oaths of one or more credible Witnesses or Witnesses; and in case it shall appear to the said Commissioners, on such Hearing and Enquiry, that such Clerk or Serjeant has been guilty of such Neglect, Misbehaviour, or Misconduct, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered to suspend or remove the said Clerk or Serjeant, so offending from his said Office, and nominate or appoint some other fit and able Person to exercise the said Office in the Place or Stead of the Officer so removed.

Punishing Witnesses not attending if summoned.

XXXV. 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

or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Summons, due Proof being made of the Service of such Subpœna 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 Subpœna 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 to and for the said Commissioners to impose any Fine, not exceeding Twenty Pounds, on such Person or Persons; and in case such Fine shall not be paid forthwith, the same 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 Subpœna 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 Borough, for any Time not exceeding the Space of Two Calendar Months.

XXXVI. 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 any Matter or Thing which shall be false or untrue, every such Person so offending and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law or Statute, Laws or Statutes in Force and Effect, Persons guilty of wilful and corrupt Perjury are subject and liable to.

Punishment
of Perjury.

XXXVII. 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 interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall and may be lawful to and for the Serjeant or Serjeants of the said Court, with or without the Assistance of any other Person or Persons, by the Order of the said Commissioners, to take such Offender or Offenders into Custody, and the said Commissioners shall then examine into such Insult, Abuse, or Misbehaviour, either from their own View or Knowledge of what passed, or by the Oath or Oaths of one or more credible Witness or Witnesses; and upon such Insult, Abuse, or Misbehaviour being duly proved as aforesaid, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to impose a Fine not exceeding Ten Pounds for each and every such Offence, on each and every such Offender or Offenders; and in case such Fine shall not be forthwith paid, the same 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

For prevent-
ing Insult
being offered
to the Court.

[Loc. & Per.]

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Hands

Hands and Seals of any Three or more of the said Commissioners, rendering the Overplus (if any) after deducting such Fine, and the Costs and Charges of 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 Borough and the Liberties thereof, and the several Parishes and Places within the Jurisdiction of the said Court, 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 Borough, for any Time not exceeding the Space of One Calendar Month.

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

XXXVIII. 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, then and in every such Case the Plaintiff or Plaintiffs in such Action or Suit shall not, by reason of a Verdict for him, her, or them, or otherwise, have or be entitled to any Costs whatsoever; and if the Verdict shall be given for the Defendant or Defendants in such Action or Suit, and the Judge or Judges before whom the same shall be tried or heard, shall think fit to certify that such Debt ought to have been recovered in the said Court of Requests, then and in every such Case such 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.

Nothing in the Act contained to prevent Persons from distraining for Rent.

Statute of Limitations may be pleaded.

XXXIX. 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.

XL. 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 Limitations 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.

Recovery and Application of Penalties.

XLI. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by

by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the said Commissioners (which Warrant such Commissioners are hereby empowered to grant) upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath; and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting such Fines and Penalties, and the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Clerk to the said Commissioners, and shall be by the said Commissioners distributed amongst the Poor of the said Borough and Liberties thereof, and the said Parishes and Places within the Jurisdiction of the said Court of Requests, in such Shares and Proportions, and in such Manner, as the said Commissioners, or any Three or more of them, shall think right and proper; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and 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 Borough, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months nor less than Twenty-one Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

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

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 Borough of *Grimsbj* and Liberties thereof, or Parts of *Lindsey*
 ‘ [or, before of the Commissioners for the Recovery of
 ‘ Small Debts, within the Borough of *Grimsbj* and Liberties thereof, and
 ‘ the Parishes and Places in the Hundred or Wapentake of *Bradley Haver-*
 ‘ *stoe*, and the East Division of the Hundred or Wapentake of *Tarborough*, in
 ‘ the County of *Lincoln*, of having [*as the Offence shall be*] and I [or, we]
 ‘ the said do adjudge him [her, or them] to forfeit and
 ‘ pay for the same the Sum of such Offence being
 ‘ contrary to the Provisions of an Act, made in the Forty-sixth Year of
 ‘ the Reign of King *George* the Third, intituled, [*here insert the Title of*
 ‘ *this Act*]. Given under my Hand and Seal [or, our Hands and Seals] the
 ‘ Day and Year aforesaid.’

XLIII. And be it further enacted; That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or want of Form in the Information; Summons, Conviction, Warrant of Distress, or other 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,

Distress not unlawful for want of Form.

gularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings
not to be
quashed for
want of Form,
nor to be
removable by
Certiorari.

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

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

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

Limitation of
Actions.

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

Publick Act.

XLVII. 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.