



ANNO QUADRAGESIMO SEPTIMO

GEORGI II. REGIS.

Cap. 14.

An Act to alter, amend, and enlarge the Powers of an Act passed in the Twenty-fifth Year of His late Majesty, for the more easy and speedy Recovery of Small Debts within the Town of *Birmingham*, and Hamlet of *Deritend* thereto adjoining, in the County of *Warwick*. [9th April 1807.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the more easy and speedy Recovery of Small Debts within the Town of Birmingham, and Hamlet of Deritend thereto adjoining, in the County of Warwick*, which said Act hath been found useful and beneficial; but the same is in some respects defective and insufficient fully to answer the good Purposes thereby intended: 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 Town or Parish of *Birmingham*, and Hamlet of *Deritend*, if the Powers of the Court of Requests, constituted by the said recited Act of Parliament, were extended to the Recovery of Small Debts not exceeding Five Pounds, and if the Number of the Commissioners of the said Court were increased, and the Method of electing Commissioners were altered: And whereas it would be attended with very beneficial Effects to the Public if certain Debts, not exceeding the Sum of Five Pounds, were recoverable in the said Court: May it therefore please Your Majesty:

[*Loc. & Per.*]

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that

Part of re-
cited Act
repealed.

that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Parts of the said recited Act of the Twenty-fifth Year of His late Majesty King George the Second, as confine or restrain the Cognizance or Jurisdiction of the Court of Requests for the said Town of *Birmingham*, and Hamlet of *Deritend*, to Debts not amounting to Forty Shillings, and also such Part and Parts of the said Act as relate to the summoning, appointing, displacing, or removing of Commissioners to put the said Act in Execution, shall, from and after the First Day of *July* One thousand eight hundred and seven, be and the same are hereby repealed.

Commission-
ers acting
under the
recited Act,
and additional
Commission-
ers herein
named, to
be Commis-
sioners for
executing
this Act.

III. And be it further enacted, That all and every the Commissioners who have been nominated and appointed in the Manner directed by the said recited Act, and who shall take and subscribe the Oath herein-after mentioned, shall be Commissioners for putting the said recited Act and this Act in Execution; and that *James Alston, Samuel Allen, Joseph Blunt junior, William Blakeway, William Bullock, John Cope, John Cox, Thomas Dutton, John Dudley, Vincent Eagle, John Edwards, John Free, Alexander Forrest, John Fuller, Thomas Grundy, John Dymock Griffith, John Greenfall, James Geast, William Hamper, Richard Lawrence, William Henry Osborn, Henry Perkins, Joseph Phipson, Thomas Phipson, John Parker, Thomas Potts, Thomas Richards, Theophilus Richards, John Rotton, Charles Rotherham, John Startin, Henry Thomas, William Walker, Alexander Walker, Samuel Walker, William Warner, William Wilkes, John Webb, William Weston, and Samuel Ward*, shall be and are hereby appointed and declared additional Commissioners for putting the said recited Act and this Act in all respects in Execution; and that they the said Commissioners, and every Commissioner from Time to Time to be elected and appointed in Manner herein mentioned, or any Three or more of them, shall and may and they are hereby authorized and empowered 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 on 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 and Returns founded on a *Quantum Meruit*, and in all Causes or Actions of Trespass or Detinue for Goods and Chattels taken or detained.

Debts re-
coverable by
this Act.

This Act not
to extend to
certain Debts.

III. Provided always, and it is hereby declared, That this Act or any Thing herein contained shall not extend to any Debt where any Title of Freehold, or Lease for Years of any Lands or Tenements, shall come in question; nor to any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments situate elsewhere than in the said Town or Parish of *Birmingham*, and Hamlet of *Deritend*, or by reason of any Cause concerning Testament or Matrimony, or any Thing concerning or properly belonging to the Ecclesiastical Courts, or for or concerning any Agreement by way of Composition for or by way of Retainer of Tithes; nor to any Debt for any Money or Thing won at or by means of any Horse Race, Cock Match, Wager, or any Kind of Gaming or Play; nor to any Debt which there has not been a Contract, Acknowledg-
ment,

ment, Undertaking, or Promise to pay within Six Years before the taking out of the Summons, although the same respectively shall not exceed Five Pounds; any Thing herein contained to the contrary notwithstanding.

IV. 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 making any Order, Decree, or Judgment therein, but such Commissioner, after being heard in such Cause, Action, or Matter, shall withdraw until the same is finally determined; and if either of the Clerks, 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.

Commissioners not to sit when they are interested.

V. And be it further enacted, That from Time to Time on the Death, Incapacity, or Refusal to act of any of the Commissioners appointed by virtue of the said recited Act, or of any Commissioner herein before particularly named, or of any of their Successors, to be elected in Manner herein after mentioned, it shall be lawful for the Commissioners appointed under or by virtue of the said recited Act, and the Survivors of the Commissioners appointed under or by virtue of this Act, to meet at the Place where the said Court is usually held, at some convenient Time to be fixed upon for that Purpose by the said Commissioners or any Three or more of them, and which Meeting shall be notified to every Commissioner who shall have qualified himself to act as herein after mentioned, by a Notice to be delivered to him, or left at his Dwelling House Four Days before the said Day of Meeting; and the said Commissioners, or the major Part of them then present, shall and may elect and appoint a proper Person to be a Commissioner in the Stead of every such Commissioner so dying, becoming incapable, or refusing to act; and every such Commissioner so elected shall have the like Powers and Authorities for carrying the said recited Act and 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 may be chosen.

VI. And be it further enacted, That the said Commissioners already appointed, and to be appointed as aforesaid, or any or either of them, shall not be capable of acting as Commissioners or a Commissioner in the Execution of any of the Powers and Authorities given by this Act, or by the said recited Act, after the said First Day of July One thousand eight hundred and seven, until they and he respectively shall have taken an Oath to the Effect following; (that is to say),

Commissioners not to act until they have taken the following

‘ 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 Judgment, execute the several Powers and Trusts reposed in me as a Commissioner of the Court of Requests

Oath.

‘ Requests in and for the Town or Parish of *Birmingham*, and Hamlet
 ‘ of *Deritend* thereto adjoining, in the County of *Warwick*, conformably
 ‘ to the Directions, true Intent, and Meaning of an Act passed in the
 ‘ Twenty-fifth Year of the Reign of His late Majesty King *George* the
 ‘ Second, intituled *An Act for the more easy and speedy Recovery of Small*
 ‘ *Debts within the Town of Birmingham, and Hamlet of Deritend thereto*
 ‘ *adjoining, in the County of Warwick*; and of an Act passed in the Forty-
 ‘ seventh Year of the Reign of His Majesty King *George* the Third,
 ‘ intituled *An Act* [*here set forth the Title of this Act*], or conformably
 ‘ to the Directions and true Intent and Meaning of such or so much of
 ‘ the same Two Acts as now are or is in force, and that without Favour
 ‘ or Affection, Prejudice or Malice; and also that I am a Householder,
 ‘ or carry on Trade within the Jurisdiction of the said Court, and that I
 ‘ am possessed of a Real Estate of the annual Value of Fifty Pounds, or
 ‘ of a Personal Estate of the Value of One thousand Pounds, above all
 ‘ Charges or Incumbrances whatsoever.

‘ So help me GOD.’

Clerk or De-
 puty to ad-
 minister the
 Oath.

Which Oath shall be in lieu and stead of the Oath mentioned or pre-
 scribed to be taken by a Commissioner in the said recited Act; and which
 said Oath, herein-before mentioned or contained, one of the Clerks of
 the said Court for the Time being, or their or his sufficient Deputy, is
 hereby empowered and required to administer; and they the said Com-
 missioners shall and are hereby required, after taking the said Oath, to sign
 or subscribe their respective Names upon a Roll or Rolls of Parchment,
 or in a Book to be provided for that Purpose, with the said Oath written
 or printed therein; and such Roll or Rolls, or Book, shall be carefully
 kept among the Records of the said Court.

Qualification
 of Commis-
 sioners.

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, or shall carry on Trade within the
 Jurisdiction of the said Court, and be possessed of a Real Estate of the
 annual Value of Fifty Pounds, or of a Personal Estate of the Value of
 One thousand Pounds, above all Charges and Incumbrances whatsoever;
 and if any Person not being 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, nor more than One Imparlance
 shall be allowed; and in every such Action, Bill, Plaint, and Informa-
 tion, the Proof of such Qualification shall be on the Defendant, and it
 shall be sufficient for the Plaintiff or Prosecutor to prove that the Person
 so sued or prosecuted had acted as a Commissioner in the Execution of
 this Act: Provided nevertheless, that all Judgments, Orders, Decrees,
 Acts, and Proceedings of all and every Person and Persons acting as a
 Commissioner or Commissioners in the Execution of this Act, though
 not duly qualified as aforesaid, previous to his or their being convicted of
 such Offence, shall, notwithstanding such Conviction, be as valid and
 effectual

Act of Com-
 missioners
 good before
 Conviction.

effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

VIII. And be it further enacted, That if any Commissioner named or appointed by virtue of the said recited Act or this Act shall neglect or refuse to qualify himself for acting as a Commissioner in the Execution of the said recited Act and this Act, by taking and subscribing the Oath herein-before mentioned within Two Years from the passing of this Act, or if any Person hereafter to be elected and chosen a Commissioner shall neglect or refuse to qualify himself for acting in the Execution of this Act within Two Years next after he shall have been so elected and chosen, such Commissioner so neglecting or refusing shall from thenceforth be disqualified, and be incapable of acting as a Commissioner in the Execution of this Act; and it shall be lawful for the remaining Commissioners or any Three or more of them from Time to Time to elect One other Person to be a Commissioner in the Room of every Person so neglecting or refusing to qualify or act as last aforesaid; and if any Person so neglecting or refusing to qualify or act shall presume to act contrary to the Intent and Meaning hereof, every Person so offending in each of the Cases aforesaid shall for every such Offence forfeit and pay the like Sum as is herein-before directed to be forfeited in case of any Person presuming to act not being qualified, to be recovered, paid, and applied in like Manner as such Forfeiture or Penalty herein-before mentioned is directed to be recovered, paid, and applied.

Commissioners required to qualify within Two Years.

IX. Provided always, and be it further enacted, That if any Person so becoming disqualified shall at any Time thereafter be desirous of being re-elected on any subsequent Vacancy, it shall be lawful for the Commissioners for the Time being again to elect and choose him to be a Commissioner, subject nevertheless to the several Restrictions aforesaid.

Persons becoming disqualified may nevertheless be re-elected Commissioners.

X. And be it further enacted, That each of the Clerks, and the Beadle duly elected and chosen under and by virtue of the said recited Act, shall remain and continue to be such Clerks and Beadle of the said Court of Requests for the Execution of the Purposes in the said recited Act and this Act contained; and it shall be lawful for either of the said Clerks from Time to Time to appoint a proper and sufficient Deputy to act and officiate for him in the Duties of the said Place or Office.

Officers appointed by former Act to continue.

XI. 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 Six 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 Order 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 Six of the Clock in the Afternoon.

Time of hearing Causes.

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

XII. And be it further enacted, That 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 in respect of Wages, Rent, or Arrears of Rent, or otherwise howsoever, not exceeding the Value of Five Pounds, due or owing to him, her, or them, in his, her, or their own Right, or in the Right of any other Person or Persons, or as Executor or Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due or owing to him as High Bailiff, Constable, 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 not expressly prohibited by this Act, by or from any other Person or Persons whomsoever, inhabiting, residing, or being within the said Town or Parish of *Birmingham*, and Hamlet of *Deritend*, or keeping or using any House, Coach House, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or using or frequenting the Markets there, or working or seeking a Livelihood, or in any way trading or dealing within the same, to cause such Debtor or Debtors as aforesaid to be warned or summoned by personal Service, or by a printed or written Summons left at the Dwelling House or last Place of Abode, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, Stand, or any other Place of Dealing of such Debtor or Debtors, or Person or Persons as aforesaid, within the Jurisdiction of the said Court, to appear before the Commissioners of the said Court at such Time and Place, Times and Places, in such Manner, and under and subject to such and the same Powers, Process, and Method of Proceeding, Orders, Judgments, Decrees, and Executions, not herein and hereby altered and amended, as are mentioned, expressed, marked, and declared in and by the said recited Act of the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, and that as fully and effectually to all Intents and Purposes as if the same were herein repeated and re-enacted; and upon due Proof of such Summons having been duly served in Manner aforesaid, the said Commissioners present in Court (the Number of such Commissioners present not being less than by this Act directed) are hereby empowered and required to make due Inquiry concerning such Debts, Demands, or Plaints, and make such Order or Orders, Decree or Decrees therein, and pass such final Judgment or Sentence thereupon, and award such Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience; and they are also hereby empowered to order and direct the Payment of any such Debts to be made either in One Sum at once, or by Instalments at stated Periods, as they shall see Cause and deem just and reasonable; all which Order or Orders, Decrees, Judgments, and Proceedings so to be made, shall be registered in a Book or Books to be kept for that Purpose by the Clerk or Clerks of the said Court, his or their sufficient Deputy or Deputies, as they have been accustomed to be; and as well the Plaintiff or Plaintiffs, as the Debtor or Debtors, whom such Order or Orders, Decrees, Judgments, and Proceedings shall respectively concern, shall observe, perform, and keep the same respectively in all Points; and no such Orders, Decrees, Judgments, or Proceedings shall be removed or removable into any other Court by *Certiorari* or otherwise, except for the Purpose of enforcing and carrying into Effect such Order, Decree, or Judgment.

By Instalments or otherwise.

Orders and Proceedings to be registered.

XIII. And be it further enacted, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, Defendant or Defendants, in any Suit or Cause hereafter depending in the said Court of Requests, to cause any Person or Persons, as well residing within the Jurisdiction of this Court as elsewhere, to be warned or summoned as often as shall appear necessary by the Beadle or Officer of the said Court, either by serving such Summons personally, or by leaving the same at the last or usual Place or respective Places of Abode of such Person or Persons, to appear as a Witness or Witnesses, to give Evidence in the said Court in or concerning any Suit or Cause; and in case any such Person or Persons so to be summoned to give Evidence as aforesaid shall refuse or neglect to appear at the Time and Place to which he, she, or they shall be so summoned, or appearing upon any such Summons shall refuse to be examined upon Oath, or in case of a Quaker or Quakers on solemn Affirmation (which Oath or Affirmation the said Commissioners or any One or more of them are hereby authorized and required to administer), and to give Evidence as aforesaid before such Commissioners, according to the true Intent and Meaning of this Act, then and in either of the said Cases every such Person so neglecting or refusing shall forfeit and pay for every such Offence any Sum not exceeding Fifty Shillings, to be awarded by the said Commissioners or any Three or more of them, unless a reasonable Excuse be offered to and allowed by the said Commissioners; and if the Person or Persons so offending shall not forthwith pay into the said Court the Penalty or Forfeiture so imposed upon him, her, or them, it shall and may be lawful to and for the said Commissioners or any Three or more of them to order and cause such Person or Persons to be apprehended by an Officer of the said Court, and committed to the Gaol or Prison of the Town of *Birmingham*, there to remain for any Space of Time not exceeding Fourteen Days, unless such Penalty or Forfeiture shall be sooner paid; and every such Penalty or Forfeiture as last mentioned, as shall be received by virtue of this Act, shall thereupon (after deducting the reasonable Costs and Charges of apprehending and taking such Person or Persons so neglecting or refusing) be paid over into the Hands of the Churchwardens or Overseers of the Poor of the Parish wherein the Person or Persons respectively paying the same shall at the Time of his, her, or their Neglect or Refusal to appear or give Evidence as aforesaid, inhabit, dwell, or seek a Livelihood, and shall be applied towards the Support and Maintenance of the Poor of the said Parish.

Officers of the Court to summon Witnesses.

Witnesses not appearing or refusing to give Evidence, to forfeit Fifty Shillings;

and in default of Payment to be committed.

Application of Penalties.

XIV. 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 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

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

pay the same by such Ways or Means as are herein provided for the Recovery of Debts ordered or decreed by the said Court.

Persons giving false Evidence to be punished for Perjury.

XV. And be it further enacted, That in case any Person or Persons shall make Oath, or being of the People called *Quakers* shall make Affirmation, or give Evidence in any Cause depending in the said Court of Requests, whereby he, she, or they shall commit any wilful or corrupt Perjury, or be guilty of wilful and false affirming, and thereof be duly convicted according to Law, then every such Person or Persons shall incur and suffer the like Pains and Penalties as any other Person or Persons convicted of wilful Perjury, according to the Laws and Statutes of this Realm.

Debts due to Persons under Age may be recovered.

XVI. 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 whomsoever, 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 like Powers in regard thereto, as if the Plaintiff or Plaintiffs were of full Age.

Verdicts in any other Court for Debts recoverable in this Court not entitled to Costs, &c.

XVII. And be it further enacted, That if any Action or Suit shall be commenced in any other Court than the said Court of Requests for any Debt not exceeding the Sum of Five Pounds, and recoverable by virtue of the said recited Act and of this Act, or either of them, 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 so often such Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any Case by Law: Provided always, that nothing herein contained shall extend or be construed to extend to prevent or restrain any Person or Persons from making Distress, or bringing any Action or Actions whatsoever for Rent, and thereby recovering such Rent with Costs, although the same Rent shall not exceed the Sum of Five Pounds.

Persons not prevented from recovering Rents by Distress, &c.

Statute of Limitations may be pleaded.

XVIII. 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 Defendants in that Court shall be allowed to plead or claim the Benefit of any Statute of Limitations now in being, or hereafter to be made; and every such Defendant so pleading and claiming shall have and receive such or the like Advantage or Relief thereby,
as

as such Defendant would have been entitled to in case this Act had not been made, and he or she had been sued for the same Debt, or other Cause of Action, in any of His Majesty's Courts at *Westminster*, or any other Court, and had there pleaded such Statute in bar to the Action or Suit.

XIX. 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 which 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 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: 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 Judgment 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 Action so split or divided.

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

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

XX. And be it further enacted, That no Person or Persons whomsoever shall be committed to any Gaol or Prison, by Order of the said Court, for any Debt or Debts, or be kept or continued in Custody on any Pretence whatsoever (except in the Cases herein-after otherwise provided for), for any longer Space or Spaces of Time from the Time of his, her, or their Commitment to Prison, than is or are next 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 not 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 all Gaolers and Keepers of Prisons are hereby directed and required to discharge such Persons accordingly.

Time of Imprisonment limited.

[*Loc. & Per.*]

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XXI. And

If any Debtor conceal Money or Goods, the Time of his Imprisonment shall be enlarged.

XXI. And in order the more effectually to prevent Persons summoned for Debt to the said Court from fraudulently concealing 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 Witness 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 aforesaid Time of Imprisonment of such Debtor to any Period, in addition thereto, not exceeding Three Calendar Months.

Time of Imprisonment to extend to each Execution.

XXII. And be it further enacted, That from and after the passing of this Act 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 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, he, she, or they shall be imprisoned the limited Time for and in respect of each and every Execution; that is to say, after the limited Time is expired on the First Execution, the Imprisonment shall commence on the Second Execution; and after the limited Time is expired on the Second Execution, the Imprisonment shall commence on the Third Execution; and so on until he, she, or they so shall have been imprisoned the limited Time for and in respect of each and every 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 Statute, Law, or Usage to the contrary notwithstanding.

Process not to issue against the Person and Goods of the same Persons.

XXIII. 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, Judgment, or Decree, shall at the same Time have obtained any Warrant or Process against the Goods and Chattels of the same Person or Persons.

Debtors not liable to pay Gaol Fees.

XXIV. 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 Gaol, 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 any other Person whomsoever, shall demand, take, or receive any Fee or Fees, Sum or Sums 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 of *Warwick* to hear and determine every such Offence, and such Two Justices are hereby authorized

Two Justices may determine such Offence.

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 Judgment 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 Gaol or House of Correction for the Town of *Birmingham*, 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 One of the Clerks to the said Commissioners, and the same shall be by the said Commissioners distributed amongst the Poor of the said Town of *Birmingham*, or the Hamlet of *Deritend*, in such Shares and Proportions as to the said Commissioners shall seem right and proper.

XXV. And whereas it may happen that Persons served with Proceſs iſſuing out of the ſaid Court of Requeſts may, in order to avoid Execution, remove their Perſons and Effects beyond the Limits of the Jurisdiction of the ſaid Court; be it therefore enacted, That in all Caſes where a final Decree or Judgment for any Sum or Sums exceeding Ten Shillings ſhall have been obtained in the ſaid Court, it ſhall and may be lawful to and for any of His Maſteſty's Courts 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 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 Commissioner authorized to take Affidavits), it ſhall and may be lawful to and for ſuch ſuperior Court to cauſe the Record of the ſaid Decree or Judgment to be removed into ſuch ſuperior Court, and to iſſue Writs of Execution thereupon to the Sheriff of any County, City, Liberty, or Place, againſt the Perſon or Perſons or Effects of the Defendant or Defendants, in the ſame Manner as upon Judgments 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 Twenty Shillings be paid to him, or to levy the ſame out of the Effects, according to the Nature of the Execution, for the extraordinary Coſts of the Plaintiff or Plaintiffs in the ſaid Court ſubſequent

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

quent to the said Decree or Judgment, and of the Execution in the superior Court, over and above the Money for which such Execution shall be issued.

Fees to be taken.

XXVI. And be it further enacted, That the several Fees and Sums of Money herein-after limited and expressed, and no other, shall be taken by the Clerks and Beadle of the said Court of Requests for their several and respective Services in the Execution of the said recited Act and of this Act, in lieu and stead of the Fees and Sums of Money limited and expressed in the said recited Act; (that is to say),

TABLE OF FEES.	On Debts not exceeding Forty Shillings.		On Debts above Forty Shillings.	
	s.	d.	s.	d.
CLERKS' FEES.				
For every Summons	0	8	1	4
For every Summons for the Attendance of not more than Two Witnesses	1	0	2	0
For calling the Plaintiff or Defendant before the Court	0	3	0	6
For a Nonfuit on the Plaintiff's not appearing	1	0	2	0
For paying Money into Court	0	6	1	0
For every Hearing	0	8	1	4
For a Copy of every Order upon a Hearing, and of every Judgment of Nonfuit	0	6	1	0
For an Execution	1	0	2	0
For receiving Money out of Court in part or in full	0	6	1	0
For acknowledging Satisfaction in full	0	6	1	0
For every Search	0	3	0	6
For Swearing every Witness	0	3	0	6
For giving Notice to the Plaintiff (if required) of the Service of his Execution	1	0	2	0
BEADLE'S FEES.				
For the Service of every Summons on Defendant	0	4	0	6
For the Service of a Summons on a Witness	0	4	0	6
For calling the Plaintiff or Defendant before the Court	0	2	0	3
For the Service of every Order upon a Hearing, and of every Judgment of Nonfuit	0	4	0	6
For levying an Execution on Debts not exceeding Fifteen Shillings	1	0	—	—
Above Fifteen Shillings and not exceeding Twenty Shillings	1	6	—	—
Above Twenty Shillings and not exceeding Forty Shillings	2	6	—	—
Above Forty Shillings and not exceeding Sixty Shillings	3	0	—	—
Above Sixty Shillings and not exceeding Eighty Shillings	4	0	—	—
Above Eighty Shillings	5	0	—	—

Table of Fees to be hung up in the Court.

A Table of which said Fees shall be hung up by One of the Clerks of the said Court in some public and conspicuous Part of the Court House or other Place where the said Commissioners shall meet for the Purposes aforesaid, to the End that all Persons concerned may at all Times see and read over the same.

XXVII. And

XXVII. And be it further enacted, That where any Debt shall be due and owing, or demanded from 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.

Where Debts are due from Two or more Persons being Partners, summoning One of them sufficient.

XXVIII. And be it further enacted, That the said Commissioners, or the major Part of them at any General Meeting thereof, assembled pursuant to Notice in Writing for that Purpose to be given by One of the Clerk or Clerks, or his Deputy, to the said Commissioners for the Time being, the Number of Commissioners then present not being less than Seven, shall and may and they are hereby empowered and directed to make, ordain, and constitute such Rules and Regulations as to them shall seem meet, for securing the Balances and other Sums of Money belonging to the Suitors of the said Court, in the Hands of the Clerk or Clerks of the said Court, or his or their Deputy, which at any Time from and after the passing of this Act may be by them or either or any of them received, and for the due accounting for and Application of all such Balances and other Sums of Money, and also for auditing the Accounts at least Once in every Year, and oftener if they shall deem necessary.

Commissioners may make Rules respecting Suitors Money.

XXIX. 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 upon 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 One of the Clerks to the said Commissioners, or his Deputy, and shall be by the said Commissioners distributed amongst the Poor of the said Town of *Birmingham*, or the Hamlet of *Deritend*, 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 such 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 for the said Town of *Birmingham*, 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.

Recovery and Application of Penalties.

Limitation
of Actions.

XXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said recited Act and of this Act or either of them; or on account of any Order, Determination, Judgment, or Decree of any of the said Commissioners, until Twenty-one Days Notice thereof shall have been given in Writing, to be left at the Office of one of the Clerks of the said Court, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Cause of Action shall have arisen; and the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon; and if the Plaintiff or Plaintiffs shall be nonsuited, or if a Verdict or Judgment shall be given for the Defendant or Defendants therein, then and in either of the said Cases such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any Cases by Law: Provided always, that the said recited Act, and all Powers, Provisions, Clauses, Matters, and Things therein respectively contained, shall, so far as and in such Cases as the same are not hereby altered, varied, or repealed, and are not repugnant to any of the Provisions of this Act, continue and be in full Force, and extend to all and every Person and Persons to whom this Act doth or shall extend.

General Issue.

Treble Costs.

Said recited
Act, except
where hereby
repealed, or
otherwise
provided for,
extended to
this Act.

Commence-
ment of the
Act.

XXXI. And be it further enacted, That this Act shall commence and take Effect from and after the said First Day of *July* One thousand eight hundred and seven, and be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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