



ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

Cap. cxx.

An Act for the Amendment of Three several Acts passed in the Sixth, Tenth, and Forty-seventh Years of the Reign of His late Majesty *George the Third*, for the Recovery of Small Debts within the Hundreds of *Blackheath*, of *Bromley* and *Beckenham*, of *Rokesley* otherwise *Ruxley*, and of *Little* and *Lessness*, in the County of *Kent*, and within the Hundred of *Wallington* in the County of *Surrey*, and to extend the Powers thereof. [14th July 1836.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George the Third*, intituled *An Act* 5 G. 3. c. 8. *for the more easy and speedy Recovery of Small Debts within the Hundreds of Blackheath, of Bromley and Beckenham, of Rokesley otherwise Ruxley, and of Little and Lessness, in the County of Kent*: And whereas an Act was passed in the Sixth Year of His said Majesty King *George the Third*, intituled *An Act for extending the* 6 G. 3. c. 6. *Provisions of an Act made in the last Session of Parliament, for the more easy and speedy Recovery of Small Debts within the Hundreds of Blackheath, of Bromley and Beckenham, of Rokesley otherwise Ruxley, and of Little and Lessness, in the County of Kent, to the Hundred of Wallington in the County of Surrey*: And whereas an Act was passed in the Tenth Year of His said Majesty King *George the*
[Local.] 59 H Third,

10G.3.c.29. Third, intituled *An Act to explain, amend, and make more effectual an Act passed in the Fifth Year of His Majesty's Reign, intituled 'An Act for the more easy and speedy Recovery of Small Debts within the Hundreds of Blackheath, of Bromley and Beckenham, of Rokesley otherwise Ruxley, and Little and Lessness, in the County of Kent,' and one other Act passed in the Sixth Year of His Majesty's Reign, for extending the Provisions of the said Act to the Hundred of Wallington in the County of Surrey*: And whereas an Act was passed in the Forty-seventh Year of the Reign of His said Majesty George the Third,

47 G. 3. c. 4. intituled *An Act for extending to Sums of greater Amount than Forty Shillings the Provisions of Three Acts passed in the Fifth, Sixth, and Tenth Years of His present Majesty, for the Recovery of Small Debts within the Hundreds of Blackheath, Bromley and Beckenham, Rokesley otherwise Ruxley, and Little and Lessness, in the County of Kent, and of Wallington in the County of Surrey, and for amending the said Acts*: And whereas it would facilitate the Proceedings of the said Court, and the Encouragement of Trade within the Jurisdiction of the said recited Acts, if the Provisions of the said recited Acts were repealed, and better and more extensive Powers were granted for the more speedy Recovery of Debts: 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 Fifth Year of the Reign of King George the Third, the Sixth Year of the Reign of King George the Third, the Tenth Year of the Reign of King George the Third, and the Forty-seventh Year of the Reign of King George the Third, and all and every the Clauses, Powers, Provisions, Matters, and Things therein respectively contained, shall, from and after the Sixth Monday next after the passing of this Act, be and the same are hereby repealed, and neither of the said recited Acts or Parts thereof which have been repealed by other of the same Acts shall be hereby revived.

Recited Acts repealed.

Acts done in pursuance of former Acts to be valid.

II. 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, previously to the Commencement of this Act, 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 previously or subsequently to the Commencement of this Act, 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 Commencement of this Act, in pursuance and under Authority of this Act.

Appointment of Commissioners.

III. And be it further enacted, That it shall and may be lawful to and for all and every of the Parishioners of the several and respective Parishes herein-after mentioned within the said Hundreds who have a Right to assemble in Vestry within the same respective Parishes, and they

they are hereby respectively required and empowered, to meet upon the Fifth *Tuesday* after the Day of the Commencement of this Act, and upon every *Tuesday* next after the Feast of *Easter* in every succeeding Year, and nominate, assign, and appoint in the whole the Number of One hundred and eighty-four of the most substantial and discreet Persons residing within their respective Parishes (who are to be the Commissioners for the Purposes herein-after mentioned and expressed), in manner following; namely, such Parishioners of the Parish of *East Greenwich* to nominate, assign, and appoint Twenty-five of the said Persons; such Parishioners of the Parish of *Saint Nicholas Deptford* other Twelve; such Parishioners of the Parish of *Saint Paul Deptford* other Twelve; such Parishioners of the Parish of *Woolwich* other Twenty; such Parishioners of the Parish of *Lewisham* other Fifteen; such Parishioners of the Parish of *Eltham* other Eight; such Parishioners of the Parish of *Chislehurst* other Six; such Parishioners of the Parish of *Charlton* other Six; such Parishioners of the Parish of *Lee* other Four; such Parishioners of the Parish of *Bromley* other Twelve; such Parishioners of the Parish of *Beckenham* other Six; such Parishioners of the Parish of *Bexley* other Four; such Parishioners of the Parish of *Foot's Cray* other Four; such Parishioners of the Parish of *Saint Mary Cray* other Four; such Parishioners of the Parish of *Orpington* other Four; such Parishioners of the Parish of *Erith* other Four; such Parishioners of the Parish of *Plumstead* other Two; such Parishioners of the Parish of *Croydon* other Sixteen; such Parishioners of the Parish of *Mitcham* other Eight; such Parishioners of the Parish of *Carshalton* other Four; such Parishioners of the Parish of *Beddington* other Two; such Parishioners of the Parish of *Morden* other Two; and such Parishioners of the Parish of *Sutton* other Two; such Parishioners of the Parish of *Cheam* other Two; and the Churchwardens of each respective Parish aforesaid for the Time being, or One of them, shall within Two Days of such Nomination cause Two Lists to be made out of the several Persons so respectively nominated and appointed as aforesaid, and shall cause one of the said Lists, or a true Copy thereof, to be fixed or stuck upon the Church Door of their respective Parishes, and shall deliver or cause to be delivered the other of the said Lists to the Clerks for the Time being of the Court hereby constituted and appointed, or One of them, or their Deputy, who shall forthwith cause a Copy of such Lists to be made and stuck up in the Place where the said Commissioners shall meet and assemble for the Purposes of this Act; which said Persons so nominated and returned by and for the said respective Parishes as aforesaid from Time to Time shall be and are hereby declared, constituted, and appointed Commissioners to hear and determine all such Actions and Causes as are herein-after mentioned; and such Commissioners so from Time to Time to be nominated and appointed as aforesaid are hereby constituted a Court of Justice, by the Name of the Court of Requests for the Hundreds of *Blackheath*, of *Bromley* and *Beckenham*, of *Rokesley* otherwise *Ruxley*, of *Little* and *Lessness*, in the County of *Kent*, and of *Wallington* in the County of *Surrey*; and the said Commissioners, as is herein-after mentioned, are hereby authorized, required, and empowered to assemble, sit, and hold the said Court in and for the said Hundreds in some convenient Part in the said Parish of *East Greenwich*

Lists to be affixed at the Church-Doors and at Place of Meeting.

wich once in every Week, that is to say, on every *Tuesday* weekly; in some convenient Part in the said Parish of *Bromley*, once in every Fortnight, that is to say, on *Thursday* in every alternate Week; in some convenient Place in the said Parish of *Woolwich*, once in every Fortnight, that is to say, on *Friday* in every alternate Week; and in the Court-room or Place of public Business in or over the Market House in the Town of *Croydon*, within the said Hundred of *Wallington*, or in some other convenient Place as near there as may be, once in every Fortnight, that is to say, on *Saturday* in every alternate Week; and in either of the said Parishes of *Greenwich*, *Bromley*, *Woolwich*, and *Croydon*, or in any other Parish within the said Hundreds, on any other Day or Days in the Week, either weekly, or every Fortnight, or monthly, as Occasion may be, and as the said Commissioners may appoint; and the said Commissioners so to be nominated and appointed for the Time being shall have Power and Authority by virtue of this Act to hear and determine all such Causes as are herein-after mentioned, and to make such Orders, pronounce such Judgments, and make such Decrees, and to award Execution thereupon, with Costs, against the Body or Bodies, or against the Goods and Chattels, of all and every the Person and Persons against whom they shall make any such Order, pronounce any such Decree, or give any such Judgment, as to them shall seem just in Law and Equity.

Com-
missioners
Powers.

Number of
Commis-
sioners to be
present at
Decisions.

IV. Provided always, and be it further enacted, That all Questions at any Court to be held under the Authority of this Act shall be decided by the Majority of Votes of the Commissioners then present; provided also, 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.

Casting
Votes at
Courts and
Meetings.

V. Provided always, and be it further enacted, That in case of an Equality of Votes (including the Chairman's Vote) in any Action, Cause, or Question before the said Commissioners at any Court or Meeting to be held under the Authority of this Act, the Commissioner present whose Name shall stand first in the List of Commissioners (which List the said Commissioners shall and they are hereby required to hang or cause to be hung up in each of the Court-houses or Places where Courts or Meetings shall be held under the Authority of this Act) shall have the decisive or casting Vote.

In case suffi-
cient Num-
ber of Com-
missioners
do not attend
Court may
be ad-
journd.

VI. 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 for the said Clerks, or either of them, or their Deputy, for the Time being, to adjourn the said Court to the next Day of Meeting, or to some earlier Day.

VII. And

VII. And be it further enacted, That it shall not be lawful for the said Commissioners to hold any Court, or to hear or determine any Cause, under the Authority of this Act, save and except between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon; nor shall any Plaintiff, Defendant, Witness, or other Person, or any Clerk or Officer of the said Court, be compelled to attend at the said Court upon any Action, Cause, or Question commenced or arising therein, or any Summons issued thereout, save and except between the Hours aforesaid.

Time limited
for hearing
Causes.

VIII. And be it further enacted, That no General Meeting of Commissioners shall be held for any of the Purposes of this Act without the Order of Five or more of the Commissioners sitting in Court, which said Order shall be in Writing, and shall specify the particular Time and Place and also the Purpose of such General Meeting, and shall be registered by the Clerk or Clerks then present in Court; and Notice thereof, and of the Purpose of such General Meeting, in Writing or in Print, shall be delivered to or left at the usual Place of Abode of all the said Commissioners respectively, by the Beadles or other Officers of the said Court, or by any other Person or Persons, Four Days at least before the holding of each and every such General Meeting respectively.

Directions
for holding
General
Meetings.

IX. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and possessed of Property, Real or Personal, of the Value of Five hundred Pounds above all Charges and Incumbrances whatsoever; and if any Person, not being qualified as aforesaid, shall act as a Commissioner in the Execution of this Act, or not having taken the Oath or Affirmation 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 Twenty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign or Protection shall be allowed; and in every such Action, Bill, Plaint, 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 Conviction, be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Qualification
of Commis-
sioners.

Acts of Com-
missioners
good before
Conviction.

X. 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

Commis-
sioners to
take the

following
Oath.

Authorities given by this Act, after the Commencement thereof, (except the Power hereby given of administering Oaths or Affirmations to Commissioners) until he shall have taken an Oath, or if a Quaker, Separatist, or Moravian, an Affirmation, to the following Effect ; (that is to say,)

‘ I *A. B.* do swear [*or affirm*], That I am possessed, for my own Use and Benefit, of Estates or Property of the clear Amount or Value of Five hundred 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 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 (or Affirmation) shall and may be administered to the said Commissioners respectively by the Clerk or Clerks of the said Court, or his or their Deputy, before One or more of the said Commissioners ; and they the said Commissioners shall and are hereby required after taking the said Oath (or Affirmation) to sign or subscribe their respective Names upon a Roll or Rolls of Parchment to be provided for that Purpose, with the said Oath (or Affirmation) written or printed thereon ; and such Roll or Rolls shall be carefully kept among the Proceedings of the said Court.

Commis-
sioners not
to act when
inter ested.

XI. 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-
sioners to be
concerned in
the Supply
of any Arti-
cles for the
Use of the
Court.

XII. 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 Fifty 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.

Commis-
sioners to
enter their
Proceedings
in a Book.

XIII. 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 the Names of the Commissioners present at each Meeting, and 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

ceedings of the said Court in every Court whatsoever; and all such Books shall at all seasonable Times be open to the Inspection of any of the said Commissioners, who shall have Liberty to make Copies of or Extracts therefrom, without Payment of any Fee for such Inspection, Copy, or Extract.

XIV. And be it further enacted, That the present Clerks 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 they shall be removed therefrom respectively; and such Clerks shall be subject to the like Pains and Penalties, and to the like Rules and Regulations, as if they had been nominated and appointed by virtue of this Act.

Present Clerks to continue until removed.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required at a General Meeting to appoint a fit and proper Person to be the Treasurer, and also fit and proper Persons to be the Beadles or Officers for the Purposes of this Act, and, at their Discretion, to remove him or them from his or their Offices respectively; and such Treasurer, Beadles, and Officers shall act in the Execution of his and their respective Offices under the Direction of the said Commissioners.

Commissioners to appoint a Treasurer, Beadle, and Officers at a General Meeting.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, at a General Meeting, to remove or suspend the present or any future Clerks or Deputy of the said Court, or any of them, for Misbehaviour or Neglect or Breach of Duty in their respective Offices.

Power to remove Clerks, &c.

XVII. And be it further enacted, That it shall be lawful for the Clerk or Clerks for the Time being of the said Court to nominate One or more sufficient Deputy or Deputies to act in his or their Room or Stead in the Office of Clerk whenever such Clerk or Clerks shall be prevented by Illness or other good and sufficient Cause from attending personally to the Duties of his or their said Office; and any such Deputy, in the Absence of the said Clerks, shall have the same Authority as the said Clerk or Clerks would have if he or they were personally present, and shall from Time to Time be displaceable and removeable, and may accordingly be displaced and removed at the Will and Pleasure of the said Clerk or Clerks for the Time being.

Clerks to appoint Deputies.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, at a General Meeting, upon the Death, Removal, or Resignation of any Clerk, Beadle, 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 or inferior Officer so dying or resigning or removed as aforesaid, which said Clerk or Clerks, Beadle, or other Officer shall continue in Office during the Pleasure of the said Commissioners.

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

XIX. And be it further enacted, That the Clerks of the said Court, and every or any of them, and their or his Deputy, are and is hereby

Clerk's Duties.

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.

Duty of Officers.

XX. And be it further enacted, That the Beadles 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.

What Debts shall be decided by the Commissioners.

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 for any Sum of Money not exceeding Five Pounds in all Actions or Causes of Debt, and in all Causes of Assumpsit and Insimul computasset, and in all Actions or Causes of Trover and Conversion, and in all Actions or Causes founded on Quantum meruit or Quantum valebat, and in all Actions or Causes of Trespass or Detinue for Goods and Chattels taken or detained, 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 Five 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

same Debt or other Cause of Action in any of His Majesty's Courts at *Westminster*, or in any other Court, and had there pleaded such Statute in bar to the Action or Suit.

XXIV. And be it further enacted, That in every Case where a Debt not exceeding Five 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 either of the said Hundreds, 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 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 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.

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

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 Five 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 Five Pounds, in order that the same may be made the Ground to 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.

For empow-
ering Plain-
tiffs to re-
duce their
Demand to
5*l.*, pro-
vided they
accept the
same in full
for their
respective
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 Five 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 exceeding Five 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.

Debtors
within Juris-
diction may
be summon-
ed before
Commis-
sioners, who
shall adjudge
between
Parties.

XXVIII. And be it further enacted, That from and after the Com-
mencement of this Act it shall be lawful for any Person or Persons,
whether such Person or Persons shall reside within either of the said
Hundreds or elsewhere, and for all Bodies Politic or 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 Commis-
sioners 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, 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 afore-
said), 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 Hundreds, 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 usually trading or dealing within the same
Hundreds, to apply to the Clerks or Clerk of the said Court for the
Time being, who shall make out and deliver to One of the Beadles
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 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, or his, her, or their Agent, or some other Person on his, her, or their Behalf, 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 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

No Action
removable
by Certio-
rari.

missioners in pursuance of this Act shall be removed or removeable into any other Court by Certiorari, or otherwise howsoever.

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

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.

Attornies not exempt from the Jurisdiction of the Court.

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 theseveral Processes, Orders, Judgments, 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.

No Attorney or Solicitor to appear as Advocate.

XXXIII. And be it further enacted, That no Attorney, Solicitor, or other Person practising in 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 in any Cause, Action, or Matter in which such Attorney or Solicitor is not himself a Party or Witness, under a Penalty of any Sum not exceeding Ten Pounds for every such Offence, such Penalty, in case of Default in Payment thereof, to be recovered and applied in the Manner by this Act directed with respect to the Recovery and Application of Penalties and Forfeitures under this Act.

For compelling the Attendance of Witnesses.

XXXIV. 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 with a Summons to be issued by the Clerks or Clerk of the said Court, or their or his Deputy, 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, his reasonable Costs, Charges, and Expences being tendered to him, or left at his last or usual Place of Abode, at the Time of the Service of the Summons, 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 shewn 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

fusing 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 or Officers of the said Court, and committed to the Common Gaol or House of Correction within the County of *Kent* or the County of *Surrey*, where the Offence shall be committed, 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.

XXXV. 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 Witnesses 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.

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

XXXVI. 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.

XXXVII. 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

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

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 shew 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 shew 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.

Clerk not to
issue Sum-
mons until
Deposit is
made.

XXXVIII. 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 Five Pounds the Sum of Seven Shillings and Sixpence, such Deposit to be over and above the Fee payable on the issuing of such Summons; and if upon the Day of the Return of any such Summons, 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 as herein-before mentioned, 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 Clerks or 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 Clerks or Clerk as aforesaid shall
be

be by the said Clerks or 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 or other Officer of the said Court to apply to any Justice of the Peace acting for the said Counties of *Kent* or *Surrey*, 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 endorse the said Precept of Execution, and thereupon the said Beadle 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.

XXXIX. 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 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.

Commissioners may suspend Proceedings in Cases where Debtors are ill or unable to pay the Debt.

XL. 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 or Clerks of the said Court, at the Request of the Party prosecuting such Order or Decree for the Payment of Money, to issue an Execution under his or their Hand or Hands to One of the Beadles 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.

Commissioners may award Execution against the Goods.

XLI. 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

For regulating the Sale of Goods

taken in
Execution.

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 or other Officer taking or levying the same in some fit and convenient Place or Places to be appointed by the said Commissioners: Provided also, that it shall be lawful for the said Commissioners, 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 Commissioners to be necessary or proper.

Costs of
Distress.

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c. 93.

XLII. 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.*

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

XLIII. And be it further enacted, That if the said Beadle 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 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 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 in the Prison or Place of Confinement belonging to the said Court of Requests, there to remain 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 Par-
ties shall
secrete their
Goods or
abscond.

XLIV. 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 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

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.

settle future Fees.

XLV. 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 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.

Process not to issue against the Body and Goods of the same Person at the same Time.

XLVI. 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 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 endorse his Name upon the Back of the said Precept of Execution, and thereupon the Beadle or other Officer of the said

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

[Local.]

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Court

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 endorsed 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 endorsed as aforesaid.

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

XLVII. 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 Clerks or Clerk of the said Court, or their or his Deputy, shall insert or endorse 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 Clerks or Clerk of the said Court, or their or his Deputy, 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 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 Clerks or Clerk of the said Court.

Limitation of the Time of Imprisonment of Debtors.

XLVIII. 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 Seven Days, and the Keeper and Keepers of any such Gaol or Prison is and are hereby directed and required to discharge such Person or Persons accordingly.

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

XLIX. 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

aforesaid Time of Imprisonment of such Debtor to any Period in addition thereto not exceeding Thirty Days..

L. 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 the limited Time 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 the limited Time, 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 shall have been imprisoned the limited Time for the First Execution, and afterwards the limited Time 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: Provided always, that the Term of Imprisonment on such Executions shall in no Case exceed the Space of Thirty Days.

Persons taken into Custody for more than One Execution to be imprisoned the limited Time for the First Execution, and afterwards the limited Time on each subsequent Execution.

LI. And be it further enacted, That the several Fees next hereinafter limited and expressed shall (during the Lives of *Thomas Watson Parker* and *Charles Rowland Parker*, the present Clerks of the said Court, and the Life of the Survivor of them, or during such Time as the said *Thomas Watson Parker* and *Charles Rowland Parker* shall continue to hold their said Office of Clerks,) be taken by the Clerks and Beadles of the said Court for their several and respective Services in the Execution of this Act; (that is to say,)

The following Fees to be taken by the present Clerks and Beadles.

	£	s.	d.	Fees to be taken.
For every Summons, including the Service thereof, and the Hearing and Order thereon, on Debts not exceeding 20s.	0	2	6	
Ditto, above 20s. and not exceeding 40s.	0	4	4	
Ditto, above 40s. and up to £5	0	7	6	
For every Order Nisi, including the Service thereof, on Debts not exceeding 20s.	0	2	0	
Ditto, above 20s. and not exceeding 40s.	0	3	0	
Ditto, above 40s. and up to 5l.	0	5	0	
For a Postponement of the Hearing and the Entries thereon on Debts not exceeding 20s.	0	1	0	
Ditto, above 20s. and not exceeding 40s.	0	1	6	
Ditto, above 40s. and up to 5l.	0	2	6	
For the Entry of every Nonsuit	0	1	0	
For swearing every Witness on Debts not exceeding 20s.	0	0	2	
Ditto, above 20s. and not exceeding 40s.	0	0	3	
Ditto, exceeding 40s. and up to 5l.	0	0	4	
For every Subpœna or Summons, for not more than Two Witnesses, including the Service thereof, on Debts not exceeding 20s.	0	1	0	
Ditto, above 20s. and not exceeding 40s.	0	1	4	
Ditto, above 40s. and up to 5l.	0	2	0	

For

	£	s.	d.
For every Summons, including the Service thereof, and acknowledging Satisfaction (if settled out of Court), on Debts not exceeding 20s. - - - - -	0	2	0
Ditto, exceeding 20s. and not exceeding 40s. - - - - -	0	2	6
Ditto, exceeding 40s. and up to 5 <i>l.</i> - - - - -	0	4	6
<i>N. B.</i> These Three latter Fees to be paid on issuing the Summons.			
For every Search in the Books on Debts not exceeding 20s. - - - - -	0	0	2
Ditto, above 20s. and not exceeding 40s. - - - - -	0	0	3
Ditto, above 40s. and up to 5 <i>l.</i> - - - - -	0	0	4
For Defendants paying Money into Court, on Debts not exceeding 20s. - - - - -	0	0	4
Ditto, above 20s. and not exceeding 40s. - - - - -	0	0	6
Ditto, above 40s. and up to 5 <i>l.</i> - - - - -	0	1	0
For every Receipt or Acknowledgment of Satisfaction by the Plaintiff on taking Money out of Court in part, on Debts to any Amount - - - - -	0	0	2
Ditto, on taking Money out of Court in full, on Debts not exceeding 20s. - - - - -	0	0	6
Ditto, above 20s. and not exceeding 40s. - - - - -	0	0	9
Ditto, above 40s. and up to 5 <i>l.</i> - - - - -	0	1	0
To the Clerk and Beadle for every Execution, including the Levy, and entering Satisfaction thereon, on Debts not exceeding 15s. - - - - -	0	4	0
Ditto, exceeding 15s. and not exceeding 20s. - - - - -	0	4	6
Ditto, exceeding 20s. and not exceeding 40s. - - - - -	0	5	0
Ditto, exceeding 40s. and not exceeding 60s. - - - - -	0	6	0
Ditto, exceeding 60s. and not exceeding 80s. - - - - -	0	7	0
Ditto, exceeding 80s. and up to 5 <i>l.</i> - - - - -	0	8	0

And the said Commissioners shall and they are hereby required to hang up or affix, or cause to be hung up or affixed, a Table of all such Fees in some conspicuous Part of each of the Courts or Places of Meeting of the said Commissioners, in order that all Persons concerned may peruse the same.

Commis-
sioners to ap-
portion Fees
between
Clerks and
Officers, if
necessary.

LII. Provided always, and be it further enacted, That if any Question or Difference shall at any Time arise between the said *Thomas Watson Parker* and *Charles Rowland Parker* (the said present Clerks) with any of the Beadles of the said Courts as to the Apportionment of the Fees so hereby authorized to be taken by the said Clerks and Beadles respectively as aforesaid, then and in such Case it shall be lawful for the said Commissioners, at a General Meeting, and they are hereby required, on the Request of either of the said Parties, to apportion and fix such Fees so hereby authorized to be taken as aforesaid, between such Clerks and Beadles respectively, as they the said Commissioners shall deem just and reasonable, and the Determination of the said Commissioners shall be final and conclusive between such Clerks and Beadles respectively.

On Death or
Removal of
present
Clerks, Com-
missioners to

LIII. And be it further enacted, That on the Death or Removal of the present Clerks the succeeding Clerks and the Beadles and Officers of the said Court shall be paid out of the Fees such Salaries for their several and respective Services in the Execution of this Act as shall from

from Time to Time be appointed and fixed by the said Commissioners at a General Meeting; and the said Commissioners shall and they are hereby required to cause a Table of such Fees as for the Time being shall (as last aforesaid) be appointed to be taken to be affixed in some conspicuous Place of each of the Courts or Places of Meeting of the said Commissioners, in order that all Persons concerned may be enabled to peruse the same; which said last-mentioned Fees shall from Time to Time, when received, be paid over to the Treasurer, who shall thereout pay such Salaries as aforesaid, and apply the Residue towards defraying the Expences of carrying this Act into execution: Provided always, that such last-mentioned 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.

LIV. And whereas by the said recited Act of the Forty-seventh Year of the Reign of King *George* the Third, certain Annuities are made payable to *James Agar*, *Benjamin Hart*, *Henry Storks*, and *Thomas Cowley*, Esquires, the Four Counsel of the Marshalsea and Court of His Majesty's Palace at *Westminster*, during their respective Lives, as Compensation for the Loss they would sustain by the passing of such Act: And whereas, since the passing of the said Act, the said *Thomas Cowley* hath departed this Life, and the said *Benjamin Hart* hath taken and now bears the Name of *Thorold*: And whereas it is intended to continue the Payment of such Annuities to the said *James Agar*, *Benjamin Thorold*, and *Henry Storks*, for and during their respective Lives; be it therefore further enacted, That the Clerk or Clerks for the Time being of the said Court of Requests shall, and he and they is and are hereby required, out of the Fees payable to him and them by virtue of this Act, to pay to the said *James Agar*, *Benjamin Thorold*, and *Henry Storks*, for and during their respective natural Lives, the yearly Sum of Twenty-eight Pounds each, in lieu of the Annuities in the said recited Act mentioned (free and clear of and from all Charges and Deductions whatsoever), such Annuities to be paid to the said Parties respectively at or upon the several Feast Days following, (that is to say,) the Feast of the Nativity of *Saint John the Baptist*, the Feast of *Saint Michael the Archangel*, the Feast of the Nativity of our Lord, and the Feast of the Annunciation of the Blessed Virgin *Mary*, by even and equal Portions, the first Payment thereof to begin and be made on the first of which Feast Days which shall occur after the passing of this Act next after the passing of this Act: Provided always, that if any or either of the said Annuities shall be in arrear and unpaid for the Space of Ten Days after the same shall become due as aforesaid, then and in such Case it shall be lawful for the Person or Persons thereto entitled to recover the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or Action of Assumpsit for Money had and received to his or their Use, which Action shall and may be brought against the Clerks of the said Court of Requests for the Time being, or either of them, at the Election of the Person or Persons then entitled to such Annuity or Annuities.

Providing
for Payment
of Annuities
to Counsel
of Marshal-
sea Court.

LV. And be it further enacted, That the Keeper or Keepers for the Time being of such public Prison or Place of Confinement as aforesaid
[Local.] 59 N shall

Penalty on
Keeper of
Prison neg-

lecting his
Duty.

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, or shall demand a Fee from any Person on his or her Discharge from Imprisonment, such Keeper or Keepers respectively so offending in any or either of the said Cases, and being thereof convicted before Two or more Justices of the Peace for the County of *Kent* or *Surrey*, upon the Oath of One or more credible Witness or Witnesses (which Oath such Justices 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 Ten Pounds, at the Discretion of the said Justices.

Penalty on
Beadle or
other Officer
neglecting
his Duty.

LVI. And be it further enacted, That if any Beadle or Beadles, or other Officer or Officers of the said Court, employed to serve any Execution, shall, by wilful Neglect, Omission, or Connivance, cause or suffer the Party against whom such Execution shall be awarded to escape or abscond, or the Goods of such Party to be carried away or secreted, so that such Execution shall not have its due Effect, it shall 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 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 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, Officer or Officers, and to levy such Fine by Distress and Sale of the Goods and Chattels of such Beadle or Beadles 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 tak-
ing any Fee
besides the
Fees allowed

LVII. And be it further enacted, That if any Clerk, Beadle, 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

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 a General Meeting, 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, Complaint, 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.

to be discharged and forfeit 10*l.*

LVIII. And be it further enacted, That from and after the Commencement of this Act all the Right, Title, Term, Interest, Estate, and Property of *Thomas Watson Parker* and *Charles Rowland Parker*, the present Clerks of the said Court, of, in, and to the Court House in the Parish of *Greenwich*, heretofore and now used by the Commissioners for the Purposes of their Meetings, and also the Prison heretofore and now used for the Custody of Persons committed under the Orders of the said Commissioners, shall be and the same are hereby vested in the Commissioners for the Time being appointed under this Act for the Purposes of the said Act, the said Commissioners paying the Ground Rent of Eight Pounds *per Annum* charged on such Court House and Prison, and all Rates and Taxes which may at any Time be imposed thereon, together with the Expences of Insurance and Repairs, and indemnifying the said *Thomas Watson Parker* and *Charles Rowland Parker* from and against such Rent, Taxes, Repairs, and Insurance, and all Liability in respect of the Covenants and Provisions contained in the Lease under which such Court House and Prison are holden.

Present Court-house and Prison vested in Commissioners.

LIX. And whereas no Provision is made by either of the said recited Acts for Payment of the Expence of maintaining the Prisoners committed under the Orders of the said Court, or of the necessary Cost of conducting the Proceedings of the said Court: And whereas it is expedient that a Fund should be provided for defraying such several Expences as well as for defraying the Costs and Charges incident to and attending the preparing, obtaining, and passing this Act, and that the Commissioners should be authorized to borrow Money for such several Purposes; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby directed, at their First or any subsequent Meeting or Meetings within the present Year, in such Manner as they or the Majority of them present at such Meeting (not being less in Number than Seven) shall think proper and direct, to borrow and take up at Interest such Sum or Sums of Money as shall be agreed on at such Meeting or Meetings; and the said Commissioners are hereby empowered from Time to Time, by any Writing under their Hands and Seals, or under the Hands and Seals of any Seven or more of them, to enter into and execute such Security or Securities upon the Fund herein-after directed

For raising a Fund for Payment of the Cost of the Act and other necessary Expences.

to

to be raised, and also upon the Monies arising from the unclaimed Suitors Fund as herein-after is also mentioned, as may be required by any Person or Persons for the several Sums of Money which shall be so borrowed, with Interest for the same, and the Time or Times of such Sum or Sums of Money being so borrowed shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks for the Time being of the said Court; and for raising a Fund for paying off such Sum or Sums of Money as shall be borrowed for the Purposes aforesaid, and the Interest in respect thereof, and also for providing from Time to Time for the other necessary Expences herein-after mentioned, it shall be lawful for the Clerk or Clerks of the said Court to deduct and retain, by and out of the Monies to be recovered for the Plaintiff or Plaintiffs in any Suit or Action to be commenced in the said Court, any Sum of Money not exceeding Sixpence when the Amount of such Debt recovered shall amount to the Sum of One Pound, and any Sum not exceeding One Shilling when the Amount of such Debt recovered shall amount to the Sum of Two Pounds, and any Sum not exceeding One Shilling and Sixpence when the Amount of such Debt recovered shall amount to the Sum of Three Pounds, and any Sum not exceeding Two Shillings when the Amount of such Debt recovered shall amount to the Sum of Four Pounds, and such respective Sums of Money shall be paid and payable in all Cases by such Plaintiff or Plaintiffs after Suit or Action commenced, whether the Amount of such Debt or Debts shall be paid into or levied under the Process of the Court, or shall be paid, secured, or settled by the Defendant or Defendants unto or with the Plaintiff or Plaintiffs; which Sum or Sums so to be raised as aforesaid the Clerk or Clerks of the said Court is and are hereby required to keep an Account of, and to pay over from Time to Time to the Treasurer of the said Commissioners, to be applied as herein-after mentioned, (that is to say,) in the first place, in paying off and discharging all such Sum and Sums of Money as may have been or may be borrowed for the Purpose of defraying the Expences incident to and attending the preparing, obtaining, and passing this Act, together with all Interest which may be due thereon, in Payment of the Ground Rent, Taxes, Repairs, and Insurance due in respect of the said Court House and Prison, in Payment of Rent, Taxes, Repairs, and Insurance due in respect of any other Court House, Prison, or other Offices which may at any Time hereafter be used by the said Commissioners for the Purposes of the said Court, in the Maintenance of the Prisoners confined in the Prison of the said Court, in providing Books, Stationery, and Printing for the Purposes of the said Court, in providing Fire, Coals, and Candles for the said Court House, Rooms, and Offices, and for such other necessary and proper Expences relative to the due Management of the Proceedings of the said Court as the said Commissioners at a General Meeting shall direct or appoint; and if after such several Payments as aforesaid it shall appear to the said Commissioners, or the major Part of them so to be assembled as aforesaid, that there still remains a Surplus which will not be required for the several Purposes aforesaid, such Surplus shall be applied by the said Commissioners towards the Reduction of the Fees to be taken under the Authority of this Act.

LX. And

LX. And be it further enacted, That the Clerk or Clerks for the Time being of the said Court shall, and he and they is and are hereby required, in the Month of *January* in each Year after the passing of this Act, to make out and lay before the said Commissioners, at some Meeting to be held in the said Month of *January* in each Year, a correct List of all Sums of Money which shall have been paid into Court and received by him or them under the Provisions of this Act, down to and including the last Day of *December* in the preceding Year, and which shall have remained unclaimed in such preceding Year; and such List shall contain the Names of the several Parties by whom such Sums of Money respectively were so paid into Court, and also the Names of the Parties for whom or on whose Account the same were so paid in, and such List shall be written or printed, and be and remain hung up in some conspicuous Part of each of the Places where the said Commissioners meet for the Transaction of Business.

List to be made out of unclaimed Suitors Money.

LXI. And be it further enacted, That at the Courts at which such respective Lists shall be laid before the said Commissioners the said Clerk or Clerks shall pay over to the said Treasurer the respective Sums of Money mentioned in such respective Lists, or such Parts thereof as the said Commissioners, or the major Part of them, at such Meeting shall direct, such Clerk or Clerks retaining from Time to Time in his or their Hands so much of such Monies as will in the Opinion of the said Commissioners be sufficient in Amount (with the current floating Monies to be from Time to Time received and paid into and from the said Court) to answer and satisfy all Claims which may be made by the Suitors of the said Court in respect of the Monies so paid into Court; and from and after such Clerk or Clerks shall have so paid over such Sums of Money respectively to the said Treasurer as aforesaid (such Payment to be certified by a Receipt in Writing under the Hand of the said Treasurer), he and they shall be and is and are hereby exonerated and for ever discharged from all Responsibility and Liability in respect thereof, and shall not afterwards be called upon to account for such Monies or any Part thereof to any Person or Persons whomsoever; and the said Treasurer shall thenceforth stand possessed of such Monies in Trust and for the Benefit of the Parties respectively interested therein, and, subject thereto, upon the Trusts and for the Purposes herein-after mentioned.

Suitors Monies to be paid over to Treasurer.

LXII. And be it further enacted, That the said Treasurer shall and is hereby required from Time to Time to lay out and invest all such Sums of Money as shall be paid over to him by the said Clerk or Clerks as aforesaid in the Purchase of Three *per Cent.* Consolidated Bank Annuities, or some other Parliamentary Funds or Government Securities, in the joint Names of any Four Persons to be from Time to Time chosen by the said Commissioners at a General Meeting.

Suitors Monies to be invested.

LXIII. And be it further enacted, That if it shall at any Time happen that there shall not be a sufficient Amount of floating Cash arising from the Suitors Funds in the Hands of the Clerk or Clerks for the Time being to pay the Demands which may be made by the Suitors of the said Court in respect of the Monies which may have been paid in and received for and on their Account respectively, then

Provision as to Sale of Stock to answer Claims of Suitors.

[*Local.*]

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and

and in such Case, and as often as the same shall happen, the said Commissioners, or any Three of them, sitting in the said Court, shall and they are hereby required immediately to make an Order on the Trustees in whose Names the Stocks or Funds shall have been invested or shall be then standing, to make Sale of so much thereof as they may deem expedient to satisfy such Claims, and the said Trustees shall and they are hereby required, with all practicable Dispatch, to sell such Stock accordingly, and to pay over the Produce arising from such Sale to the Clerk or Clerks of the said Court to be by him or them paid to such Claimant or Claimants, or otherwise to reimburse or repay to such Clerk or Clerks the Sum or Sums which shall have been paid by him or them out of the floating Cash in hand belonging to the other Suitors of the said Court.

Appoint-
ment of new
Trustees in
Case of
Death, &c.

LXIV. Provided always, and be it further enacted, That when and as often as any One or more of the said Trustees in whose Names the said Monies shall have been laid out and invested as aforesaid shall happen to die, or become bankrupt or insolvent, or shall cease to reside within the Jurisdiction of the said Court, or shall be desirous of being discharged from or become incapable of acting in the Execution of the said Trust, the said Commissioners at a General Meeting shall and they are hereby required to appoint some other Person or Persons to be a Trustee or Trustees in the Stead of the Trustee or Trustees so occasioning such Vacancy; and when and so often as any new Trustee or Trustees shall be appointed under the Authority of this Act the said Trust Monies shall be forthwith transferred by the surviving Trustees into their own Names jointly with the Name or Names of the new Trustee or Trustees so appointed as aforesaid, to be held by such Trustees respectively upon the Trusts and for the Purposes by this Act directed of and concerning the same.

Suitors
Monies to be
irreclaim-
able after a
certain
Period.

LXV. And whereas it is expedient to prescribe a Period after which the Funds of the Suitors of the said Court paid in under the Authority of the said recited Acts or this Act shall become irreclaimable; be it therefore further enacted, That all Sums of Money which under the Provisions of the said recited Acts or either of them shall have been or may be hereafter paid in and received by the Clerk or Clerks for the Time being of the said Court, for or on account of the Suitors of the said Court, and which shall have already remained or shall hereafter remain unclaimed for the Space of Six Years previous to the First Day of *January* One thousand eight hundred and thirty-seven, or after that Day for the Space of Six Years from the Date of the Order of Court, on the hearing of any Cause or Suit out of which such Monies shall have arisen, shall, from and after the Expiration of such Six Years, and such Non-claim as aforesaid, become and be for ever thereafter irreclaimable by the Plaintiff or Plaintiffs in any such Action or Suit, his Executors or Administrators, or any other Person or Persons whomsoever, and that thenceforth the said Clerks and each of them shall be and they and he are and is hereby exonerated and for ever discharged from all Liability in respect thereof, any thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding; and further

further that all Sums of Money which, under the Provisions of this Act, shall be paid into Court, and received by such Clerk or Clerks, for or on account of the Suitors of the said Court, and which shall remain unreclaimed for the like Space of Six Years from the Date of the Order of Court, on the hearing of any Cause or Suit out of which such Monies shall have arisen, shall from and after the Expiration of such Six Years, and such Non-claim as aforesaid, become and be for ever thereafter irreclaimable by the Plaintiff or Plaintiffs in such Action or Suit, his Executors or Administrators, or any other Person or Persons whomsoever; and all Sums of Money which, having been paid into Court under the Provisions of this Act, shall remain unclaimed for the Space of Six Years, as last aforesaid, shall and may be applied by the said Commissioners in the same Manner and to the same Purposes as by this Act directed with respect to the Fund herein-before authorized to be raised for defraying the Expences of this Act, and the several other Purposes before mentioned.

LXVI. 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, 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 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 Five Pounds for each and every such Offence on each and every such Offender or Offenders, and in case of Non-payment forthwith to commit such Offender or Offenders to the Common Gaol or House of Correction within the County of *Kent* or the County of *Surrey* where the Offence shall be committed, 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.

LXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners 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

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

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: Provided always, that nothing in this Act contained shall extend to prevent the Clerk or Clerks for the Time being of the said Court from receiving the Suitors Money, or any other Money which may be paid into Court by virtue of this Act, nor to render such Clerk or Clerks liable to the Penalty by this Act imposed on any Person acting both as Clerk and Treasurer in the Execution of this Act by reason only of his or their having received such Suitors or other Money as aforesaid.

Not to render Clerks liable to Penalty for receiving Suitors Money.

Recovery and Application of Penalties.

LXVIII. 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 otherwise particularly directed) shall, on Proof of the Offences respectively before any Justice of the Peace for the Counties of *Kent* or *Surrey* where the Offence shall be committed, 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 Justice, 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 Overseers of the Poor of the Parish in which the Offence shall be committed, as the said Commissioners or the major Part of them then present shall direct; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall be lawful for such Commissioners or Justice 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 or Justice, 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

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.

Proceedings
not to be
quashed for
Want of
Form.

LXXII. 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.

Plaintiffs not
to recover
without No-
tice or after
Tender of
Amends.

LXXIII. 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 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.

Actions not
to be brought
in superior
Courts.

LXXIV. Provided always, and be it further enacted, That if any Action or Suit for any Amount recoverable in the said Court of Requests shall be sued or prosecuted in any of His Majesty's Courts at *Westminster* or elsewhere out of the said Court of Requests, and it shall appear to the Judge or Judges of the Court in which such Action or Suit shall be tried that at the Time of commencing such Action or Suit the Defendant was within the Jurisdiction of the said Court of Requests, and was liable to be warned and summoned before the said Court for such Debt or Demand, then and in such Case the said Judge or Judges shall not allow to such Plaintiff or Plaintiffs any Costs of Suit, but shall award that the said Plaintiff or Plaintiffs shall pay such Costs to the Defendant or Defendants as such Defendant or Defendants shall justly prove before such Judge or Judges that he or they hath or have incurred and been put to in the Defence of such Action or Suit.

Limitation of
Actions.

LXXV. 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

Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, 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.

LXXVI. And be it further enacted, That this Act shall commence and take effect from and after the Sixth *Monday* next after the passing thereof. Commencement of this Act.

LXXVII. Provided always, and be 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 Hundreds, 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. This Act to cease on the passing of any General Act.

LXXVIII. 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. Public Act.

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