



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. xciv.

An Act for amending and consolidating the Acts of Parliament for the Recovery of Small Debts in the City of *London* and the Liberties thereof, and for enabling the Goods of the Debtors to be taken in Execution. [21st August 1835.]

WHEREAS, before the passing of the Act of Parliament first herein-after recited, the Lord Mayor and Aldermen of the City of *London*, by virtue of divers Acts of Common Council made within the said City for the Relief of poor Debtors dwelling within the said City, were accustomed monthly to assign Two Aldermen and Twelve discreet Commoners to be Commissioners, and sit in the Court of Requests in the Guildhall of the same City, to hear and determine all Matters of Debt not amounting to the Sum of Forty Shillings to be brought before them: And whereas, for the more perfect Establishment of the said Court, an Act was passed in the First Year of the Reign of King *James* the First, intituled *An Act for Recovery of Small Debts and relieving of poor Debtors in London*: And whereas an Act was passed in the Third Year of the Reign of King *James* the First, intituled *An Act for the recovering of Small Debts, and for the relieving of poor Debtors in London*: And whereas an Act was passed in the Fourteenth Year of the Reign of King *George* the Second, intituled *An Act to explain and amend an Act made in the Third Year of the Reign of King James the First, intituled*

1 Jac. 1. c. 14.

3 Jac. 1. c. 15.

14 G. 2. c. 10.

[Local.]

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25 G.3. c. 45. *An Act for the recovering of Small Debts and for the relieving of poor Debtors in London :* And whereas an Act was passed in the Twenty-fifth Year of the Reign of King *George* the Third, intituled *An Act for reducing the Time for the Imprisonment of Debtors committed to Prison upon Prosecutions in Courts of Conscience in London, Middlesex, and the Borough of Southwark, to the same Periods in each Court, and for abolishing Fees paid by those Debtors to Gaolers or others on account of such Imprisonment :* And whereas an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, intituled *An Act to explain, amend, and render more effectual an Act passed in the Third Year of the Reign of King James the First, intituled 'An Act for the recovering of Small Debts and for the relieving of poor Debtors in London,' and an Act passed in the Fourteenth Year of the Reign of His late Majesty King George the Second, to explain and amend the above-mentioned Act ; and likewise for extending the Powers of the Court of Requests in the City of London in and by the said Two several Acts continued and established ;* And whereas it would facilitate the Proceedings of the said Court, and the Encouragement of Trade in the said City and the Liberties thereof, if the Provisions of the said recited Acts were consolidated, and better and more extensive Powers were granted for the more speedy Recovery of Debts of greater Amount : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the First Year of the Reign of King *James* the First, the Third Year of the Reign of King *James* the First, the Fourteenth Year of the Reign of King *George* the Second, and the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and all and every the Clauses, Powers, Provisions, Matters, and Things therein respectively contained, shall, from the Thirtieth Day of *September* One thousand eight hundred and thirty-five, be and the same are hereby repealed ; and none of the said recited Acts or Parts thereof which have been repealed by other of the same Acts shall be hereby revived.

Acts repealed.

Not to revive repealed Acts.

Recited Act 25 G. 3. c. 45. repealed as to London.

II. And be it further enacted, That the said recited Act of the Twenty-fifth Year of the Reign of King *George* the Third, and all and every the Clauses, Powers, Provisions, Matters, and Things therein contained, shall, so far only as relates to the said Court of Requests of the City of *London* and Liberties thereof, and the Debtors committed therefrom from the said Thirtieth Day of *September* One thousand eight hundred and thirty-five, be and the same are hereby repealed.

Acts done in pursuance of former Acts to be valid.

III. Provided always nevertheless, and be it further enacted, That all Acts, Judgments, Orders, and Decrees made or to be made by the Commissioners appointed by virtue of the said recited Acts or any of them on or before the said Thirtieth Day of *September* One thousand eight hundred and thirty-five, and all Acts, Executions, Distresses, Imprisonments, Penalties, Forfeitures, and Proceedings to be done, suffered, incurred, recovered, or executed in pursuance of

such Judgments, Orders, and Decrees, or any of them, either on or before or after the said Thirtieth Day of *September* One thousand eight hundred and thirty-five, shall be valid and effectual in the same Manner to all Intents and Purposes as if the said Judgments, Orders, Decrees, Acts, Executions, Distresses, Imprisonments, Penalties, Forfeitures, and Proceedings had been made, done, suffered, incurred, recovered, or executed after the said Thirtieth Day of *September* One thousand eight hundred and thirty-five in pursuance and under the Authority of this Act.

IV. And be it further enacted, That Two Aldermen of the City of *London*, together with not less than Twenty Inhabitant Household-ers of the respective Wards or Districts herein-after mentioned, including the Common Councilmen for the Time being of the said respective Wards or Districts, shall, in such Manner as hath been heretofore accustomed, be nominated and appointed to be Commissioners of the Court of Requests in and for the City of *London* for the Recovery of Small Debts in the said City and the Liberties thereof, and to sit as usual in the said Court for One Calendar Month in the Rotation following; (that is to say,)

Appoint-
ment of
Commis-
sioners.

In the Year	For the Month of	Of the Ward of	Rotation.
1835	October	<i>Aldgate and Lime Street.</i>	
	November	<i>Bishopsgate Within and Without.</i>	
	December	<i>Broad Street.</i>	
1836	January	<i>Billingsgate.</i>	
	February	<i>Cornhill.</i>	
	March	<i>Aldersgate Within and Without.</i>	
	April	<i>Queenhithe.</i>	
	May	<i>Castle Baynard.</i>	
	June	<i>Farringdon Without.</i>	
	July	<i>Portsoken.</i>	
	August	<i>Vintry.</i>	
	September	<i>Langbourn.</i>	
	October	<i>Cheap.</i>	
	November	<i>Bread Street.</i>	
	December	<i>Candlewick.</i>	
1837	January	<i>Dowgate.</i>	
	February	<i>Bridge.</i>	
	March	<i>Walbrook.</i>	
	April	<i>Bassishaw.</i>	
	May	<i>Cordwainer.</i>	
	June	<i>Coleman Street.</i>	
	July	<i>Farringdon Within.</i>	
	August	<i>Cripplegate Within and Without.</i>	
	September	<i>Tower.</i>	

And such Commissioners shall from Time to Time hereafter continue to be nominated and appointed from each and every of the said Wards or Districts in the same Rotation for One Calendar Month in

in every succeeding Two Years; and the said Commissioners are hereby empowered and required to meet and to hold the said Court in the Room in *Guildhall Buildings* now used for the Purposes of the said Court, or in the Guildhall of the said City, or any convenient Room or Rooms within the City of *London* to be appointed for that Purpose from Time to Time by the Mayor, Aldermen, and Commons of the said City, in Common Council assembled; and the said Court shall be holden at such Time or Times and on such Day or Days as the said Mayor, Aldermen, and Commons, in Common Council assembled, shall from Time to Time direct; and the said Commissioners or the major Part of them who shall be present, such Number present not being less than Three, at their Meetings to be holden as aforesaid, are hereby authorized and empowered to determine all such Actions and Causes as are herein-after mentioned, and to give such Judgments, and make such Orders and Decrees therein, and to award Execution thereupon, with the Costs (such Costs to be in the Discretion of the said Court as to the Party by or to whom the same shall either wholly or in part be paid), against the Goods and Chattels or against the Body or Bodies of all and every the Person and Persons against whom they shall give any such Judgment, or make any Order or Decree, as to them shall seem just in Law or Equity.

Number of Commissioners to be present.

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

In default of a sufficient Number of Commissioners attending, the Assistance of other Commissioners not in rotation to be called for.

VI. And be it further enacted, That if at any Meeting of the said Commissioners a sufficient Number of them shall not be present it shall be lawful for such Commissioners or Commissioner as shall be then in attendance, or if there be no such Commissioner, then for the Clerk of the said Court for the Time being, or his Assistants, to call for and use his and their best Endeavours to obtain the Assistance of any other Commissioner or Commissioners who is, are, or shall be duly qualified and authorized to act in the said Court for any other Month; and in every such Case it shall be lawful for such Assistant Commissioner or Commissioners to act in the Execution of the Powers and Authorities given by this Act, in the same Manner as if such Commissioner or Commissioners had been appointed for the then current Month.

In case sufficient Number of Commissioners do not attend, Court may be adjourned.

VII. And be it further enacted, That in case a sufficient Number of the said Commissioners shall not be present to act in the Execution of this Act, as is herein directed, on any of the Days appointed or to be appointed for holding the said Court, then and in every such Case it shall be lawful for any of the said Commissioners who shall be present, and if no Commissioner be present it shall be lawful

lawful for the said Clerk or his Assistants for the Time being, to adjourn the said Court to the next Day of Meeting, or to some earlier Day.

VIII. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act (except the said Mayor, Aldermen, and Common Council,) unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and possessed of Property, Real or Personal, of the Value of One thousand Pounds above all Charges and Incumbrances whatsoever; and if any Person (except as aforesaid), not being qualified as aforesaid, shall act as a Commissioner in the Execution of this Act, or not having taken the Oath herein-after mentioned, or if any Commissioner shall act in any Action, Question, or Matter in which he shall be in any Manner concerned or interested, every such Person shall for every such Offence 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 or Protection shall be allowed; and in every such Action, Bill, Complaint, or Information the Proof of such Qualification shall lie 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 execution of this Act, though not duly qualified as aforesaid, previously to his or their being convicted of such Offence, shall, notwithstanding such Offence, be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Qualification of Commissioners.

Acts of Commissioners good before Conviction.

IX. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers and Authorities given by this Act after the Thirtieth Day of *September* One thousand eight hundred and thirty-five (except the Power hereby given of administering Oaths to Commissioners) until he shall have taken an Oath to the following Effect; (that is to say,)

Commissioners to take the following Oath.

‘ I *A.B.* do swear, That I am possessed, for my own Use and Benefit, of Estates or Property of the clear Amount or Value of One thousand Pounds above all Incumbrances, and that I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as a Commissioner of the Court of Requests in and for the City of *London*, conformably to the Directions and true Intent and Meaning of an Act passed in the Year of the Reign of King *William* the Fourth, intituled *An Act* [here insert the Title of *this Act*], and that without Favour or Affection, Prejudice, or Malice.

So help me GOD.

Which Oath shall and may be administered to the said Commissioners respectively by the Clerk of the said Court, or his Assistants, before

[Local.]

One or more of the said Commissioners; 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 to be provided for that Purpose, with the said Oath written or printed thereon; and such Roll or Rolls shall be carefully kept among the Proceedings of the said Court.

Commiss-
sioners not
to act when
interested.

X. And be it further enacted, That no Commissioner of the said Court shall be capable of acting as a Commissioner on the hearing or determining of any Action, Cause, Question, or Matter in which he shall be a Party, or in anywise concerned or interested, or in making any Order, Decree, or Judgment thereon.

No Commis-
sioner to be
concerned in
the Supply
of any Arti-
cles for the
Use of the
Court.

XI. And be it further enacted, That no Commissioner of the said Court shall directly or indirectly be concerned or interested in the supplying of any Articles for the Use of the said Court, or in any Repairs, Improvements, Fittings, or Furniture of the same, or in any Contract or Contracts for the supplying any such Articles or performing such Works respectively; and that every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds 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, Suit, or Information, wherein no Essoign or Protection shall be allowed.

Commiss-
sioners to
enter their
Proceedings
in a Book.

XII. And be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made regular Entries in a Book or Books to be provided by them for that Purpose of all Judgments, Acts, Orders, Directions, Regulations, and Proceedings of them the said Commissioners relative to the Execution of the several Powers and Authorities vested in them by this Act, in the same Manner as such Entries have heretofore been made; and such Book and Books shall be allowed to be read in Evidence in Proof of the Proceedings of the said Court in every Court whatsoever.

Present
Officers to
continue
until re-
moved.

XIII. And be it further enacted, That the present Clerk, Assistant Clerks, and other Officers of the said Court nominated or appointed before the passing of this Act, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively; and such Clerk, Assistant Clerks, and other Officers and Servants shall be subject to the like Pains and Penalties and Power of Removal, and to the like Rules and Regulations, as if he and they had been nominated and appointed by virtue of this Act.

Power to
remove
Clerks, &c.

XIV. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, from Time to Time at their Discretion to remove or suspend the present or any future Clerks, Assistants, or other inferior Officers of the said Court, or any of them, for Misbehaviour in their respective Offices, or any other Cause.

XV. And

XV. And be it further enacted, That if it shall at any Time appear necessary to the said Mayor, Aldermen, and Commons, in Common Council assembled, from the Increase of the Business of the said Court, or for any other Reason which they may think sufficient, that more Assistants to the Clerk of the said Court are wanting, it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, from Time to Time to appoint any such additional Assistants or other inferior Officers who may appear to them to be necessary for better carrying into execution the Purposes of this Act, and also from Time to Time to reduce the Number of such Assistants or other inferior Officers according to the Discretion of the said Mayor, Aldermen, and Commons, in Common Council assembled.

Power to appoint additional Clerks, &c.

XVI. And be it further enacted, That it shall be lawful for the Court of Mayor and Aldermen of the said City of *London* from Time to Time at their Discretion to remove or suspend the present or any future Beadles or Serjeants, or any of them, for Misbehaviour in their respective Offices, or any other Cause.

Power to remove Beadles or Serjeants.

XVII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, upon the Death, Removal, or Resignation of any Clerk, Assistant, or other inferior Officer of the said Court of Requests, from Time to Time, when and so often as such Death, Resignation, or Removal shall happen, to elect another Person or Persons in the Room or Stead of every such Clerk, Assistant, or other inferior Officer so dying or resigning or removed as aforesaid.

Appointment of new Clerks in case of Death, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Court of Mayor and Aldermen, upon the Death, Removal, or Resignation of any Beadle or Serjeant of the said Court of Requests, from Time to Time, when and so often as such Death, Resignation, or Removal shall happen, to elect another Person or Persons in the Room or Stead of every such Beadle or Serjeant so dying or resigning or removed as aforesaid.

Appointment of new Beadles or Serjeants in case of Death, &c.

XIX. And be it further enacted, That the Clerk of the said Court and his Assistants, and every or any of them, are and is hereby empowered and required to issue all Summonses, Warrants, Precepts, and Executions, and to register all Orders, Decrees, and Judgments of the said Court, and to do all such Acts, Matters, and Things as are directed or required to be done by the said Clerks by virtue of this Act.

Clerk's Duties.

XX. And be it further enacted, That the Beadles, Serjeants, or Officers of the said Court shall serve all Summonses, and execute such Orders, Warrants, Precepts, and Executions, and do and perform all such other Acts, Matters, and Things, as may be required to be done by them respectively by virtue of this Act.

Duty of Officers.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered and enabled to decide and determine all Disputes and Differences between Party and Party

What Debts shall be decided by the Commissioners.

Party for any Sum of Money not exceeding Ten Pounds in all Actions or Causes of Debt, except as herein-after is mentioned.

Certain Debts to which this Act is not to extend.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Court to determine the Right or Title to any Lands, Tenements, or Hereditaments, or Real Estates whatsoever, or to judge, determine, or decide on any Debt where the Title of the Freehold or Lease for Years, not being a Lease by Parol, of any Lands, Tenements, or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come in question; or to judge, determine, or decide on any Debt which shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments situate elsewhere than within the Jurisdiction of the said Court, or for any Sum being the Balance of any Account originally exceeding Ten Pounds, nor to any other Debt which shall arise by reason of any Cause concerning Testament or Matrimony, or any thing concerning or properly belonging to the Ecclesiastical Court, or for or concerning any Agreement by way of Composition by or by way of Retainer of Tithes, or for or by reason of any Bye Law, or to any Debt for Tolls or Customs due to any Corporation or Company, or in anywise relating to the Franchises, Privileges, or chartered Rights of the Mayor and Commonalty and Citizens of the City of *London*, or other Bodies Politic or Corporate, or any Premium or any Policy of Insurance.

Statute of Limitations may be pleaded.

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

Power to sue Infants in the Court of Requests for Debts contracted for Necessaries.

XXIV. And be it further enacted, That in every Case where a Debt not exceeding Ten Pounds shall be contracted for Necessaries by any Person under the Age of Twenty-one Years, and residing or inhabiting or employed as Clerk, Officer, Book-keeper, Journeyman, Shopman, or Labourer, or otherwise seeking or obtaining a Livelihood within the City of *London* or the Liberties thereof, and such Debt would be recoverable against such Person by an Action for the same in any of His Majesty's Courts at *Westminster*, it shall be lawful for the Person or Persons to whom such Debt shall be due to sue for and recover such Debt in the said Court of Requests, in the same Manner as if the Person by whom the Debt shall be contracted were of full Age; and that in every Case where any Wages or other Debt or Debts not exceeding the Sum of Ten Pounds shall be due to any menial Servant or other Person under the Age of Twenty-one Years, it shall be lawful for such Servant or other Person to

to sue for and recover such Debt or Debts in the said Court of Requests, in the same Manner as if he or she were of full Age; and the said Commissioners are hereby fully authorized and required in such Case to take cognizance of and proceed concerning such Debt in the same Manner, and shall have such and the same Powers in regard thereto, as if the Plaintiff and Defendant were of full Age.

XXV. Provided always, and be it further enacted, 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 amount to the Sum of Ten Pounds.

This Act not to prevent any Distress or Action for Rent.

XXVI. Provided always, 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 of Action for Recovery of any Debt or Demand where the whole Sum or Value that shall appear to be due and owing shall amount to more than Ten Pounds, in order that the same may be made the Ground of Two or more Actions, Causes, or Matters in controversy, for the Purpose of bringing such Actions, Causes, or Matters within the Jurisdiction of the said Court of Requests; and in case it shall appear to the said Commissioners that any Plaintiff shall have so split or divided his or her Cause of Action, Debt, or Demand as aforesaid, except to bring it within the Power herein-after contained, then and in every such Case the said Commissioners shall and they are hereby required to dismiss, with Costs, every such Action, Cause, or Matter so split or divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or she might have lawfully proceeded if this Act had not been made.

For preventing the splitting or dividing of Debts.

XXVII. Provided also, and be it further enacted, That in case any Plaintiff who shall have so split or divided such his or her Cause of Action, Debt, or Demand as aforesaid, or to whom the whole Sum that shall appear to be due shall exceed the Sum of Ten Pounds, shall declare to the Commissioners that he or she is willing to accept such Sum of Money as the said Court is in and by this Act enabled to adjudge and order to be paid in full of the whole of such Debt or Demand in such Action or Cause, then and in every such Case the said Commissioners shall and may, on such Plaintiff adducing Proof respecting his or her Debt or Demand to the Satisfaction of the said Commissioners, adjudge, decree, and order such Sum to the Plaintiff, not amounting to Ten Pounds, as to the said Commissioners shall seem just and reasonable; and such Sum shall, in the Order, Judgment, or Decree to be given 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 Action, Cause, or Matter in controversy, and the Plaintiff shall be precluded from afterwards proceeding in any other Court for or on account of such Debt.

For empowering Plaintiffs to reduce their Demand to 10*l.* provided they accept the same in full for their respective Debts.

Debtors within Jurisdiction may be summoned before Commissioners, who shall adjudge between Parties.

XXVIII. And be it further enacted, That from and after the said Thirtieth Day of *September* One thousand eight hundred and thirty-five it shall be lawful for any Person or Persons, whether such Person or Persons shall reside within the City of *London* or the Liberties thereof, or elsewhere, and for all Bodies Politic or Corporate, and Fraternities or Brotherhoods, whether Corporate or not Corporate, who now have or hereafter shall have any Debt or Debts, Demand or Demands; upon any Contract or Agreement, or for or in respect of Wages or Rent, or otherwise howsoever, (which the said Commissioners are by this Act enabled to determine, and except such as they are expressly prohibited from determining,) owing or due to or claimed or demanded by such Person or Persons, Bodies Politic or Corporate, and Fraternities or Brotherhoods, whether Corporate or not Corporate, in his, her, or their own Right, or in the Right of any other Person or Persons to whom he, she, or they shall be Executor or Administrator, Guardian or Trustee, or due and owing to him as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners, or to any Club or Friendly Society duly associated and constituted; or in any other Manner whatever (except as aforesaid), and for which Debt or Demand he, she, or they shall claim any Sum of Money from any Person or Persons whomsoever residing, inhabiting, or being within the said City of *London* or the Liberties thereof, or keeping or using any House, Warehouse, Wharf, Quay, Accounting-house, Chambers, Lodging, Office, Shop, Shed, Stall, or Stand, or employed, working, or seeking a Livelihood, or trading or dealing within the same City or Liberties, to apply to the Clerk of the said Court for the Time being, or his Assistants, who shall make out and deliver to One of the Beadles, Serjeants, or Officers of the said Court for the Time being a Summons, written or printed, or partly written and partly printed, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, the Nature of the Demand or Cause of Action, with the Name of the Party or Body demanding the same, and requiring such Debtor or Debtors to appear at a certain Time and Place to be mentioned in such Summons before the Commissioners of the said Court to answer such Demand or Demands; and such Beadle, Serjeant, or Officer shall in due Course serve or cause such Summons to be served on such Debtor or Debtors, either personally or by leaving the same with his, her, or their Servant, or other Person belonging to him, her, or them, or the Master or Mistress of the House at the Dwelling House, or at the Wharf, Quay, Lodging, Place of Abode, Warehouse, Accounting-house, Chambers, Office, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working or Resort of such Debtor or Debtors, being within the Jurisdiction of the said Court, Two clear Days at the least previous to and exclusive of the Day appointed in the said Summons for the Hearing thereof; and upon due Proof made of such Summons having been duly served as aforesaid, or upon the Appearance of the Debtor or Debtors, the said Commissioners present in Court (such Number present not being less than by this Act directed) are hereby empowered and required to make due Inquiry concerning such Demands, and make such Orders and Decrees therein, and pass such final Sentence or Judgment thereupon, and award such reasonable Costs of Suit as to them shall seem most

most agreeable to Equity and good Conscience; and as well the Plaintiff or Plaintiffs as the Debtor or Debtors whom such Order or Orders, Decree or Decrees, Judgments, and Proceedings respectively shall concern, shall duly perform, observe, and keep the same; and for the better Discovery of the Truth and more solemn Determination of the Matters and Causes which shall be depending in the said Court, it shall be lawful for the said Commissioners present in the said Court to administer an Oath or Oaths to any Officer of the said Court, or to all or any of the Parties, or his, her, or their Agent or other Person appearing on his, her, or their Behalf, whom they the said Commissioners shall think proper to examine touching the Matters then in question; and also to such Witness or Witnesses as shall be produced by each Party, and also to any other Person or Persons whose Evidence shall seem necessary towards the hearing or determining of any of the said Actions or Causes, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

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

Restricting Evidence on Trial of Causes and Actions.

XXX. Provided always, and be it further enacted, That no Orders, Decrees, Judgments, or Proceedings made by the said Commissioners in pursuance of this Act shall be removed or removable into any other Court by Certiorari, or otherwise howsoever.

No Action removable by Certiorari.

XXXI. And be it further enacted, That where any Debt shall be due, owing, or demanded from any Two or more Persons jointly, by reason or on account of such Persons being Partners in Trade, the like Service of any such Summons as aforesaid on or for any One of such Two or more Partners or Persons shall be as good and sufficient in Law as if each of them were separately summoned as aforesaid.

How Persons may be summoned from whom Debt shall be jointly due.

XXXII. And be it further enacted, That no Privilege shall be allowed to exempt any Person from the Jurisdiction of the said Court of Requests on account of his being an Attorney or Solicitor or any other Officer of any Court of Law or Equity at *Westminster*, or of any other Court whatsoever; but that all Attornies, Solicitors, and Officers shall be subject to the several Processes, Orders, Judgments,

Attornies not exempt from the Jurisdiction of the Court.

ments, and Executions of the said Court of Requests, in the same Manner as any other Persons are subject to the same by this Act or otherwise.

For compelling the Attendance of Witnesses.

XXXIII. And be it further enacted, That it shall be lawful for any Plaintiff or Plaintiffs, Defendant or Defendants in any Action, Cause, or Question hereafter depending in the said Court of Requests, to serve or cause to be served any Person or Persons residing within the Jurisdiction of the said Court, or within Five Miles from the Guildhall of the said City of *London*, with a Summons to be issued by the Clerk of the said Court or his Assistants, either personally or by leaving the same at the last or most 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 such Action, Cause, or Question; and in case any Person residing or being within the Jurisdiction of the said Court, after being duly served as aforesaid with such Summons, shall refuse or neglect to appear pursuant to such Summons, due Proof being made of the Service of such Summons, and no sufficient Cause for his or her Absence or Non-appearance being shown to the Satisfaction of the said Court, or if such Person or Persons so summoned and appearing shall refuse to be examined upon Oath and to give Evidence as aforesaid before such Commissioners, according to the true Intent and Meaning of this Act, then and in any of the said Cases every such Person so neglecting or refusing shall forfeit and pay for every such Offence not exceeding the Sum of Forty Shillings, to be awarded by the said Commissioners; and if any Person so offending shall not forthwith pay into the said Court the Penalty or Forfeiture so imposed upon him, her, or them, it shall be lawful for the said Commissioners to order and cause such Person or Persons to be apprehended by any of the Beadles, Serjeants, or Officers of the said Court, and committed to any Prison in the said City, there to remain for any Space of Time not exceeding One Calendar Month, unless such Penalty or Forfeiture shall be sooner paid; and every such Penalty or Forfeiture as last mentioned which 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 refusing or neglecting) 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.

For adjourning the Determination of any Cause to a future Day.

XXXIV. And be it further enacted, That in case and when and so often as for the Want of the Attendance of any Witness or Witnesses, or for Want of any Deeds, Instruments, Writings, or other Documents, or written, printed, or other Evidence, or on account of Illness or Absence of any Parties or otherwise, the said Commissioners shall be unable to examine and determine to their full Satisfaction any particular Action, Cause, or Matter in controversy coming before them in the said Court, then and in every such Case it shall be lawful for the said Commissioners to adjourn or postpone such Cause or Matter

in controversy from Time to Time as they shall think proper and direct; Provided always, that at the Time of such Adjournment or Postponement a Day shall be fixed for the further hearing of such Action, Cause, or Matter.

XXXV. And be it further enacted, That in case any Person or Persons shall make Oath or give Evidence in any Action, Cause, or Question depending in the said Court of Requests, whereby he, she, or they shall commit wilful and corrupt Perjury, 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 and corrupt Perjury according to the Laws and Statutes of this Realm.

For punishing Persons guilty of Perjury.

XXXVI. And be it further enacted, That if any Debtor or Debtors who shall have been duly summoned as aforesaid shall not appear either in Person, or by his, her, or their Agent or some other Person on his, her, or their Behalf, before the said Court at the Time and Place mentioned in the said Summons, then and in every such Case it shall be lawful for the said Commissioners assembled in the said Court, after Proof made upon Oath of the Service of the said Summons, to hear the Action or Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Attachment, Decree, or Judgment therein as to them shall seem just and equitable, and to appoint some certain Time and Place, according to their Discretion, for such Debtor or Debtors to show Cause before the said Commissioners against such Order, Decree, or Judgment so pronounced *ex parte* as aforesaid, at which Time and Place, or any subsequent Court or Courts, it shall be lawful for the said Commissioners, whether such Debtor or Debtors shall then appear and show Cause or not, upon Proof upon Oath made that a Copy of such Order, Decree, or Judgment had been given to such Debtor or Debtors, or left with his, her, or their Servant or other Person belonging to him, her, or them, or the Master or Mistress of the House at the Dwelling House, Wharf, Quay, Lodging, Place of Abode, Warehouse, Accounting-house, Chambers, Office, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, or resorting of such Debtor or Debtors, being within the Jurisdiction of the said Court, to make and pronounce such final Order, Judgment, or Decree therein, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

If any Debtor does not appear when summoned Commissioners may proceed.

XXXVII. And be it further enacted, That no Clerk of the said Court shall issue any Summons for any Debt exceeding Twenty Shillings unless the Plaintiff shall, at the Time of issuing out such Summons, deposit with the Clerk or Clerks of the said Court for every Debt exceeding Twenty Shillings and not exceeding Forty Shillings the Sum of Two Shillings, and for every Debt exceeding Forty Shillings and not exceeding Sixty Shillings the Sum of Five Shillings, and for every Debt exceeding Sixty Shillings and not exceeding One hundred Shillings the Sum of Seven Shillings and Sixpence, and for every Debt exceeding One hundred Shillings the Sum of Ten Shillings; and if upon the Day of the Return of any such Summons,

Clerk not to issue Summons until Deposit is made.

[Local.]

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or

or at any Continuation or Adjournment of the said Court, or of the Action or Cause for or on account of which the said 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 Demand 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 be lawful for the said Commissioners present in Court, or any Three of them, and they are hereby required, to award to the Defendant or Defendants a Part or the Whole of such Deposit Money by way of Costs and Satisfaction for his, her, or their Trouble and Attendance, together with such further Sum as they the said Commissioners in their Discretion shall think fit, and to order and compel the Plaintiff or Plaintiffs to pay such further Sum by such Ways and Means as any Debt or Debts ordered or decreed by the said Court can or may be recovered; and if there shall be any Overplus remaining in the Hands of the said Clerk after the Sum or Sums awarded to the Defendant or Defendants shall have been paid, or if the Plaintiff or Plaintiffs shall, on the Return Day of any such Summons, appear and make Proof of his, her, or their Demands to the Satisfaction of the said Court, or that the Debt has been settled or paid, then and in every such Case such Overplus or Sum or Sums of Money so deposited with the said Clerk as aforesaid shall be by the said Clerk returned and repaid into the Hands of such Plaintiff or Plaintiffs accordingly: Provided also, that in case such Plaintiff or Plaintiffs at the Time of such Judgment of the said Commissioners, or at any Time afterwards, or his, her, or their Goods and Chattels, shall be out of the Jurisdiction of the said Court, then it shall be lawful for any Beadle, Serjeant, or other Officer of the said Court to apply to any Justice of the Peace acting for the said City of *London*, and upon Proof being made upon Oath (which Oath such Justice is hereby authorized and required to administer) of the Precept of Execution having issued against such Person or Persons, or Effects, as the Case may be, such Justice of the Peace is hereby authorized and required to sign and indorse the said Precept of Execution, and thereupon the said Beadle, Serjeant, or other Officer shall have the like Powers and Authorities to execute the said Precept as are herein-after provided in case any Defendant or Defendants, or his, her, or their Goods and Chattels, shall, after final Judgment given in the said Court, be removed out of the Jurisdiction thereof.

Commis-
sioners may
suspend Pro-
ceedings in
Cases where
Debtors are
ill or unable
to pay the
Debt.

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

such Debtor or Debtors shall be able to pay such Debt or Debts; and then to proceed again in manner aforesaid; any thing herein contained to the contrary notwithstanding.

XXXIX. And be it further enacted, That in any Action, Cause, or Question in which the Commissioners of the said Court shall have made an Order or Decree for the Payment of Money it shall be lawful for the said Commissioners present in Court immediately, or in case of Default or Failure of Payment thereof at the Times and in the Manner thereby directed, to award Execution against the Goods and Chattels of the Party against whom such Order or Decree shall be made, and thereupon it shall be lawful for the Clerk of the said Court or his Assistants, at the Request of the Party prosecuting such Order or Decree for the Payment of Money, to issue an Execution under his Hand to One of the Beadles, Serjeants, or Officers of the said Court, who by virtue of such Precept, issued upon Execution awarded against the Goods and Chattels of such Party, shall and may and is hereby empowered to levy, by Distress and Sale of the Goods and Chattels of such Party being within the Jurisdiction of the said Court, such Sum and Sums of Money and Costs as shall be so ordered, decreed, or adjudged.

Commis-
sioners may
award Exe-
cution
against the
Goods.

XL. Provided always, and be it further enacted, That no Sale of any Goods which shall be taken under or by virtue of any Precept or Execution to be issued in manner aforesaid shall take place or be made until after the Expiration of Eight Days at least next following the Day on which such Goods shall have been so taken; and in the meantime and until any such Sale shall be made the Goods taken by virtue of any Precept as aforesaid shall be deposited by the Beadle, Serjeant, or other Officer taking or levying the same in some fit and convenient Place or Places to be appointed by the said Mayor, Aldermen, and Commons, in Common Council assembled: Provided also, that it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, from Time to Time, and when and as often as they shall think proper, to nominate and appoint such and so many sworn Brokers and Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under or by virtue of this Act as shall appear to the said Mayor, Aldermen, and Commons, in Common Council assembled, to be necessary or proper.

For regulat-
ing the Sale
of Goods
taken in Ex-
ecution.

XLI. Provided always, and be it further enacted, That the Costs and Charges levied for the Distress shall not exceed the Costs and Charges specified in an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of Small Rents.*

Costs of
Distress.
57 G. 3. c. 93.

XLII. And be it further enacted, That if the said Beadle, Serjeant, or Officer to whom such Precept shall have been issued shall certify, and make a Return thereon in Writing under his Hand, that the said Party or Parties against the Goods of whom Execution shall have been awarded hath or have no Goods or Chattels, or not sufficient Goods or Chattels whereon or whereby such Levy can be made, then and

Execution
against the
Body may
issue after an
Execution
against the
Goods.

and in every such Case it shall be lawful for the said Commissioners to award Execution against the Body or Bodies of the Party or Parties against whom such Order or Decree shall be made for the whole or so much of such Sum or Sums of Money and Costs so ordered, decreed, or adjudged as shall then remain unsatisfied; and thereupon it shall be lawful for the proper Officer or Officers of the said Court, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand to One of the Beadles, Serjeants, or Officers of the said Court, who shall and may and is hereby empowered to take such Party or Parties, who shall remain in Custody until he, she, or they shall perform and obey such Order, Decree, or Judgment, for the Space of Time herein in that Behalf particularly directed,

In case Parties shall secrete their Goods or abscond.

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

Process not to issue against the Body and

XLIV. And be it further enacted, That it shall not be lawful for the said Commissioners to issue any Process against the Body or Bodies of any Person or Persons in any Action, Cause, or Question where

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, unless there shall be a Return of no Goods to such Warrant, or unless the Goods sold under the Execution shall not be sufficient to defray the Sum and Sums of Money and Costs so ordered, decreed, and adjudged, in either of which Cases any Process against the Body or Bodies of any such Person or Persons shall be issued only for the Deficiency.

Goods and Chattels of the same Person at the same Time.

XLV. And be it further enacted, That in all Cases where a final Decree or Judgment for any Sum or Sums of Money shall have been obtained in the said Court it shall be lawful for any Beadle, Serjeant, or Officer of the said Court to apply to any Justice of the Peace acting for the Division or Place to which such Defendant or Defendants, or his, her, or their Goods and Chattels, shall be removed; and upon Proof being made upon Oath (which Oath such Justice is hereby authorized and required to administer) 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, but is or are believed to be within the County or District where such Justice of the Peace shall act, such Justice of the Peace is hereby authorized and required to sign or indorse his Name upon the Back of the said Precept of Execution, and thereupon the Beadle, Serjeant, or other Officer of the said Court shall be and is hereby authorized and empowered to take and seize the Person and Persons or Effects of the Defendant or Defendants, wheresoever the same shall be found, within the County or District for which such Justice of the Peace who shall have so signed or indorsed the said Precept of Execution as aforesaid shall act, and to deal therewith in like Manner as if the same had been taken or seized within the Jurisdiction of the said Court; and all Constables and other Peace Officers shall and they are hereby required to be aiding and assisting within their respective Districts in the Execution of the said Precept so indorsed as aforesaid.

If Defendants remove out of the Jurisdiction of the Court to avoid Execution, a Justice of the Peace may indorse the Precept, &c.

XLVI. And be it further enacted, That in or upon each and every Precept to be issued upon Execution awarded against the Goods and Chattels or Body of any Person or Persons whomsoever, the Clerk of the said Court or his Assistants shall insert or indorse the Sum or Sums of Money and the Costs so ordered, decreed, and adjudged; and if the Party or Parties against whom such Execution shall be awarded respectively shall, before an actual Sale of the Goods and Chattels, or before he, she, or they is or are apprehended, or before the Expiration of the Term of his, her, or their Imprisonment, as herein mentioned, pay or cause to be paid or tendered unto the Clerk of the said Court or his Assistants, or to the Officer holding the Execution, or, in case such Party or Parties shall be in Prison, to the Gaoler of the Prison, such Sum or Sums of Money as aforesaid, or such Part thereof as the Plaintiff or Plaintiffs shall agree to accept in full for his, her, or their Debt or Debts, together with the Costs, then and in every such Case the Execution shall be superseded, and the Body or Goods and Chattels

Clerk to insert or indorse Debt and Costs on Precepts, and, if paid to the Clerk of Court before Sale, Execution to be superseded.

of the said Party or Parties shall be discharged and set at liberty, and the Officer holding the Execution, or the Gaoler, (as the Case may be,) shall immediately transmit such Sum or Sums of Money to the Clerk of the said Court.

Limitation of
the Times of
Imprison-
ment of
Debtors.

XLVII. And be it further enacted, That no Person or Persons whomsoever, being a Debtor or Debtors, Defendant or Defendants, who shall be committed to Gaol or Prison by Order of the said Court of Requests, shall 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 herein-after limited; that is to say, where the Debt, exclusive of Costs, shall amount to Twenty Shillings and no more, then he, she, or they shall be kept or continued in Custody Eight Days, and where the Debt, exclusive of Costs, shall be more than the Sum of Twenty Shillings, he, she, or they shall be kept or continued in Custody as many Days as shall be equal to the Number of Sums of Two Shillings and Sixpence in the Amount of such Debt, unless the Plaintiff or Plaintiffs shall be sooner satisfied, and signify the same in Writing under his, her, or their Hand or Hands to the Officer who shall have executed the Process, which Officer, upon producing the same to the Gaoler, shall thereupon forthwith discharge such Debtor or Debtors out of Custody.

If any Debtor
conceal
Money or
Goods, the
Time of his
Imprison-
ment shall be
extended.

XLVIII. And in order the more effectually to prevent Persons summoned for Debts or Demands to the said Court from fraudulently concealing their Money, Goods, or Effects; be it further enacted, That in case, upon the Summons of any Person for any Debt or Demand before the said Court, Information of 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 Witness or Witnesses, then and in every such Case it shall be lawful for the said Court to extend the aforesaid Time of Imprisonment of such Debtor to any Period in addition thereto not exceeding Three Calendar Months.

To be impri-
soned the
limited Time
for the first
Execution,
and after-
wards Half
the limited
Time.

XLIX. Provided always nevertheless, and be it further enacted, That all and every Person and Persons who shall be taken in Execution under or by virtue of any Process issuing from or out of the said Court, 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, shall be imprisoned the limited Time for the first Execution, and afterwards Half the limited Time only for and in respect of each other Execution; (that is to say,) after the limited Time is expired on the First Execution, the Imprisonment shall commence on the Second Execution, and continue Half the limited Time only, and after Half 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 shall have been imprisoned the limited Time for the First Execution, and afterwards Half the limited Time only for and in respect of each other separate Execution to be issued against him, her, or them in

the said Court previously to his, her, or their being taken into Custody, or during his, her, or their Imprisonment; any Law, Statute, or Usage to the contrary notwithstanding.

L. And be it further enacted, That such Fees shall be taken by the said Clerks, Beadles, Serjeants, and other Officers of the said Court, for their several and respective Services in the Execution of this Act, as shall from Time to Time be appointed and fixed for that Purpose by the Mayor, Aldermen, and Commons of the said City of *London*, in Common Council assembled, in like Manner as the Fees of the Officers of the said Court of Requests have heretofore been regulated and fixed by them; and the said Mayor, Aldermen, and Commons, in Common Council assembled, shall and they are hereby required to cause a Table of such Fees as for the Time being shall be appointed to be taken as aforesaid to be affixed in some conspicuous Place of the Court or Place of meeting of the said Commissioners, in order that all Persons concerned may be enabled to peruse the same: Provided always, that such Table of Fees shall be allowed by One or more of the Justices or Barons of His Majesty's Courts of Record at *Westminster* before the same shall be used or acted upon.

Fees to be taken.

LI. And be it further enacted, That the Keeper or Keepers for the Time being of the Prison for Debtors of the said City of *London* shall and he and they is and are hereby required to receive and take into his or their Custody respectively all and every Person and Persons who shall be committed or ordered to stand committed by the said Commissioners; and in case the Keeper or Keepers of the said Prison respectively shall neglect or refuse to receive or take into his or their Custody any Person or Persons committed by virtue of this Act, or shall, before the Expiration of the Time for which any Person or Persons shall be committed to his or their Custody, discharge such Person or Persons out of his or their Custody, and wilfully suffer such Person or Persons to go at large, without a Warrant or Order for that Purpose in Writing, signed by the Plaintiff or Plaintiffs as aforesaid, or in Court by the said Commissioners or any Three or more of them, such Keeper or Keepers respectively so offending in either of the said Cases, and being thereof convicted before One or more of the Aldermen of the said City upon the Oath of One or more credible Witness or Witnesses (which Oath such Alderman and Aldermen is and are hereby authorized and required to administer), or upon his or their own Confession, shall for every such Offence forfeit and pay the Debt or Debts and Costs for which such Person or Persons shall have been committed to the Custody of such Keeper or Keepers, and also any Sum not exceeding Twenty Pounds at the Discretion of the said Alderman or Aldermen.

Penalty on Keeper of Prison neglecting his Duty.

LII. And be it further enacted, That if any Beadle or Beadles, Serjeant or Serjeants, or other Officer or Officers of the said Court employed to serve any Execution shall, by wilful Neglect, Omission, or Connivance, cause or suffer the Party against whom such Execution shall be awarded to escape or abscond, or the Goods of such Party to

Penalty on Beadle or Serjeant neglecting his Duty.

be carried away or secreted, so that such Execution shall not have its due Effect, it shall be lawful for the said Commissioners, upon Complaint and due Proof thereof made upon the Oath or Oaths of One or more credible Witness or Witnesses, to order such Beadle, Serjeant, or Officer to pay the Sum or Sums of Money for which such Execution was awarded, or such Part thereof as the said Commissioners may think proper, to the Party complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for the Recovery of their Debts; and it shall be lawful for the said Commissioners and they are hereby enabled to impose any Fine not exceeding Twenty Pounds for every such Offence on such Beadle or Beadles, Serjeant or Serjeants, Officer or Officers, and to levy such Fine by Distress and Sale of the Goods and Chattels of such Beadle or Beadles, Serjeant or Serjeants, or other Officer or Officers of the said Court, rendering the Overplus (if any), after deducting such Fine and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and such Fine, when so levied and recovered, shall be paid to and distributed by the said Commissioners in such Shares and Proportions and in such Manner amongst the Poor of the several Parishes and Places within the Jurisdiction of the said Court as they the said Commissioners may think fit and proper.

Officers taking any Fee besides the Fees allowed to be discharged and forfeit
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LIII. And be it further enacted, That if any Clerk, Beadle, Serjeant, or any other Officer or Servant employed in putting this Act or any of the Powers thereof in execution shall exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are or shall be appointed and allowed to them respectively as aforesaid, for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act into execution, every such Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, or upon Verdict or Judgment being had against him in such Action as next herein-after mentioned, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall, over and above, forfeit and pay the Sum of Ten Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, within Three Calendar Months after the Offence committed, in which Suit no Essoign or Protection shall be allowed.

A List to be made out of unclaimed Money.

LIV. And be it further enacted, That the Clerk to the said Commissioners shall and he is hereby required, in the Month of *June* in every Year, to make out and lay before the said Mayor, Aldermen, and Commons, in Common Council assembled, a correct List of all Sums of Money which shall have been paid into Court and which shall have remained unreclaimed for the Space of Twelve Calendar Months, or for any longer Period next before the making out such List; and the said List shall also contain the Names of the Parties having paid such Sum or Sums of Money, and also the Names of the Parties for whom or on whose Account the same was or were so paid into Court.

LV. And

LV. And for the more effectually maintaining the Dignity and Consequence of the said Court, and to protect the Commissioners, Clerks, and Officers of the said Court from Insult, be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the said Commissioners, Clerks, or Officers of the said Court for the Time being, during his or their Sitting or Attendance in the said Court, or going to or from the said Court, or shall interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall be lawful for the Beadle or Beadles, Serjeant or Serjeants, Officer or Officers of the said Court, with or without the Assistance of any other Person or Persons, by the Order of the said Commissioners, to take such Offender or Offenders into Custody; and the said Commissioners shall then examine into such Insult, Abuse, or Misbehaviour, either from their own View or Knowledge of what passed, or by the Oath or Oaths of One or more credible Witness or Witnesses; and upon such Insult, Abuse, or Misbehaviour being duly proved as aforesaid it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to impose a Fine not exceeding Ten Pounds for each and every such Offence on each and every such Offender or Offenders, and in case of Nonpayment forthwith to commit such Offender or Offenders to the Common Gaol or House of Correction for any Space of Time not exceeding One Calendar Month, unless the said Fine or Forfeiture shall be sooner paid.

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

LVI. Provided always, and be it further enacted, That it shall not be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, to appoint any Person who may be appointed a Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, a Clerk in the said Court for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign or Protection shall be allowed.

Offices of Clerk and Treasurer not to be held by the same Person.

LVII. And be it further enacted, That all Fines, Penalties, or Forfeitures by virtue of this Act imposed or authorized to be imposed (the Manner of levying and recovering whereof is not hereby other-

Recovery and Application of Penalties.

wise particularly directed) shall, on Proof of the Offences respectively before any Three or more of the Commissioners, or the Lord Mayor, or any One or more of the Aldermen of the said City, by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Commissioners, Lord Mayor, or Alderman; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Clerk to the Commissioners, and shall be by the said Commissioners distributed amongst the Poor of the several Parishes and Places within the Jurisdiction of the said Court of Requests; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall be lawful for such Commissioners, Lord Mayor, or Alderman to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Commissioners, Lord Mayor, or Alderman for his, her, or their Appearance before them or him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security such Commissioners, Lord Mayor, and Alderman are and is hereby empowered to take by way of Recognizance or otherwise, as to them or him shall seem right and proper; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Commissioners, Lord Mayor, or Alderman, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath not nor have Goods and Chattels within the Jurisdiction of such Commissioners, Lord Mayor, or Alderman, sufficient whereon to levy all such Penalties, Forfeitures, and Fines, Costs and Charges, such Commissioners, Lord Mayor, or Alderman may, at their or his Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol or House of Correction of the said City, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Ten Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

LVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Commissioners, Lord Mayor, or Alderman, it shall be lawful for any Commissioners, Lord Mayor, or Alderman to whom Complaint shall be made of any Offence against this Act, to summon before them or him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty

or

or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before them or him; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

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

BE it remembered, That on this _____ Day of _____ in the _____ Year of the Reign of _____ A. B. is convicted before _____ of the Aldermen of the City of London, [or before _____ of the Commissioners for the Recovery of Small Debts within the City of London and Liberties thereof,] of having [as the Offence may be]; and I [or we] the said _____ do adjudge him [her or them] to forfeit and pay for the same the Sum of _____ Given under my Hand and Seal [or our Hands and Seals] the Day and Year aforesaid.

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

LXI. And be it further enacted, That no Order, Verdict, or Judgment, or other Proceeding, made touching or concerning any of the Matters aforesaid, or the Conviction of any of the Offender or Offenders against this Act, shall be quashed or vacated for Want of Form. Proceedings not to be quashed for Want of Form.

LXII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act unless Notice in Writing shall have been given to the Defendant or Defendants, and also to the Clerk for the Time being of the said Commissioners, Forty-two Days before such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after Plaintiffs not to recover without Notice, or after Tender of Amends.

after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to bring Money into Court.

Limitation of
Actions.

LXIII. Provided always, 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 this Act after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the City of *London*, and not elsewhere; and if any such Action shall be brought before Forty-two Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Expences of
obtaining and
passing this
Act how to
be paid.

LXIV. And be it further enacted, That the Charges and Expences attending the obtaining and passing of this Act shall be paid and defrayed by, from, and out of the Monies which have from Time to Time been or hereafter shall be paid in the Chamber of *London* on account of the Business transacted in the said Court of Requests.

Commence-
ment of this
Act.

LXV. And be it further enacted, That this Act shall commence and take effect from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-five.

This Act to
cease on the
passing of
any General
Act.

LXVI. Provided always, and be it further enacted, That at the Expiration of Six Calendar Months next after any General Act shall be passed for the Recovery of Small Debts, and the Operation of which General Act shall extend to the said City and Liberties, every Clause, Matter, and Thing in this Act contained which shall extend or be construed to extend to give the Commissioners hereby appointed any such local or separate Jurisdiction shall cease and determine.

Public Act.

LXVII. And be it further enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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