ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 98.

An Act for the more eaſy and ſpeedy Recovery of Small Debts within the Pariſh of *Aſhton-underlyne*, in the County Palatine of *Lancaſter*, and within the Townſhips of *Stayley*, and other Places therein mentioned, in the County Palatine of *Cheſter*.

[3d *June* 1808.]

WHEREAS within the Pariſh of *Aſhton-underlyne*, in the County Palatine of *Lancaſter*, and in the ſeveral Townſhips of *Stayley*, *Hatterſley*, *Matley*, and *Newton*, in the Pariſh of *Mottram in Longdendale*, and of *Dukinfield*, in the Pariſh of *Stockport*, all in the County Palatine of *Cheſter*, there are ſeveral very conſiderable Manufactories, which employ great Numbers of People, who contract many Small Debts, which in the whole amount Yearly to a large Sum of Money; and although many of ſuch Debtors are well able to pay their reſpective Debts, they often refuſe to pay the ſame, by reaſon of which their reſpective Creditors are either obliged to forego their reſpective Debts, or for the Recovery thereof, to incur an Expence ſometimes far exceeding, and in all Caſes greatly in diſproportion to the Sums in diſpute: And whereas it would greatly tend to the Improvement and Encouragement of Trade, and to the neceſſary Support and Protection of uſeful Credit within the ſaid Pariſh of *Aſhton-underlyne*, and in the ſaid ſeveral Townſhips of *Stayley*, *Hatterſley*, *Matley*, *Newton*, and *Dukinfield*, if a more eaſy and ſpeedy Method of recovering Small Debts within the ſame were provided:

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 Lord of the Manor of *Aſhton-underlyne* aforeſaid for the Time being, the Rector of the Pariſh and Pariſh Church of *Aſhton-underlyne* aforeſaid for the Time being, the Curate of the ſaid Pariſh Church of *Aſhton-underlyne* for the Time being, the reſpective Clergymen for the Time being officiating in the ſeveral Chapels of Eaſe in *Stayley-bridge*, *Moſeley*, and *Lees*, in the ſaid Pariſh of *Aſhton-underlyne*, and *Francis Dukinfield Aſtley*, Eſquire, *Samuel Andrew*, *John Bancroft*, *William Booth*, *John Bradley*, *Thomas Bradley*, *John Bramhall*, *Bentley Brooke*, *James Browne Brooke*, *John Buckley* of *Moſley*, *John Buckley* of *Wood* in *Stayley*, *Joſeph Buckley*, *Edward Chadwick*, *John Chadwick*, *Thomas Chadwick*, *John Chapman*, *Edward Dawſon*, *Richard Dronsfield*, *Sylvanus Ferns*, *John Fletcher*, *James Gee*, *John Greenwood*, *John Grimſhaw* of *Audenſhaw*, *John Grimſhaw* of *Gorton*, *George Hall*, *Samuel Hague*, *William Hampſon*, Collier, *James Harrop*, *John Harrop*, *Matthew Hawkins*, *Thomas Heap*, *James Heginbottom*, *John Heginbottom*, *Jonathan Heginbottom*, *Samuel Heginbottom*, *William Heginbottom*, *John Higginbottom*, *William Hilton*, *Samuel Hollingworth*, *William Horsfield*, *John Howard*, Clothier, *William Howard*, *Daniel Howarth*, *Robert Hyde*, *Robert Ingham*, *James Kenworthy*, *John Kenworthy*, *Ralph Kinder*, *Robert Lawton*, *Edward Lees*, *Henry Lees*, Mercer, *James Lees* of *Moſley*, *John Lees*, Gentleman, *John Lees*, Timber Merchant, *Neddy Lees*, *Robert Lees*, *William Lees*, Timber Merchant, *William Lees*, Yeoman, *Thomas Lewis*, *John Lowe*, *Joſeph Mellor*, *Robert M'Naught*, *Aaron Miller*, *Thomas Milne*, *James Newton*, *James Ogden*, Surgeon, *Thomas Ouſey*, *Joſhua Platt*, *Thomas Reyner*, *John Rigby*, *John Shaw*, *John Shelmerdine*, *John Slater*, *Jonathan Slater*, *Joſeph Slater*, *James Smith*, Yeoman, *John Smith*, *Edward Stelfox*, *Adam Stopford*, *Thomas Stopford*, *Philip Swanwick*, *George Taylor*, *John Taylor*, *Joſhua Taylor*, *William Taylor* of *Aſhton-underlyne*, *Joſeph Thornley*, *Thomas Travis*, *James Walker*, *John Walker*, *Richard Wilſon*, *Abel Wood*, *George Wood* of *Audenſhaw*, *John Wood*, *Joſhua Wood*, *George Worthington*, *James Wych*, and *John Wych*, ſhall be and are hereby appointed Commiſſioners for the Recovery of Small Debts within the ſaid Pariſh of *Aſhton-underlyne*, in the ſaid County Palatine of *Lancaſter*, and in the ſaid ſeveral Townſhips of *Stayley*, *Hatterſley*, *Matley*, *Newton*, and *Dukinfield*, in the ſaid County Palatine of *Cheſter*; and the ſaid Commiſſioners and their Succeſſors are hereby conſtituted a Court of Juſtice, by the Name of '*The Court of Requeſts* for the Pariſh of *Aſhton-underlyne*, in the County Palatine of *Lancaſter*, and the ſeveral Townſhips of *Stayley*, *Hatterſley*, *Matley*, *Newton*, and *Dukinfield*, in the County Palatine of *Cheſter*;' and the ſaid Commiſſioners are hereby empowered and required to meet and hold the ſaid Court on a Thurſday, once in every Three Weeks or oftener, if in the Opinion of the ſaid Commiſſioners there ſhall be Occaſion (Chriſtmas Day, and Faſt and Thankſgiving Days by Proclamation excepted, and then on the following Day) in ſome convenient Place within the Town of *Aſhton-underlyne*, to be from Time to Time appointed as Occaſion may require, by the major Part of the ſaid Commiſſioners at any of their Meetings to be holden by virtue of this Act; and the Firſt Meeting of the ſaid Commiſſioners ſhall be holden on ſome Thurſday within

Commiſſioners.

Meetings.

within Two Calendar Months next after the paſſing of this Act; and the Commiſſioners preſent ſhall elect a Chairman for that Meeting, and ſo at each ſucceeding Meeting.

Commiſſioners to hear Cauſes, and to give Judgment.

II. And be it further enacted, That the Commiſſioners of the ſaid Court, or the major Part of them who ſhall be preſent at their Meetings to be holden in purſuance of this Act, not being leſs than Three, are hereby authorized and empowered to hear and to determine ſuch Actions and Cauſes as are hereinafter mentioned, and to give ſuch Judgments, and to make ſuch Orders and Decrees therein, and to award Execution thereon, with Coſts againſt the Body or Bodies, or againſt the Goods and Chattels of all and every the Perſon or Perſons againſt whom they ſhall give any ſuch Judgment, or make any Order or Decree, as to them ſhall ſeem juſt in Law and Equity; and in caſe of an Equality of Votes on any Action, Cauſe or Queſtion before the ſaid Commiſſioners, the ſaid Chairman ſo to be elected as aforeſaid ſhall have the deciſive or caſting Vote; and if it ſhall happen that no Chairman ſhall have been previouſly elected at that Meeting, then and in every ſuch Caſe the Commiſſioner preſent who ſtands before any other of the Commiſſioners preſent in the Liſt of Names of the ſaid Commiſſioners (which Liſt the ſaid Commiſſioners ſhall and they are hereby required to hang or cauſe to be hung up in the Court or Place where the Commiſſioners meet) ſhall have the deciſive or caſting Vote.

Time of hearing Cauſes.

III. And, for better regulating the Sittings of the ſaid Court, be it further enacted, That the ſaid Commiſſioners ſhall not hold the ſaid Court, or hear or determine any Caſe or Caſes, Cauſe or Cauſes, to be heard or determined by the ſaid Commiſſioners by virtue of this Act, but between the Hours of Nine of the Clock in the Forenoon and Two of the Clock in the Afternoon; and nothing in this Act contained ſhall extend, or be conſtrued to extend, ſo as to require or compel the Attendance of any Plaintiff or Plaintiffs, Defendant or Defendants, Witneſs or Witneſſes in the ſaid Court, in purſuance of any Action or Summons commenced in or iſſued out of the ſaid Court, or by any Perſon or Perſons whomſoever acting as an Officer or Officers of the ſaid Court, ſave and except between the ſaid Hours of Nine of the Clock in the Forenoon and Two of the Clock in the Afternoon.

Appointment of New Commiſſioners.

IV. And be it further enacted, That when any of the ſaid Commiſſioners of the ſaid Court, or any of their Succeſſors to be elected in Manner herein mentioned (ſave and except the Lord of the Manor, and the Rector and Curate of the Pariſh Church of *Aſhton-under-lyne* aforeſaid, for the Time being, and the reſpective Clergymen for the Time being officiating in the ſaid Chapels of Eaſe) ſhall die, or refuſe to act, or ſhall ceaſe to be qualified in Manner herein directed to act as a Commiſſioner in the Execution of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners acting in the Execution of this Act, or the major Part of ſuch of them as ſhall be preſent at a Meeting to be holden for that Purpoſe, to elect and appoint one other Commiſſioner in the Room or Stead of each and every or any ſuch Commiſſioner or Commiſſioners ſo dying, refuſing to act, or ceaſing to be qualified as aforeſaid; and Notice in Writing of the Time and Place of Meeting for every ſuch Election, and of the Purpoſe thereof, ſhall be affixed by the Clerk for the

the Time being to the Commiſſioners of the ſaid Court on the outer Door of the Court Houſe or Place of holding the ſaid Court, and alſo upon the outer Door of the Pariſh Church of *Aſhton-underlyne* aforeſaid, Fourteen Days at leaſt before ſuch Meeting ſhall be holden; and every Commiſſioner ſo elected ſhall have the like Powers and Authorities for carrying this Act into Execution, and ſhall be ſubject and liable to the ſame Rules, Regulations, and Reſtrictions, as fully and effectually to all Intents and Purpoſes whatſoever, as if he had been particularly named herein as a Commiſſioner.

Commiſſioners to take an Oath.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act (ſave and except in adminiſtering the Oath or Affirmation herein mentioned to the other Commiſſioners) until he ſhall have taken and ſubſcribed the Oath or Affirmation following; that is to ſay:

Oath.

'I *A. B.* do ſwear [*or*, being one of the People called Quakers, do ſolemnly affirm,] That I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Judgment, hear and determine ſuch Matters and Things as ſhall be brought before me, by virtue of an Act made in the Forty-eighth Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act*] without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever; and alſo, that I am a Houſeholder within the Juriſdiction of the Court conſtituted by the ſaid Act; and that I am poſſeſſed of a Freehold Eſtate of the Yearly Value of Forty Pounds, or of a Perſonal Eſtate of the Value of One Thouſand Pounds, above all Charges or Incumbrances whatſoever.

'So help me GOD.'

Which Oath or Affirmation the Commiſſioners of the ſaid Court, or any One or more of them, is and are hereby empowered and required to adminiſter in open Court; and each and every ſuch Commiſſioner ſhall and he is hereby required (immediately after taking the ſaid Oath or Affirmation) to ſign and ſubſcribe his Name upon a Roll or Rolls of Parchment, or in a Book to be provided for that Purpoſe, with the ſaid Oath or Affirmation written or printed thereon or therein; and ſuch Roll or Rolls, or Book, ſhall be carefully kept amongſt the Records of the ſaid Court.

Qualification of Commiſſioners.

VI. And be it further enacted, That no Perſon ſhall be qualified to act as a Commiſſioner in the Execution of this Act, unleſs he ſhall at the Time of acting be a Houſeholder within the Juriſdiction of the ſaid Court, and ſeiſed of a Freehold Eſtate of the Yearly Value of Forty Pounds, or poſſeſſed of a Perſonal Eſtate of the Value of One thouſand Pounds, above all Charges and Incumbrances whatſoever; and if any Perſon, not being qualified as aforeſaid, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence (over and above any Puniſhment that he may be ſubject or liable to for wilful and corrupt Perjury) forfeit and pay the Sum of Fifty Pounds, together with full Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; and in every ſuch Action,

Bill, Plaint, or Information, the Proof of such Qualification shall be on the Defendant, and it shall be sufficient for the Plaintiff or Prosecutor to prove that the Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Judgments, Orders, Decrees, Acts, and Proceedings, of all and every Person and Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified in point of Property as aforesaid, previous to his or their being convicted of such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Acts of the Commissioners good before Conviction.

VII. And be it further enacted, That if any Commissioner named or appointed by virtue of this Act (save and except the Lord of the Manor, and the Rector and Curate of the Parish Church of *Ashton-underlyne* aforesaid for the Time being, and the respective Clergymen for the Time being officiating in the said Chapels of Ease) shall neglect or refuse to qualify himself for acting as a Commissioner in the Execution of this Act, by taking and subscribing the Oath hereinbefore mentioned, within Two Years from the passing of this Act; or if any Person hereafter to be elected and chosen a Commissioner, shall neglect or refuse to qualify himself for acting in the Execution of this Act, within Two Years next after he shall have been so elected and chosen, such Commissioner so neglecting or refusing shall from thenceforth be disqualified, and be incapable of acting as a Commissioner in the Execution of this Act; and it shall be lawful for the remaining Commissioners, or such of them as shall be present at a Meeting to be convened in such Manner as is hereinbefore directed, from Time to Time to elect one other Person to be a Commissioner in the Room of each and every or any Person so neglecting or refusing to qualify or act as last aforesaid; and if any Person so neglecting or refusing to qualify or act, shall presume to act contrary to the Intent and Meaning hereof, every Person so offending in each of the Cases aforesaid, shall for every such Offence forfeit and pay the like Sum as is hereinbefore directed to be forfeited in case of any Person presuming to act not being qualified, to be recovered, paid and applied in like Manner as such Forfeiture or Penalty hereinbefore mentioned is directed to be recovered, paid and applied: Provided always, that if any Person so becoming disqualified shall at any Time thereafter become desirous of being re-elected on any subsequent Vacancy, it shall be lawful for the Commissioners for the Time being again to elect and chuse him to be a Commissioner; subject nevertheless to the several Restrictions aforesaid.

Commissioners required to qualify within a certain Period.

VIII. And be it further enacted, That it shall and may be lawful to and for the Right Honourable *George Harry* Earl of *Stamford* and *Warrington*, the Lord of the Manor of *Ashton-underlyne* aforesaid, and the Lord of the said Manor of *Ashton-underlyne* for the Time being, and he is hereby authorized and required within Sixty Days from and after the passing of this Act, to nominate and appoint under his Hand, fit and proper Persons for Clerk, Serjeant, and other necessary Officers, of and in the said Court of Requests, during his or their good Behaviour; and that when and as often as it shall happen that the Office or Offices of Clerk, Serjeant or Cryer, or of any other Officer or Officers shall become vacant, either through Misbehaviour, Death, or Resignation, Suspension, Dismission, Removal, or Incapacity, then and in every such Case the said *George Harry*

Appointment of Officers.

Earl of *Stamford* and *Warrington*, the Lord of the ſaid Manor of *Aſhton-underlyne*, or the Lord of the ſaid Manor of *Aſhton-underlyne* for the Time being, is hereby authorized, empowered, and required, within Sixty Days after ſuch Vacancy ſhall happen, to nominate and appoint, under his Hand, another fit and proper Perſon to be Clerk or Serjeant or Cryer or other Officer or Officers, of and in the ſaid Court of Requeſts during his and their good Behaviour; and until ſuch Nomination and Appointment ſhall be made as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Court of Requeſts, or any Three or more of them aſſembled as aforeſaid, to appoint ſuch Officers reſpectively to do the Buſineſs of the ſaid Court, until ſuch Nomination and Appointment ſhall from Time to Time be made as aforeſaid; and all Perſons ſo appointed by the ſaid Commiſſioners, or any Three of them, ſhall be and be deemed to be (during ſuch Time as they ſhall reſpectively act) Officers under this Act, to all Intents and Purpoſes whatſoever, and be entitled to all the Advantages and Emoluments ſpecified in this Act, and ſubject to removal from their reſpective Offices in like Manner as the Officers to be from Time to Time appointed by the Lord of the ſaid Manor of *Aſhton-underlyne* for the Time being, are entitled or liable.

No Victualler, &c. to be Clerk, nor any Commiſſioner capable of acting as ſuch during ſuch Time as he ſhall be Clerk.

IX. Provided always and be it further enacted, That no Perſon or Perſons who ſhall keep any Victualling-houſe, Alehouſe, or any Public Houſe of Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Spirituous or other ſtrong Liquors by retail, ſhall be capable of holding the Office of Clerk, or any other Place of Profit belonging to the ſaid Court; and that no Perſon nominated a Commiſſioner, ſhall be capable of acting as a Commiſſioner during the Time he ſhall remain Clerk of the ſaid Court.

Power for the Clerk to appoint a Deputy.

X. And be it further enacted, That it ſhall and may be lawful to and for the Clerk of the ſaid Court of Requeſts for the Time being, to nominate One or more ſufficient Deputy or Deputies to act for him in the Office of Clerk of the ſaid Court of Requeſts; which Deputy in the Abſence of the ſaid Clerk, ſhall have the ſame Authority as if the Clerk himſelf was perſonally preſent, and ſhall from Time to Time be diſplaceable and removeable, and ſhall accordingly be diſplaced and removed at the Will and Pleaſure of the ſaid Clerk of the ſaid Court of Requeſts for the Time being; and ſuch Clerk or his Deputy is and are hereby empowered and required to iſſue all Summonſes, Warrants and Precepts, 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 Clerk by virtue of this Act; and ſhall enter and regiſter, or cauſe to be entered and regiſtered, in proper Books to be provided and kept for that Purpoſe, all the Acts and Proceedings of the ſaid Court, of what Nature or Kind ſoever.

Clerk to iſſue Summonſes, and enter Proceedings in Books.

Duty of Clerks and Serjeants.

XI. And be it further enacted, That the Clerk of the ſaid Court, or his Deputy or Deputies, ſhall do and perform all ſuch Acts, Matters, and Things as they ſhall be directed or appointed by the ſaid Commiſſioners to do and perform; and the ſeveral Serjeants of the ſaid Court ſhall ſerve all Summonſes and Subpœnas, and execute ſuch Warrants, Orders, and Precepts, and do and perform all ſuch Acts, Matters, and Things as may be required to be done and performed by them reſpectively by virtue of this Act.

XII. And

Officers may be displaced for Misbehaviour.

XII. And be it further enacted, That if any such Clerk or Deputy, Serjeant, Crier, or other Officer, shall be guilty of any Misbehaviour, either by Neglect or Breach of Duty, or in taking greater Fees than are by this Act allowed to be taken, or otherwise in the Discharge of their respective Offices, upon Complaint and due Proof thereof made upon Oath in open Court, the said Commissioners of the said Court then sitting, shall, and they are hereby directed and required to enquire into the Nature of the said Complaint; and if it shall appear to be well founded, then such Commissioners, or the major Part of them so sitting in Court as aforesaid, are hereby directed and required to cause the whole Number of Commissioners of the said Court, residing within the Jurisdiction of the said Court, to be summoned to meet at a convenient Time and Place, which Meeting shall be holden not sooner than Fourteen Days nor more than Thirty Days after such Summons; and the said Commissioners at such Meeting, or the major Part of them present, shall and may examine and consider the Merits of such Complaint; and if it shall appear to the Commissioners of the said Court, or the major Part of them, that such Clerk, or Deputy, Serjeant, Crier, or other Officer hath or have been guilty of such Misbehaviour or Breach of Duty as aforesaid, in his or their Office or Offices, then and in every such Case it shall and may be lawful to and for the said Commissioners of the said Court, or the major Part of them, to suspend, dismiss, or remove such Clerk or Deputy, Serjeant, Crier, and other Officer, from his or their Office or Offices.

If sufficient Commissioners do not attend, Court may be adjourned.

XIII. And be it further enacted, That in case a sufficient Number of the Commissioners of the said Court shall not be present to act in the Execution of this Act as is herein directed, on any of the Days appointed for holding of the said Court, then and in every such Case it shall and may be lawful to and for the Commissioner or Commissioners who shall be present, and if no Commissioner or Commissioners shall be present, it shall and may be lawful to and for the said Clerk or his Deputy for the Time being, to adjourn such Court to the next Court Day, or to some earlier Day.

Commissioners, &c. not to act where interested.

XIV. And be it further enacted, That if any Commissioner or Commissioners of the said Court for the Time being, shall be Party to or concerned or interested in any Cause, Action, or Matter depending in the said Court, or shall be Father or Son or Brother of any Person or Persons, or of the Wife or Wives of any Person or Persons concerned or interested in any such Cause, Action, or Matter, such Commissioner or Commissioners shall not be capable of acting as a Commissioner or Commissioners on the hearing or determining of such Cause, Action, or Matter, or making any Order, Decree, or Judgment therein; but such Commissioner or Commissioners, after being heard in such Cause, Action, or Matter, shall withdraw until the same be finally determined; and if the Clerk or his Deputy, or the Serjeant or other Officer of the said Court for the Time being, shall be a Party to or interested in any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy, Serjeant, or other Officer, shall not exercise his or their Office in such Cause, Action, or Matter, or in any Thing relating thereto; but the said Commissioners forming the said Court, shall and may appoint another Person specially to exercise the Office of such Clerk or Deputy, Serjeant, or other Officer respectively, in all Things relating to such Cause, Action, or Matter.

XV. And

Commissioners to enter their Proceedings, and such Entries to be Evidence.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required to make, or cause to be made, fair and regular Entries in a Book or Books to be provided by them for that Purpose, of all the 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, and also of the Names of the Commissioners who shall be present at their respective Meetings; and such Entries shall be signed by the Chairman of each respective Meeting; and such Entries when so signed, and such Book and Books, shall be allowed to be read in Evidence, in Proof of the Proceedings of such Court in all Courts whatsoever.

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

XVI. And be it further enacted, That from and after the First Meeting of the said Commissioners, it shall and may be lawful to and for any Person or Persons (whether such Person or Persons shall reside within the Jurisdiction of the said Court or not) having any Debt or Debts upon any Contract or Agreement, or for or in respect of Wages, Rent or Arrears of Rent, or otherwise howsoever, save and except as herein mentioned, not exceeding the value of Five Pounds, due or owing or belonging to him, her, or them, in his, her, or their own Right, or in the Right of any other Person or Persons, or as Executor, Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due, owing, or payable to him as Collector of any Tolls, or of any Rates or Taxes, or as Clerk, Treasurer, or other Officer to any Commissioners or Trustees, or to any Body or Bodies Politic or Corporate, or to any Club or Friendly Society duly associated and constituted by the Statutes in that Case made and provided, or in any other Manner whatsoever, which the said Commissioners are by this Act enabled to judge and determine, and not expressly prohibited by this Act, by or from any other Person or Persons whomsoever inhabiting and residing, within the said Parish of *Ashton-underlyne*, or the several Townships aforesaid, or any of them, or keeping and using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing or working, or generally using and frequenting the Markets there as a Dealer, or seeking a Livelihood, to apply to the Clerk of the Court for the Time being, or his Deputy, who shall thereupon in due Course make out and deliver or cause to be made out and delivered to one of the Serjeants of the said Court for the Time being, a Summons in Writing under the Hand of the said Clerk or his Deputy, directed to such Debtor or Debtors, expressing the Sum demanded of him her, or them, and stating the Particulars of such Demand or Cause of Action, together with the Name of the Party 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 Serjeant 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 at the Dwellinghouse, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working of such Debtor or Debtors, being within the Jurisdiction of the said Court; and upon due Proof of such Summons having been duly served in Manner aforesaid, or upon the Appearance of the Debtor or Debtors, the Commissioners

missioners present in Court (such Number present not being less than Three) are hereby empowered and required to make due Enquiry concerning such Demands or Plaints, and make such Orders therein, and pass such Judgment or Judgments thereupon, and award such reasonable Costs of Suit, as to them shall seem right and proper, consistent with the Rules and Regulations in this Act contained; and as well the Plaintiff or Plaintiffs as the Debtor or Debtors whom such Order or Orders, Decrees, Judgments, and Proceedings shall respectively concern, shall duly observe, perform, and keep the same respectively; 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 and may be lawful to and for the Commissioners present in the said Court to administer an Oath or Oaths, or Affirmation or Affirmations, to any Officer of the said Court, and to all or any of the Parties 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 or either Party, and also to any other Person or Persons, whose Evidence shall seem necessary towards the hearing or determining any of the said Causes or Actions, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act. Commissioners may administer Oaths.

XVII. And be it further enacted, That where any Debt or Damages shall be due and owing by or demanded from any Two or more Persons jointly, by reason or on account of such Persons being Partners in Trade or otherwise jointly concerned, Service of such Summons as aforesaid personally on any one of such Partners or Persons, and Notice thereof left at the usual or last Place or Places of Abode, Warehouse, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, of the other or others of such Partners or Persons, shall be as good and sufficient as if each of such Partners or Persons were separately summoned as aforesaid. Where Debt is due from Two or more Partners, summoning one of them shall be sufficient.

XVIII. And be it further enacted, That it shall and may be lawful from Time to Time, and at all Times hereafter, to and for any Plaintiff or Plaintiffs, Defendant or Defendants, in any Suit or Cause to be depending in the said Court, to cause any Person or Persons residing within the Jurisdiction of the said Court, to be warned or summoned to such Court, either by serving a Subpœna or Subpœnas, Summons or Summonses, to be issued by the Clerk or Deputy Clerk of such Court, and to be served by a Serjeant of the same personally, or by leaving such Subpœna or Subpœnas, Summons or Summonses, at the last or usual Place or 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 the Suit or Cause there depending; and in case any Person or Persons after having been so subpœnaed or summoned to give Evidence as aforesaid, and paid or tendered his, her, or their reasonable Expences, to attend and give his, her, or their Evidence at the Time and Place in such Subpœna or Subpœnas, or Summons or Summonses mentioned, on behalf of any such Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Subpœnas, Summons or Summonses, due Proof being made of the Service thereof, and no sufficient Cause for his, her, or their Absence or Non-appearance being shewn to the Satisfaction of the said Court, and on Oath being made before the Commissioners there sitting by the Party or Parties Witnesses to be summoned. Penalty on Witnesses not attending if summoned.

at whoſe Inſtance and on whoſe Behalf ſuch Subpœna or Subpœnas, Summons or Summonſes iſſued, that the Perſon or Perſons ſerved therewith was or were a Witneſs or Witneſſes by ſuch Party or Parties judged neceſſary for the Proof of his, her, or their Cauſe or Cauſes, Action or Actions, Complaint or Complaints, Defence or Defences; or if any ſuch Witneſs or Witneſſes ſhall appear, but ſhall refuſe to be examined upon Oath, or in caſe of a Quaker or Quakers upon ſolemn Affirmation, and to give Evidence as aforeſaid, before ſuch Commiſſioners, according to the true Intent of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners to impoſe any Fine not exceeding Ten Pounds on every Perſon ſo offending; which Fine ſhall be recoverable by ſuch Means as Forfeitures are by this Act generally directed to be recovered, and ſhall be paid to the Party or Parties at whoſe Inſtance or Requeſt ſuch Subpœna or Subpœnas, Summons or Summonſes ſhall have been iſſued.

If Debtors do not appear, Commiſſioners may proceed.

XIX. 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 and may be lawful to and for the ſaid Commiſſioners aſſembled in the ſaid Court, after Proof made upon Oath of the Service of the ſaid Summons in Manner aforeſaid, to hear the Cauſe on the Part of the Plaintiff or Plaintiffs only, and to make ſuch Order, Decree or Judgment therein, and to award ſuch reaſonable Coſts of Suit, as to them ſhall ſeem moſt agreeable to Equity and good Conſcience.

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

XX. And be it further enacted, That if upon any Day of the Return of any Summons iſſued on the Behalf of any Plaintiff or Plaintiffs, or at any Continuation or Adjournment of the ſaid Court, or of the Cauſe on account of which ſuch Summons ſhall have been iſſued, the Plaintiff or Plaintiffs ſhall not appear either in Perſon or by his, her or their Agent, or ſome other Perſon on his, her or their Behalf, or appearing ſhall not make Proof of his, her or their Demand or Demands to the Satisfaction of the ſaid Court, but ſhall become nonſuited, or Judgment ſhall be pronounced againſt him, her, or them by the ſaid Court, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners preſent in Court, and they are hereby required to award to the Defendant or Defendants ſuch reaſonable Coſts and Satisfaction for his, her, or their Trouble and Attendance as they the ſaid Commiſſioners in their Diſcretion ſhall think fit, and to order and compel the Plaintiff or Plaintiffs to pay the ſame by ſuch Ways and Means as are herein provided for Recovery of Debts ordered or decreed by the ſaid Court.

What Debts to be decided by the Commiſſioners.

XXI. And be it further enacted, That it ſhall be lawful to and 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 not exceeding Five Pounds, in all Actions or Cauſes of Debt, and in all Cauſes of Aſſumpſit, and *Inſimul computaſſet*, and in all Cauſes or Actions of Trover and Converſion, and in all Cauſes or Returns founded on a *Quantum meruit* or *Quantum valebat*, and in all Cauſes or Actions of Treſpaſs or Detinue for Goods and Chattels taken or detained.

XXII. And

Subscriptions towards this Act may be recovered.

XXII. And be it further enacted, That if any Person or Persons who hath or have subscribed, or agreed or undertaken to pay, or who shall or may subscribe or agree or undertake to pay any Sum or Sums of Money for or towards the Expences of applying for, passing, or obtaining this Act, shall after Demand thereof made by any Clerk or Serjeant of the said Court refuse or neglect to pay such Sum or Sums of Money for the Space of Fourteen Days after such Demand shall have been made, then and in every such Case it shall and may be lawful to and for any one or more of the said Commissioners, and they and every of them are and is hereby authorized and empowered, in his or their own Name or Names, to sue for and recover in the said Court of Requests such Sum or Sums of Money, not exceeding Five Pounds in any one Case, of and from such Person or Persons so refusing or neglecting as aforesaid, in such and the same Manner as any other Debt or Debts or Sum or Sums of Money whatsoever may be recovered by virtue of this Act; and in every Case where any such Sum or Sums of Money so refused or neglected to be paid as aforesaid, shall exceed the Sum of Five Pounds, it shall and may be lawful to and for any one or more of the said Commissioners, and they and every of them are and is hereby authorized and empowered, in his or their own Name or Names, to sue for and recover such last mentioned Sum or Sums of Money in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas for the said County Palatine of *Lancaster*, or the Court of Session for the said County Palatine of *Chester*, together with full Costs of Suit, by Action of Debt or on the Case, or by Bill or Plaint, wherein no Essoign, Privilege, Protection, or Wager of Law, or more than one Imparlance shall be allowed; and all and every such Sum and Sums of Money, when so recovered by any one or more of the said Commissioners, shall be by him or them paid and applied for and towards the Expences of applying for, passing, and obtaining this Act; and if any Commissioner or Commissioners who may recover any such Sum or Sums of Money, shall neglect or refuse to pay and apply the same accordingly, such Commissioner or Commissioners shall for every such Neglect or Refusal forfeit and pay double the Amount of such Sum or Sums of Money so refused or neglected to be paid and applied by him or them as aforesaid; which Forfeiture shall be recoverable by such Means as Forfeitures are by this Act generally directed to be recovered; and one Half Part thereof, when so recovered, shall be paid and applied for and towards the Expences of applying for and passing and obtaining this Act, and the other Half Part thereof shall be paid and applied in such Manner and for such Purposes as other Forfeitures are by this Act generally directed to be paid and applied.

Debts due to or from Persons under Age, may be recovered.

XXIII. And be it further enacted, That in every Case where any Sum or Sums of Money whatsoever, not exceeding the Sum of Five Pounds, shall be due and owing to any menial Servant, Clerk, Book-keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or any other Person whomsoever, under the Age of Twenty-one Years, such Servant, Clerk, Book-keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or other Person, may sue for such Debt, in the said Court, in the same Manner as if he or she were of full Age; and the said Commissioners present in the said Court are hereby authorized and required to take Cognizance of and proceed in all Causes concerning such Debts, in the same Manner, and shall have such and the same Powers in regard thereto as if the Plaintiff or Plaintiffs were of full Age.

XXIV. And

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

XXIV. And be it further enacted, That in case it shall at any Time during the hearing of any 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 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 and may be lawful to and 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 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 make Rules respecting Suitors Money.

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

This Act not to extend to certain Debts.

XXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the Commissioners of 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 of any Lands, Tenements, or Hereditaments, or of any Chattels real whatsoever, shall be brought or come into question, nor on any Debt for any Sum being the Balance of an Account on Demand originally exceeding Five Pounds; or to judge, determine, or decide on any Debt that shall arise by reason of the Occupation of any Lands, Tenements, or Hereditaments situate elsewhere than within the Limit and Jurisdiction of the said Court; or to judge, determine, or decide on any Debt that shall arise by reason of any Cause concerning Testament or Matrimony; or for or concerning any Agreement by way of Composition for or by way of Retainer of Tythes; or for any Matter properly suable in the Ecclesiastical Court; nor to any Debt for any Money or Thing won at or by means of any Horse Race, Cockmatch, Wager, or any Kind of Gaming or Play; nor to any Debt which there has not been a Contract, Acknowledgment, Undertaking or Promise to pay within Six Years before the taking out of the Summons, although the same respectively shall not exceed Five Pounds.

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

XXVII. And be it further enacted, That nothing herein contained shall extend or be construed to extend, so as to enable any Plaintiff to split or divide any Cause or Action for the Recovery of any Debt, where the whole

whole Sum that ſhall appear to be due and owing ſhall exceed the Sum of Five Pounds, in order that the ſame may be made the Ground of any Two or more Cauſes or Actions, for the Purpoſe of bringing ſuch Cauſes or Actions within the Juriſdiction of the ſaid Court; and in caſe it ſhall appear to the ſaid Commiſſioners, that any Plaintiff ſhall have ſo ſplit or divided his or her Cauſe or Action as aforeſaid, then and in every ſuch Caſe the ſaid Commiſſioners ſhall, and they are hereby required to diſmiſs, with Coſts, every ſuch Cauſe or Action ſo ſplit 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 Manner as he or ſhe may lawfully proceed: Provided always, That in caſe any Plaintiff who ſhall have ſo ſplit or divided ſuch his or her Cauſe or Action ſhall be willing to accept ſuch Sum of Money as the ſaid Court is in and by this Act enabled to adjudge, decree, and pronounce, in full of the Whole of his or her Demand in ſuch Cauſe or Action ſo ſplit or divided, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and may adjudge, decree, and pronounce, on ſuch Plaintiff proving his or her Cauſe or Caſe to the Satisfaction of the ſaid Commiſſioners, ſuch Sum to the Plaintiff not exceeding the Sum of Five Pounds as to the ſaid Commiſſioners ſhall ſeem juſt and reaſonable; and ſuch Sum ſhall, in the Judgment or Decree to be pronounced by the ſaid Commiſſioners, be declared to be, and ſhall be in full Diſcharge of all Demands from the Defendant to the Plaintiff in ſuch Cauſe or Caſe ſo ſplit or divided.

the Court; but the Court may decree in ſuch Action ſo ſplit, if the Plaintiff will receive the Money in full of all Demands in ſuch Action.

XXVIII. And be it further enacted, That no Evidence ſhall be permitted to be given by the Plaintiff on the Trial of any ſuch Cauſe or Action as aforeſaid, of any Demand or Cauſe of Action, except ſuch as ſhall be 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 firſt mentioned Cauſe or Action, 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 firſt mentioned Demand or Cauſe of Action, 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 Dwellinghouſe, 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.

No Evidence to be given by Plaintiff of any Matter not ſtated in the Summons; nor Set-off allowed without Notice being given.

XXIX. And be it further enacted, That in any Cauſe, Action, or Caſe in which the Commiſſioners of the ſaid Court ſhall have made an Order or Decree for the Payment of Money, it ſhall and may be lawful to and for the ſaid Commiſſioners preſent in Court, to award Execution either againſt the Body or Goods of the Party againſt whom ſuch Order or Decree ſhall be made, and thereupon it ſhall and may be lawful to and for the Clerk of the ſaid Court or his Deputy, at the Prayer of the Party proſecuting ſuch Order or Decree for the Payment of Money, to iſſue a Precept under his Hand and Seal, by way of *Capias ad ſatisfaciendum*, or *Fieri Facias*, to one of the Serjeants of the ſaid Court, who by virtue of ſuch Precept iſſued upon Execution awarded againſt the Body of ſuch Party ſhall and may and he is hereby empowered to take and convey ſuch Party (being within that Part of the Juriſdiction of the ſaid Court which lies in the ſaid County Palatine of *Lancaſter*) to any Gaol or Priſon within the ſaid

Commiſſioners may award Execution againſt the Body or Goods.

County Palatine of *Lancaſter*, or (being within that Part of the Juriſdiction of the ſaid Court which lies in the ſaid County Palatine of *Cheſter*) the Common Gaol of the ſaid County Palatine of *Cheſter*, 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; and in caſe any ſuch Precept ſhall be iſſued upon Execution againſt the Goods and Chattels of ſuch Party, ſuch Serjeant ſhall and may and he 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 or Sums of Money and Coſts as ſhall be ordered, decreed, or adjudged; and if the Party againſt whoſe Body or Bodies any ſuch Execution ſhall be awarded and Proceſs thereupon iſſue, ſhall, by abſconding, or by ſecreting or removing his, her, or their Goods or Chattels, or by any other Means prevent or evade the Service or Effect of any ſuch Execution, then and in every ſuch Caſe it ſhall and may be lawful to and 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 Serjeants of the ſaid Court, until the Plaintiff or Plaintiffs ſhall be fully paid and ſatisfied; and it ſhall and may be lawful to and for the ſaid Commiſſioners from Time to Time, in caſe they ſhall think fit, for the Eaſe and Convenience of the Defendant or Defendants (and they are hereby authorized and empowerd) to order, decree, or adjudge any Debt or Debts 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 and may be lawful to and 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 who may have given Security to the ſaid Plaintiff or Plaintiffs, under the Directions of the ſaid Commiſſioners, for the Payment of ſuch 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, together with ſuch further Coſts ſhall be recovered by the ſame Ways and Means as are herein provided for Recovery of the Debt and Coſts firſt decreed.

In caſe Parties ſhall abſcond, or ſecrete their Goods, Commiſſioners to award further Execution.

Commiſſioners may decree Debts to be paid by Inſtalments.

Proceſs not to iſſue againſt the Body and Goods or Chattels of the ſame Perſon.

XXX. And be it further enacted, That it ſhall not be lawful to or for the Commiſſioners of the ſaid Court, to iſſue any Proceſs againſt the Body or Bodies of any Defendant or Defendants in any Caſe or Caſes where the Plaintiff or Plaintiffs entitled to the Benefit of any Order, Judgment, or Decree, ſhall at the ſame Time or previouſly have obtained any Warrant or Proceſs againſt the Goods and Chattels of the ſame Defendant or Defendants.

If Defendant remove out of the Juriſ-

XXXI. And whereas it may happen that Perſons ſerved with Proceſs iſſuing out of the ſaid Court of Requeſts, may, in order to avoid Execution,

tion, remove their Persons and Effects beyond the Limits of the Jurisdiction of the said Court; Be it therefore enacted, That in all Cases where a final Decree or Judgment for any Sum or Sums of Money shall have been obtained in the said Court, it shall and may be lawful to and for any Serjeant 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 been issued against the Person or Persons, or Effects (as the Case may be) of the Defendant or Defendants, and that the Person or Persons, Goods and Chattels of such Defendant or Defendants, is or are not to be found within the Jurisdiction of the said Court, but is or are believed to be within the County or District where such Justice of the Peace shall act, such Justice of the Peace is hereby authorized and required to sign or indorse his Name upon the Back of the said Precept of Execution, and thereupon the Serjeant or other Officer of the said Court shall be, and he and they is and are hereby authorized and empowered to take and seize the Person and Persons, or Effects, of the Defendant or Defendants wheresoever the same shall be found within the County or District for which such Justice of the Peace who shall have so signed or indorsed the said Precept of Execution as aforesaid shall act, and to deal therewith in like Manner as if the same had been taken or seized within the Jurisdiction of the said Court; and all Constables and other Peace Officers shall, and they are hereby required to be aiding and assisting within their respective Districts in the Execution of the said Precept so indorsed as aforesaid.

diction of the Court, to avoid Execution, a Justice of the Peace may indorse the Precept, &c.

XXXII. And be it further enacted, That in or upon each and every Precept to be issued upon Execution, awarded against the Body or Goods and Chattels of any Person or Persons whomsoever, the Clerk of the said Court or his Deputy shall insert or indorse, or cause to be inserted or indorsed, the Sum or Sums of Money, and the Costs so ordered, decreed, and adjudged; and if the Party or Parties against whom such Execution shall be awarded respectively, shall, before an actual Sale of the Goods and Chattels, or before he, she, or they is or are apprehended, or before the Expiration of the Term of his, her, or their Imprisonment, as herein mentioned, pay or cause to be paid or tendered unto the Clerk of the said Court or his Deputy, 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, and the Fee or Fees herein directed to be paid to the Clerk as a Compensation for his Trouble in receiving the same, and in entering an Acknowledgment and Satisfaction in full for such Sum or Sums of Money and 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.

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

XXXIII. And be it further enacted, That the Keeper or Keepers for the Time being of the respective Gaols or Prisons within the said Counties Palatine of *Lancaster* and *Chester* respectively, shall and he and they is and are hereby required to receive and take into his and their Custody respectively, all and every Person and Persons who shall be committed or ordered to stand committed under or by virtue of this Act; and in case the Keeper or

Gaoler, &c. to receive Persons, committed.

or Keepers of the ſaid Gaols or Priſons reſpectively, ſhall neglect or refuſe to receive into his or their Cuſtody any Perſon or Perſons ſo committed, 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, or wilfully ſuffer ſuch Perſon or Perſons to go at large without a Warrant or Order for that Purpoſe in Writing, ſigned in Court by Three at leaſt of the ſaid Commiſſioners, ſuch Keeper and Keepers reſpectively ſo offending in any of the ſaid Caſes, and being thereof convicted before any One or more of His Majeſty's Juſtices of the Peace for either of the ſaid Counties Palatine of *Lancaſter* or *Cheſter*, as the Caſe may be, upon the Oath or Affirmation of one or more Witneſs or Witneſſes (which Oath or Affirmation ſuch Juſtice or Juſtices is and are hereby authorized and required to adminiſter) or upon his, her, or their Confeſſion, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Pounds at the Diſcretion of the ſaid Juſtice or Juſtices; and in caſe ſuch Sum ſhall not be immediately paid by the Perſon or Perſons ſo offending into the Hands of the ſaid Juſtice or Juſtices before whom ſuch Offender or Offenders ſhall be convicted, then and in every ſuch Caſe ſuch Sum ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, rendering the Overplus (if any) upon Demand, to ſuch Offender or Offenders, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale; and ſuch Forfeiture when ſo paid, levied, or recovered, ſhall be applied in like Manner as the ſeveral other Fines and Penalties are by this Act generally directed to be applied; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices to commit ſuch Offender or Offenders to any ſuch Gaol or Priſon as aforeſaid, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty and Forfeiture, and all Coſts and Charges attending ſuch Conviction be ſooner paid and diſcharged.

No Privilege to be allowed to Attornies.

XXXIV. And be it further enacted, That no Privilege ſhall be allowed to exempt any Perſon liable to be ſummoned by virtue of this Act from the Juriſdiction of the ſaid Court of Requeſts, on account of his being a Sworn Attorney or Solicitor, or other Officer of any of His Majeſty's Courts of Record at *Weſtminſter*, or of any other Court whatſoever; but that all ſuch Attornies, Solicitors, and other Officers ſhall be ſubject to the ſeveral Proceſſes, Orders, Judgments, and Executions of the ſaid Court of Requeſts, in the ſame Manner as any other Perſon or Perſons is and are ſubject to the ſame.

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

XXXV. And be it further enacted, That no ſuch Attorney, Solicitor, Scrivener, or any 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, Solicitor, or Scrivener, is not himſelf a Party or Witneſs; and in caſe any Attorney, Solicitor, or Scrivener, ſhall 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, Solicitor, or Scrivener, is not himſelf a Party or Witneſs, then and in every ſuch Caſe ſuch Attorney, Solicitor, or Scri-

vener, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds on being convicted thereof before any One or more of His Majesty's Justices of the Peace for either of the said Counties Palatine of *Lancaster* or *Chester*, upon the Oath or Affirmation of One or more credible Witness or Witnesses (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer) or on his own Confession; and in case such Sum of Money shall not be paid forthwith by the Person or Persons so offending, into the Hands of the said Justice or Justices before whom such Offender shall be convicted, then and in every such Case such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) to such Offender, after deducting such Fine or Forfeiture, and the Costs and Charges of such Distress and Sale; and such Fine or Forfeiture when so paid, levied, or recovered, shall be applied in like Manner as the several other Fines and Penalties are by this Act generally directed to be applied; and in case a sufficient Distress shall not be found, it shall and may be lawful to and for such Justice or Justices to commit such Offender or Offenders to any Common Gaol or Prison in either of the said Counties Palatine of *Lancaster* or *Chester*, as the Case may be, for any Time not exceeding Six Caledar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction be sooner paid and discharged.

Imprisonment of Debtors limited.

XXXVI. And be it further enacted, That no Person or Persons whosoever shall be committed to any Gaol or Prison by Order of the said Court for any Debt or Debts, or kept or continued in Custody on any Pretence whatsoever (except in the Cases herein provided) for any longer Space or Spaces of Time, from the Time of his, her, or their Commitment to Prison, than is or are herein limited; that is to say: Where the Debt or Damages (exclusive of Costs) does or do not exceed the Sum of Twenty Shillings, then he, she, or they shall not be kept or continued in Custody for more than Twenty Days; and where the Debt or Damages (exclusive of Costs) is or are above Twenty Shillings and does or do not exceed Forty Shillings, then not more than Forty Days; and where the Debt or Damages (exclusive of Costs) is or are above Forty Shillings and does or do not exceed Three Pounds, then not more than Sixty Days; and where the Debt or Damages (exclusive of Costs) is or are above Three Pounds and does or do not exceed Four Pounds, then not more than Eighty Days; and where the Debt or Damages (exclusive of Costs) is or are above Four Pounds and does or do not exceed Five Pounds, then not more than One hundred Days from the Time of his, her, or their Commitment; and the Keeper and Keepers of every such Gaol or Prison, is and are hereby directed and required to discharge such Persons accordingly.

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

XXXVII. And, in order the more effectually to prevent Persons summoned for Debts or Damages 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 Debts, or Damages before the said Court, Information of any such fraudulent Concealment shall be given, such Court shall have Power to hear Evidence as to the Fact; and in case it shall be proved to their Satisfaction, upon the Oath

Oath or Affirmation of One or more Witneſs or Witneſſes (which Oath or Affirmation the ſaid Court is hereby empowered to adminiſter) then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Court to enlarge the aforeſaid Time of Impriſonment of ſuch Debtor to any Period, in addition thereto, not exceeding Three Calendar Months.

Time of Impriſonment ſhall extend ſeparately and ſucceſſively for each Execution.

XXXVIII. 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 of Requeſts, and who at the Time of his, her, or their 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 during the Time by this Act limited for and in reſpect of each and every ſuch Execution (that is to ſay) after the limited Time ſhall be expired on the firſt Execution, the Impriſonment on the Second Execution ſhall commence; and after the limited Time ſhall be expired on the Second Execution, the Impriſonment on the Third Execution ſhall commence; and ſo on, until he, ſhe, or they ſhall have been impriſoned the Time by this Act limited for and in reſpect of each and every ſeparate Execution to be iſſued againſt him, her, or them, in the ſaid Court, previous to his, her, or their being taken into Cuſtody, or during his, her, or their Impriſonment; any Law, Statute, or Uſage to the contrary thereof in anywiſe notwithſtanding.

Debtors not liable to pay Gaol Fees,

XXXIX. And be it further enacted, That each and every Perſon impriſoned by virtue of this Act, ſhall on the Expiration of his or her Time of Impriſonment be diſcharged and ſet at Liberty, without paying any Sum or Sums of Money, Fee or Fees, or other Reward or Gratuity whatſoever, to the Keeper or Keepers, Turnkey or Turnkeys of any Gaol or Priſon, or others, by way of Gaol Fees or Diſcharge Fees, or on any other Pretence whatſoever; and if any Keeper or Keepers, Turnkey or Turnkeys of the ſaid Gaol or Priſon, or any other Perſon whoſoever, ſhall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatſoever, upon the Diſcharge of any ſuch Perſon or Perſons ſo committed to his, her, or their Charge or Cuſtody as aforeſaid, or ſhall keep or detain any ſuch Perſon or Perſons, a Priſoner or Priſoners, after the Time by this Act limited for his, her, or their Impriſonment, every ſuch Keeper, Turnkey, and other Perſon, ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds; and it ſhall and may be lawful to and for any Two Juſtices of the Peace for either of the ſaid Counties Palatine of *Lancaſter* or *Cheſter*, as the Caſe may be, to hear and determine every ſuch Offence; and ſuch Two Juſtices are hereby authorized and required upon any Information exhibited or Complaint made before them of ſuch Offence having been committed, in caſe ſuch Information ſhall be exhibited or Complaint made within Three Calendar Months after the Offence committed, to ſummon the Party accuſed, and alſo the Witneſſes on each Side, and to examine into the Matter of Fact; and upon due Proof made thereof by the Oath or Affirmation of One or more credible Witneſs or Witneſſes (which Oath or Affirmation ſuch Juſtices are hereby authorized and required to adminiſter) or by the voluntary Confeſſion of the Party accuſed, to give Judgment or Sentence for ſuch Penalty or Forfeiture as aforeſaid; and in caſe ſuch Penalty or Forfeiture ſhall not be forthwith paid, to iſſue a Warrant under their Hands and Seals for levying ſuch Penalties or Forfeitures by Diſtreſs and Sale of the Goods

Goods and Chattels of the Offender or Offenders, rendering the Overplus, if any, after deducting ſuch Penalty or Forfeiture, and the Coſts and Charges of ſuch Diſtreſs and Sale, to the Owner or Owners thereof; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall and may be lawful to and for ſuch Juſtices to commit ſuch Offender or Offenders to any Common Gaol or Priſon in or for either of the ſaid Counties Palatine of *Lancaſter* or *Cheſter*, as the Caſe may be or require, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalty or Forfeiture, and all Coſts and Charges attending ſuch Conviction, be ſooner paid and diſcharged; and one Moiety of ſuch Penalty or Forfeiture when paid or received, ſhall be paid to the Perſon or Perſons informing or ſuing for the ſame, and the other Moiety thereof to the Clerk to the ſaid Commiſſioners, and the ſame ſhall be applied in like Manner as the ſeveral other Fines and Penalties are by this Act generally directed to be applied and diſtributed.

Nothing herein contained to prevent any Perſon from diſtraining for Rent.

XL. Provided always, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to prevent or reſtrain any Perſon or Perſons from making Diſtreſs or bringing any Action or Actions whatſoever, for Rent or Arrears thereof, and thereby recovering ſuch Rent with Coſts, although the ſame ſhall not exceed the Sum of Five Pounds.

Statute of Limitations may be pleaded.

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

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

XLII. And be it further enacted, That if any Perſon or Perſons ſhall contemptuouſly and wilfully inſult or abuſe all or any of the Commiſſioners of the ſaid Court, or any of the Officers of the ſaid Court for the Time being, during his or their Sitting or Attendance in Court, or ſhall interrupt or obſtruct the Proceedings of the ſaid Court, then and in every ſuch Caſe it ſhall and may be lawful to and for the Serjeant or Serjeants of the ſaid Court, with or without the Aſſiſtance of any other Perſon or Perſons, by the Order of the Commiſſioners of the ſaid Court, to take ſuch Offender or Offenders into Cuſtody; and the ſaid Commiſſioners ſhall then examine into ſuch Inſult or Abuſe, either from their own View or Knowledge of what paſſed, or by the Oath or Oaths, or Affirmation or Affirmations of One or more credible Witneſs or Witneſſes; and upon ſuch Inſult or Abuſe being duly proved as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered to impoſe a Fine not exceeding Ten Pounds for each and every ſuch Offence on each and every ſuch Offender or Offenders; which Fine ſhall be recoverable, and when recovered ſhall be paid, applied, and diſtributed by ſuch Means and in like Manner as Fines

or Penalties are by this Act generally directed to be recovered, paid, applied, and distributed.

Commissioners misbehaving, may be struck out of the List.

XLIII. And be it further enacted, That in case any of the Commissioners of the said Court shall, during his or their Sitting or Attendance in the said Court, behave or demean himself or themselves improperly, or in an unbecoming Manner, or shall render himself or themselves obnoxious to all or any of the rest of the Commissioners present in Court, then and in any such Case it shall and may be lawful to and for the Majority of the Commissioners then present in Court, or any Three or more of them, to direct the Clerk of the said Court of Requests to convene a General Meeting of the said Commissioners (which Meeting shall be called in such Manner as is hereinbefore directed for calling General Meetings for electing new Commissioners;) and the Commissioners to be assembled at such General Meeting shall enquire into the Cause of Complaint against such Commissioner or Commissioners as aforesaid; and the Majority of the Commissioners to be so assembled shall and may, in case they shall find sufficient Cause, order and direct the Clerk of the said Court of Requests to strike out and erase the Name or Names of the Commissioner or Commissioners so offending from the List of the Commissioners of the said Court; and such Order shall be entered amongst the Records of the said Court; and the Commissioner or Commissioners whose Name or Names shall be so directed to be struck out and erased from the said List, shall from thenceforth be no longer a Commissioner of the said Court of Requests; provided always, that no Commissioner shall be struck off from the List of the said Commissioners in Manner aforesaid, unless Fourteen Days Notice of the General Meeting of the said Commissioners for taking his Behaviour into Consideration shall have been delivered to such Commissioner, or left at his usual or last Place of Abode; and such Dismissal or striking off from the List of the said Commissioners shall not disqualify such Commissioner from being afterwards re-elected in such Manner as is hereinbefore appointed for the Election of new Commissioners.

Fees to be taken.

XLIV. And be it further enacted, That the several Fees hereinafter limited and expressed, and no other, shall be taken by the Clerk, Serjeant, and Crier of the said Court of Requests, for the several and respective Services in the execution of this Act, for the Recovery of all Sums not exceeding Five Pounds (that is to say);

	On Debts not exceeding Forty Shillings.		On Debts exceeding Forty Shillings.	
	s.	*d.*	*s.*	*d.*
CLERKS FEES.				
For entering every Cauſe	0	6	1	0
Iſſuing every Summons or Subpœna	0	6	1	0
Every Hearing or Trial	0	6	1	0
Swearing every Witneſs, Plaintiff, or Defendant	0	3	0	6
Entering and drawing up every Judgment, Decree, or Order	0	6	1	0
Every Nonſuit	0	6	1	0
Paying Money into Court in full, and entering Satisfaction in Books	0	6	1	0
If by Inſtallments - *6d.* in the Pound more.				
Every Search (including payment of Money out of Court and entering ſame)	0	3	0	6
Iſſuing every Attachment, Precept, Order or Execution	1	0	1	6
For every Warrant of Commitment for an Inſult or Miſbehaviour in the Court, or to the Commiſſioners' Clerk, or other Officer of the Court - 1*s.*				
CRIERS and SERJEANTS FEES.				
For calling every Plaintiff or Defendant	0	2	0	3
For ſerving every Summons, Order, or Subpœna within One Mile of the Court Houſe	0	4	0	6
If above One Mile, then extra for every Mile from the Court Houſe - - - *3d.*				
For the Execution of any Warrant, Precept, or Attachment againſt the Goods or Body	1	0	1	6
If above One Mile, then extra for every Mile from the Court Houſe - - - - - *3d.*				
If an Aſſiſtant Serjeant ſhould be neceſſary in the Judgment of the Commiſſioners, then for the Aſſiſtant	0	6	1	0
If above One Mile, then extra for every Mile from the Court Houſe - - - - *2d.*				
For carrying every Plaintiff, Defendant, or Delinquent to Priſon (including all Expences and Aſſiſtants) for every Mile - - - - - - 1*s.*				

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 the ſaid Court or Place of Meeting of the ſaid Commiſſioners, in order that all Perſons concerned may peruſe the ſame.

Fine on Officers taking any Fees beſides the Fees allowed by this Act.

XLV. And be it further enacted, That if any Clerk or his Deputy, Serjeant or Crier, or any other Officer or Serjeant employed by the ſaid Commiſſioners in putting this Act or any of the Powers thereof in execution, ſhall exact, take, or accept any Fee or Reward whatſoever other than and

and except such Fees as are appointed and allowed to them respectively by virtue of this Act, for or on account of any Thing done or to be done by virtue of this Act, or on any account whatsoever, relative to putting this Act into execution, every such Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, forfeit and pay any Sum not exceeding Ten Pounds, which Fine or Penalty shall and may be recoverable, and when received or recovered shall be paid, applied, and distributed by such Means and in like Manner as Fines or Penalties are in and by this Act generally directed to be recovered, paid, applied, and distributed.

Serjeant neglecting his Duty, to pay the Debt.

XLVI. And be it further enacted, That if any Serjeant or Serjeants, or other Officer or Officers of the said Court, employed to serve any Execution, shall by wilful Neglect, Omission, or Connivance, cause or suffer the Party or Parties against whom such Execution shall be awarded to Escape or Abscond, or the Goods of such Party or Parties to be carried away or secreted, so that such Execution shall not have its due effect, it shall and may be lawful to and for the Commissioners of the said Court, or any Three or more of them, upon Complaint and due Proof thereof, made upon Oath or Oaths, or Affirmation or Affirmations of One or more credible Witness or Witnesses, to order such Serjeant or Serjeants, or other Officer or Officers, to pay the Sum or Sums of Money for which such Execution was awarded, to the Party or Parties complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for the Recovery of any Debt or Debts; and it shall and may be lawful to and for the Commissioners of the said Court or any Three or more of them, and they are hereby enabled, to impose any Fine not exceeding Ten Pounds for every such Offence on such Serjeant or Serjeants, Officer or Officers; and such Fine shall and may be recoverable, and when received or recovered, shall be paid, applied, and distributed, by such Means and in like Manner as Fines or Penalties are in and by this Act generally directed to be recovered, paid, applied, and distributed.

Punishing Persons guilty of Perjury.

XLVII. And be it further enacted, That if any Person or Persons shall in his, her, or their Examination on Oath or Affirmation before the Commissioners of the said Court of Requests, in any Action, Cause, or Matter depending therein, or before any Justice or Justices of the Peace acting in the execution of this Act, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm any Matter or Thing which shall be false or untrue, evere such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law or Statute, Laws or Statutes in force or effect, Persons guilty of wilful and corrupt Perjury are subject and liable to.

Recovery and Application of Penalties.

XLVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the Commissioners of the said Court (which Warrant such Commissioners are hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath

Oath or Affirmation); and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting such Fines and Penalties, and the Costs and Charges of making, keeping, and selling the Distress; and such Fines, Penalties, and Forfeitures, when recovered (if not hereinbefore directed to be otherwise applied) shall be paid to the Clerk to the said Commissioners, and shall be by the said Commissioners distributed amongst the Poor of all and every or any of the said Parishes, Townships, or Places within the Jurisdiction of the said Court, in such Manner as the said Commissioners when present in Court or any Three or more of them shall think and determine to be right and proper; and in case sufficient Distress shall not be found, or such Fines, Penalties, and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause the Offender or Offenders (being within that Part of the Jurisdiction of the said Court which lies in the said County Palatine of *Lancaster*) to be committed to any Gaol or Prison within the said County Palatine of *Lancaster*, or (being within that Part of the Jurisdiction of the said Court which lies in the said County Palatine of *Chester*) to any Gaol or Prison within the said County Palatine of *Chester*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Form of Conviction.

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

'BE it Remembered, That on this Day of in the Year of the Reign of *A. B* is convicted before of his Majesty's Justices of the Peace for the County Palatine of *Lancaster* (or *Chester*, as the Case may be,) or before Three of the Commissioners for executing an Act, passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled "An Act [*here insert the Title of this Act*] of having [*state the Offence*] and I [*or* we] the said do adjudge him [her, *or*, them] the said to forfeit and pay for the same, the Sum of such Offence being contrary to the Provisions of the said Act. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year aforesaid.'

Distress not to be unlawful for want of Form.

L. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall

shall and may recover full Satisfaction for the Special Damage in any Action upon the Case.

Proceedings not to be quashed for want of Form, or removable by Certiorari.

LI. And be it further enacted, that no Order, Verdict, Assessment, or Judgment, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only.

Plaintiffs not to recover without Notice, or after Tender of Amends.

LII. 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 Twenty-one Days before such Action be commenced, of 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 hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action shall have been commenced; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in 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 Proceeding, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LIII. Provided always and be it enacted, That no such Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in either of the said Counties Palatine of *Lancaster* or *Chester*, as the Case may be, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one 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 in any other County 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 thereto, or if upon Demurrer, Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law; and the Defendant or Defendants in such Action and Suit, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial or Trials which shall be had thereupon.

Public Act.

LIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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