



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. clii.

An Act to amend the Act for the more easy Recovery of Small Debts and Demands within the City of *London* and the Liberties thereof.

[31st August 1848.]

WHEREAS an Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands within the City of London, and the Liberties thereof*: And whereas Doubts have arisen whether Parties who have obtained a Judgment or Order in the Sheriffs Court of the City of *London*, under the Powers of the said Act, for the Payment of any Debt or Damages or Costs, which Judgment or Order shall not be satisfied, can obtain a Summons from the same Court, requiring the Appearance in such Court of the Party against whom such Judgment or Order shall have been obtained, so that such Party may be examined before the Judge of the same Court of and concerning such unsatisfied Judgment or Order, and Proceedings had thereon, as in the said Act is provided: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

10 & 11 Vict.
c. 71.

[*Local.*]

23 H

Lords

Parties
having ob-
tained an
unsatisfied
Judgment
may obtain
a Summons
on Charge of
Fraud.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Party who has obtained a Judgment or Order in the Sheriffs Court of the City of *London* under the Powers of the said Act for the Payment of any Debt or Damages or Costs, which Judgment or Order shall not be satisfied, to obtain a Summons from the same Court, in case the Party against whom such Judgment or Order shall have been obtained shall then dwell or carry on his Business within the City of *London*, or the Liberties thereof, such Summons to be in such Form as shall be directed by the Rules made for regulating the Practice of such Court, and to be served personally upon the Person to whom it is directed, requiring him to appear at such Time as shall be directed by the said Rules to answer such Things as are named in such Summons; and if he shall appear in pursuance of such Summons, he may be examined upon Oath touching his Estate and Effects, and the Manner and Circumstances under which he contracted the Debt or incurred the Damages or Liability which is or are the Subject of the Action in which Judgment has been obtained against him, and as to the Means and Expectation he then had, and as to the Property and Means he still hath, of discharging the said Debt or Damages or Liability, and as to the Disposal he may have made of any Property; and the Person obtaining such Summons as aforesaid, and all other Witnesses whom the Judge shall think requisite, may be examined upon Oath touching the Inquiries authorized to be made as aforesaid; and the Costs of such Summons, and of all Proceedings thereon, shall be deemed Costs in the Cause.

Power of
Commit-
ment.

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

committed to some Gaol, House of Correction, or other Prison within the City of *London*, or the Liberties thereof, for any Period not exceeding Forty Days.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *London* (City) Small Debts Act, 1848," and in citing the said recited Act it shall be sufficient to use the Expression "The *London* (City) Small Debts Act, 1847." Short Titles.

IV. And be it enacted, That the said recited Act, and all the Powers and Provisions therein contained, shall, so far as the same are applicable, extend to this Act as fully and effectually as if the same were re-enacted in this Act, and the said recited Act and this Act shall be construed together as One Act. Provisions of former Act extended to this Act.

V. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

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