



ANNO QUADRAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. 37.

An Act to alter and enlarge the Powers of an Act, passed in the Fifteenth Year of His present Majesty, for the more easy and speedy Recovery of Small Debts, within the Hundred of *Elloe*, in the County of *Lincoln*; and for extending the Jurisdiction of the Court constituted by the said Act to the Parishes of *Surfleet* and *Gosberton* in the Hundred of *Kirton*, in the said County.

[25th April 1807.]

WHEREAS an Act was passed in the Fifteenth Year of the Reign of His present Majesty, intituled, *An Act for the more easy and speedy Recovery of Small Debts within the Hundred of Elloe, in the County of Lincoln*; which said Act has 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 in the said Hundred of *Elloe*, and to the necessary Support and Protection of useful

[*Lac. & Per.*] 15 G. 3. c. 64.]

ful Credit within the same, if the Powers of the said Court under the said recited Act of Parliament were extended to the Recovery of Small Debts, not exceeding Five Pounds, and if the Jurisdiction of the Court constituted by the said Act was extended to the Parishes of *Surfleet* and *Gosberton* in the Hundred of *Kirton* in the said County of *Lincoln*, and if the Number of the Commissioners of the said Court of Requests were increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Parts of the said recited Act of the Fifteenth Year of His said Majesty, as confine or restrain the Cognizance or Jurisdiction of the Court of Requests for the said Hundred of *Elloe*, to Debts not amounting to the Sum of Forty Shillings, shall from and after the First Day of *June* One thousand eight hundred and seven, be and the same are hereby repealed.

Recited Act
extended to
Surfleet and
Gosberton.

II. And be it further enacted, That, from and after the First Day of *June* One thousand eight hundred and seven, the said Act passed in the Fifteenth Year of the Reign of His present Majesty, intituled, *An Act for the more easy and speedy Recovery of Small Debts within the Hundred of Elloe, in the County of Lincoln*, with the Explanation and Amendment thereof herein enacted, and all the Powers, Directions, Punishments, Penalties, Forfeitures, Provisoos, Matters, and Things, in the said Act contained, shall extend, and are hereby extended to, and shall take effect, operate, and be executed, with respect to the said Parishes of *Surfleet* and *Gosberton* in the Hundred of *Kirton* in the County of *Lincoln*, and to all and every Person and Persons renting or keeping any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall or Stand, or working or seeking a Livelihood, or trading or dealing in either of the said Parishes, and to all other Persons, in such and the same Manner, and as fully and effectually, to all Intents and Purposes whatsoever, as if the said Parishes were situate in or Part of the said Hundred of *Elloe*, or as if the said Powers, Directions, Punishments, Penalties, Forfeitures, Provisoos, Matters and Things, were herein re-enacted with respect and in relation to the said Parishes of *Surfleet* and *Gosberton* aforesaid.

Commissioners acting under the recited Act, and additional Commissioners herein named, to be Commissioners 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 *Richard Ashby junior, Charles Bonner, Thomas Broderick junior, Robert Tunnard Blackith, Thomas Brockelsby, Nathaniel Betts, Robert Baines, Reverend John Calthrop, Reverend Robert Garruthers, Thomas Congreve, Reverend Richard Dods, William Dods, James Dawson, Daniel Dann, Eusebius Dandy, John Daulton, Reverend Samuel Elsdale, George Maxwell Edmonds, Samuel Edwards junior, Reverend William Fisher Doctor in Divinity, Robert Fisher, Thomas Fisher, William Edward Foster, Jesse Fridlington, Francis Gilbert, James Garner, George Gee, Richard Heald Doctor of Physic, Henry Hawkes, John Holderness, James Heardson, Mathew Holdich, Reverend John Metcalfe, Thomas Maples, John Merriman, James Nicholson, Reverend Samuel Oliver,*

Oliver, Charles Odlin, John Pickworth, Cawood Robinson, Reverend Moore Scribo, Henry Smith, John Smith junior, John Tatam, John Wil- lerton, Thomas Webster, Charles Wyche, William Wyche junior, Charles Young, and John Yarday, 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 directed by the said recited Act, 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 from 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 reco- verable by this Act.

IV. 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 for any Sum being the Balance of an Account on Demand originally exceeding the Sum of Five Pounds ; nor to any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments, situated elsewhere than in the said Hundred of *Elloe*, and Parishes of *Surfleet* and *Gosberton* in the said Hundred of *Kirton* ; 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 Tythes ; 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, Acknowledgement, 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.

This Act not to extend to certain Debts.

V. 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 *June* One thousand eight hundred and seven, until they and he respectively shall have taken an Oath to the Effect following ; (that is to say),

Commission- ers not to act until they have taken the following Oath.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*] That I will faithfully, honestly, and impartially, according to the best of my Skill and Judgement, execute the several Powers and Trusts reposed in me as a Commissioner of the Court of Requests within the Hundred of *Elloe* in the County of *Lincoln*, conformably to the Directions, true Intent and Meaning of an Act, passed in the Fifteenth Year of His present Majesty, intituled, *An Act for the more easy and speedy Recovery of Small Debts within the Hundred of Elloe*

Oath.

in

‘ in the County of Lincoln ; and of an Act passed in the Forty-seventh
 ‘ Year of the Reign of His said present Majesty, 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 prescribed 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 Commissioners 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.

VI. 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 which he may be 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, Complaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed ; and in every such Action, Bill, Complaint, and Information, the Proof of such Qualification shall be on the Defendant, and it shall be sufficient for the Plaintiff or Prosecutor to prove that the Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act : Provided nevertheless, that all Judgements, Orders, Decrees, Acts, and Proceedings of all and every Person and Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Act of Com-
 missioner ;
 good before
 Conviction.

Officers ap-
 pointed by
 former Act,
 to continue.

VII. And be it further enacted, That each of the Clerks and Serjeants duly elected and chosen under and by virtue of the said recited Act, shall remain and continue to be such Clerks and Serjeants 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

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.

VIII. 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.

IX. 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, Rents, 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 occasionally coming into, or sojourning within the said Hundred of *Elloe* and the Parishes of *Surfleet* and *Gosberton* in the said Hundred of *Kirton*, or keeping or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or working or seeking a Livelihood, or in any way trading or dealing therein respectively; 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, Judgements, Decrees, and Executions, not herein and hereby altered and amended, as are mentioned, expressed, enacted, and declared in and by the said recited Act of the Fifteenth Year of the Reign of His said present Majesty, 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

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

[Loc. & Per.]

c7 C

required

By Instalments or otherwise.

Orders and Proceedings to be registered.

quired to make due Enquiry concerning such Debts, Demands, or Plaints, and make such Order or Orders, Decree or Decrees therein, and pass such final Judgement 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, Judgements, 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, Judgements, and Proceedings, shall respectively concern, shall observe, perform, and keep the same respectively in all Points; and no such Orders, Decrees, Judgements, or Proceedings, shall be removed or removeable into any other Court by *Certiorari*, or otherwise, except for the Purpose of enforcing and carrying into Effect such Order, Decree, or Judgement.

Plaintiffs not appearing, Defendant to have Costs, &c.

X. 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 or their Agent or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demands to the Satisfaction of the said Court, but shall become nonsuited or Judgement shall be pronounced against him, her, or them by the said Commissioners, then and in every such Case it shall and may be lawful to and for the said Commissioners and they are hereby required 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.

Officers of the Court to summon Witnesses.

Witnesses not appearing or refusing to give Evidence, to forfeit a certain Sum;

XI. 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, to be warned or summoned as often as shall appear necessary, by the Serjeant 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 any one of the said Commissioners, or either of their Clerks, is hereby authorized to administer) and to give Evidence as aforesaid before such Commissioners, according to the true Intent and Meaning of this

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 Common Gaol or House of Correction for the Parts of *Holland* in the said County of *Lincoln*, 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 to the Party at whose Instance such Summons issued.

and in Default of Payment to be committed.

Application of Penalties.

XII. 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.

Debts due to Persons under Age may be recovered.

XIII. 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.

Verdict in any other Court, for Debts recoverable in this Court, not entitled to Costs; but if Verdict be given for the Defendant and the Judge shall certify that the Debt ought to have been recovered in this Court, he shall have Double Costs.

XIV. 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.

XV. And

Statute of
Limitations
may be
pleaded.

XV. 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 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.

Actions not
to be split,
for the Pur-
pose of bring-
ing them be-
fore the
Court.

XVI. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable any Plaintiff to split or divide any Cause or Action for 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.

But the Court
may decree
in such Action
to split, if the
Plaintiff
shall be satis-
fied to re-
ceive the Mo-
ney in full of
all Demand
in such
Action.

XVII. 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 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 Action so split or divided.

Time of Im-
prisonment
limited.

XVIII. 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 hereinafter 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 hereinafter 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

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.

XIX. 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.

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

XX. 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.

Time of Imprisonment to extend to each Execution.

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 Person or Persons, in any Case or Cases where the Party entitled to the Benefit of any Order, Judgement, or Decree, shall at the same Time have obtained any Warrant or Process against the Goods and Chattels of the same Person or Persons.

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

XXII. 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 Prison, by way of Gaol Fees or Discharge Fees, or on any other Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turn-

Debtors not liable to pay Gaol Fees.

Two Justices
may deter-
mine such
Offence.

keys of the said Gaol or Prison, 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, or 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 acting for the said Hundred or Division where such Offence shall be committed, to hear and determine every such Offence, and such Two Justices are hereby authorized and required, upon any Information exhibited, or Complaint made before them of such Offence having been committed (in case such Information shall be exhibited, or Complaint made within Three Calendar Months after the Offence committed) to summon the Party accused, and also the Witnesses on each Side, and to examine into the Matter of Fact, and upon due Proof made thereof by the Oath of One or more credible Witness or Witnesses, or by the voluntary Confession of the Party accused, to give Judgement or Sentence for such Penalty or Forfeiture aforesaid; and in case such Penalty or Forfeiture shall not be forthwith paid, to issue a Warrant under their Hands and Seals for levying such Penalty and Forfeiture by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus (if any), after deducting such Penalty and Forfeiture, and the Costs and Charges of such Distress and Sale, to the Owner or Owners thereof; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justices to commit such Offender or Offenders to the common Gaol or House of Correction for the Parts of *Holland* in the said 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 one of the Clerks to the said Commissioners, and the same shall be by the said Commissioners distributed amongst the Poor of the Parish wherein such Offence shall be committed, in such Shares and Proportions as to the said Commissioners shall seem right and proper.

Record of
Judgement
may be re-
moved into
the superior
Courts, and
Writs of Exe-
cution issued
to the Sheriff
of any Coun-
ty.

XXIII. 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 Judgement for any Sum or Sums exceeding Ten Shillings shall have been obtained in the said Court, it shall and may be lawful to and for any of His Majesty's Courts at *Westminster*, upon Affidavit made and filed of such Decree or Judgement being obtained, and of diligent Search and Enquiry having been made after the Person or Persons of the Defendant or Defendants, or his, her, or their Goods and Chattels, and of the Precept of Execution having issued against the Person or Persons, or Effects, as the Case may be, of the Defendant or Defendants, and that the Person or Persons, Goods and Chattels, of such Defendant or Defendants, is or are not to be found within the Jurisdiction of the said Court (which Affidavit may be made before a Judge or Commissioner authorized to take

take Affidavits), 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 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 to the said Decree or Judgement, and of the Execution in the superior Court, over and above the Money for which such Execution shall be issued.

XXIV. 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 Serjeants 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),

Fees to be taken.

CLERKS

CLERKS FEES.	On Debts not exceeding Forty Shillings.		On Debts above Forty Shillings.		
	s.	d.	£.	s.	d.
For entering every Cause	0	6	1	0	
For issuing every Summons	0	6	1	0	
For every Subpœna	0	6	1	0	
For calling every Plaintiff or Defendant before the Court	0	3	0	6	
For every Hearing or Trial	0	6	1	0	
For swearing every Witness, Plaintiff, or Defendant	0	3	0	6	
For every Order, Judgement, or Decree	0	6	1	0	
For a Nonfuit	1	0	2	0	
For every Search in the Books or Minutes	0	3	0	6	
For paying Money into Court in full	0	6	1	0	
If by Instalments	1	0	2	0	
For taking Money out of Court	1	0	2	0	
For acknowledging of Satisfaction in the Clerks Books	1	0	2	0	
For every Attachment	1	0	2	0	
For every Execution	1	0	2	0	
For every Warrant of Commitment for an Insult or Misbehaviour in the Court, or to the Commissioners, Clerks, or Officers of the Court	1	0	2	0	
SERJEANTS FEES.					
For the Service of every Summons, Order, or Subpœna, if within either of the Towns of Spalding or Holbeach, and attending the Court with the return thereof	0	8	1	0	
If out of either of the said Towns, Four-pence more for every Mile.					
For calling every Plaintiff or Defendant before the Court	0	2	0	3	
For executing every Attachment, Execution, or Warrant against the Body or Goods	2	0	4	0	
If out of either of the said Towns of Spalding or Holbeach, Four-pence more for every Mile.					
For carrying every Plaintiff, Defendant, or Delinquent to Prison, Eight-pence for every Mile distant from the Place of Arrest to such Prison.					

Table of Fees to be hung up in the Court.

A Table of which said Fees shall be hung up by the Clerk of each of the said Courts in some conspicuous Part or Parts of the said Court House or Court Houses, Place or Places, where the said Commissioners shall meet for the Purposes aforesaid, so that all Persons concerned may see and examine the same.

XXV. And

XXV. And be it further enacted, That no 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.

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

XXVI. 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 for him, her, or them at such Place and in such Manner as is herein-before specified with respect to the Service of Summonses, 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.

XXVII. 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.

XXVIII. 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 or upon the said Court, or in going to or returning from the said Court, or shall interrupt or obstruct the Proceedings of the said Court, or hinder or prevent, or threaten to hinder or prevent, any of the Clerks or Serjeants in the lawful Execution of their respective Office or Offices; then and in every such Case, it shall and may be lawful to and for the said Commissioners or Officers of the said Court, or any of them, to apprehend or cause to be apprehended, such Person or Persons, and to bring him, her, or them before the said Court, if then sitting; and the said Commissioners shall and may 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 Witnesses or Witnessesses, which Oath or Oaths the said Clerks or their respective Deputies are hereby authorized to administer; and upon such Insult, Abuse, or Misbehaviour being duly proved as aforesaid, it shall and may be lawful to and for the said Commissioners or the major Part of them, and they are hereby authorized and empowered, to impose a Fine not exceeding Five Pounds for each and every such Offence, on

Penalty on Persons insulting the Court, &c.

[Loc. & Per.]

7 E

each

XXXI. 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, Judgement, 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, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor 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 Judgement shall be given for the Defendant or Defendants therein, then and in either of the said Cases 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 Cases by Law.

Limitation of Actions.

Issue.

Double Costs.

XXXII. Provided always, that the said recited Act, and all Powers, Provisoes, 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.

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

XXXIII. And be it further enacted, That this Act shall commence and take Effect from and after the said First Day of *June* One thousand eight hundred and seven, and 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.

Commencement of the Act.

Publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1807.

