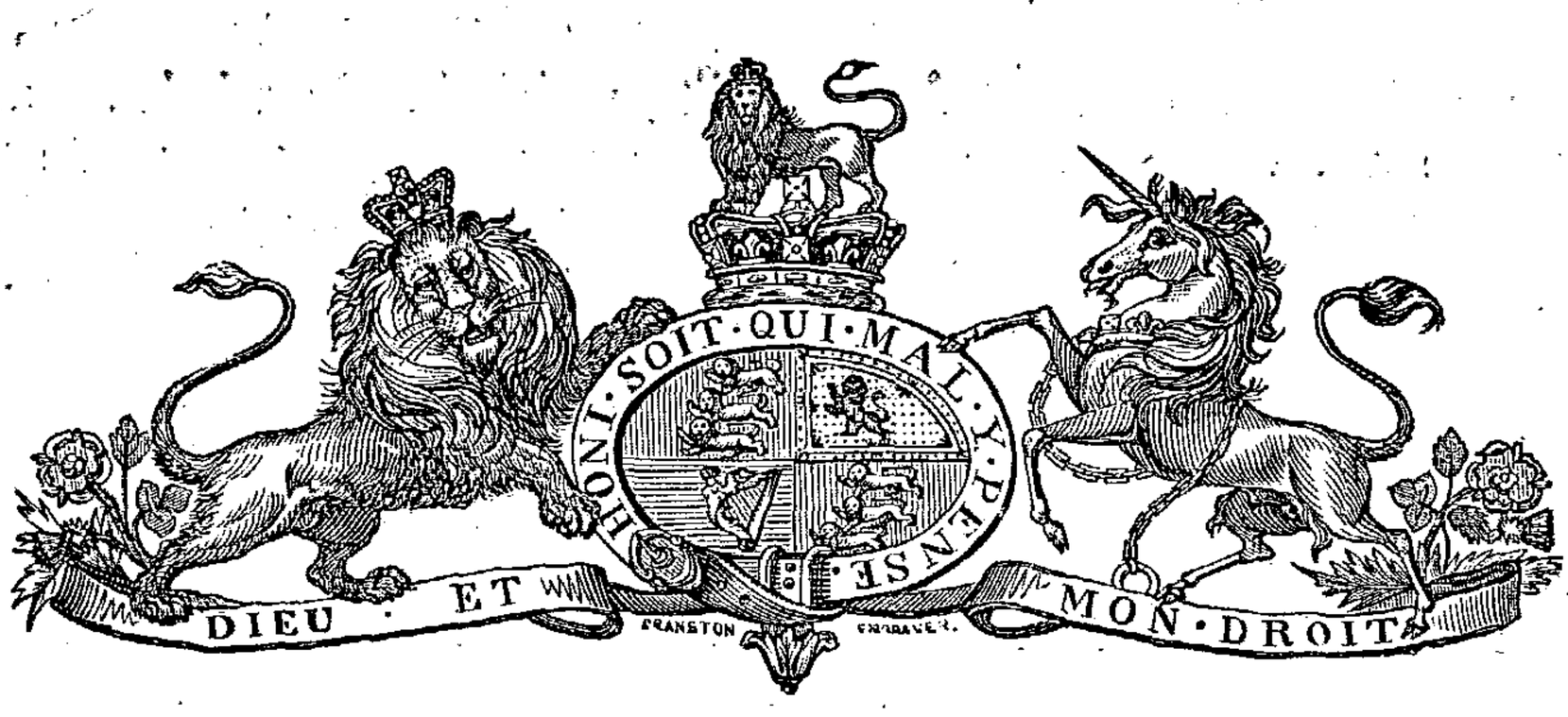


ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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ships, and Places, contract Small Debts, which in the whole amount yearly to a very great 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 disproportionate to the Sums in dispute: And whereas it would be a great Benefit to the Inhabitants of the said Town and the several Parishes, Townships, or Places before-mentioned, and tend much to the Support and Protection of useful Credit within the same, if an easy and speedy Method of recovering Small Debts within the said Town, Parishes, Townships, and Places were provided and established by Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Commissioners.

That *Godfrey Wentworth*, *Frederick Thomas William Vernon Wentworth*, *John Spencer Stanhope*, *John Stuart Wortley*, *John Thornley*, *William Bennett Martin*, *Henry Bowen Cook*, *Henry Watkins*, *Stuart Corbett* Doctor of Divinity, *George Fenton*, Sir *Francis Lindley Wood* Baronet, *Thomas Wentworth Beaumont*, *Joseph Beckett*, *John Staniforth Beckett*, *William Bamforth*, *William Bingley*, *Daniel Bayldon*, *John Bayldon*, *Richard Birks*, *Thomas Briggs*, *William Clarke*, *Robert Craik*, *John Cordeux*, *John Cordeux* junior, *Thomas Scales Cordeux*, *Jonathan Carnley*, *George Coward*, *Robert Couldwell Clarke*, *Michael Camm*, *Samuel Coward*, *William Carnley*, *Richard Cuttle*, *Samuel Cooper*, *William Cooper*, *William Carr*, *Vincent Corbett*, *Isaac Dickenson*, *Richard Day*, *Benjamin Day*, *Samuel Dunn*, *William Elmhirst*, *Edwin Ellis*, *Thomas Frudd*, *Joseph Fox*, *Henry Carr Fletcher*, *George Fletcher*, *William Fletcher*, *John Field*, *John Firth*, *George Gooddy*, *Robert Gooddy*, *Edwin Green*, *John Garland*, *William Graham*, *John Horsfall*, *William Haxworth*, *Joseph Hall*, *Joseph Hall* junior, *Jonathan Hawksworth*, *John Holmes*, *George Hall*, *George Andrew Helleley*, *John Hoyland*, *George Jarratt Horsfall*, *John Haywood*, *William Haxworth* (*Darfield*), *George Hawson*, *Robert Hodgson*, *William Hyde*, *William Harvey* junior, *Edward Jackson*, *Henry Jackson*, *William Johnson*, *William Kaye* (*Clayton*), *William Kaye* (*Wath*), *Francis Kendray*, *Thomas Liddall*, *James Lister*, *Gamaliel Milner*, *Joseph Stocks Methley*, *John Micklethwait* (*Felkirk*), *John Micklethwait* junior (*Ardsley*), *Benjamin Micklethwait*, *Joseph Machin*, *Godfrey Mason*, *John Maxfield*, *Joseph Norton*, *John Emanuel Nicholls*, *Joseph Naylor*, *John Oldroyd*, *Robert Otter*, *Robert Pickles*, *Thomas Potts*, *Joseph Porter*, *Edward Parker*, *Henry Parkin*, *George Pitt*, *William Peckett*, *Henry Richardson*, *Thomas Rycroft*, *George Russell*, *Joseph Raywood*, *Richard Raywood*, *James Russell*, *Vincent Smith*, *George Shaw* (Ironfounder), *John William Stocks*, *Thomas Sorby*, *Richard Surtees*, *Samuel Swift*, *John Swift*, *Samuel Sunderland*, *Frederick Sorby*, *Charles Tee*, *Samuel Thorp*, *Thomas Taylor*, *Richard Thorp*, *William Taylor*, *John Twibell*, *Thomas Winsmore Wilson*, *John Watson*, *Henry Wilson*, *Marshall Williams*, *Thomas Wilson* (*Banks Hall*), *Thomas Worsley*, the Reverend *William Wordsworth*, and *William*

William Younge, shall be and are hereby appointed the Commissioners for the Recovery of Small Debts amounting to any Sum not exceeding Five Pounds within the said Town of *Barnsley*, and the said Parishes, Townships, and Places of *Silkstone*, *Dodworth*, *Stainbrough*, *Thurgoland*, *Hoylandswaine*, *Cumberworth*, *West Bretton*, *Cawthorne*, *Penistone*, *Thurlstone*, *Oxspring*, *Hunshelf*, *Langset*, *Ingbirchworth*, *Denby*, *Gunthwaite*, *Skelmanthorp*, *Clayton West*, *High Hoyland*, *Kexbrough*, *Darton*, *Barugh*, *Roystone*, *Norton*, *Chevet*, *Woolley*, *Carlton*, *Cudworth*, *Monkbretton*, *Felkirk*, *Havercroft*, *Cold Hiendley*, *South Hiendley*, *Brierley*, *Shafton*, *Ardsley*, *Darfield*, *Houghton Magna*, *Houghton Parva*, *Billingley*, *Wombwell*, *Hemingfield*, *Worsbrough*, *Brampton Bierlow*, *Wath-upon-Dearne*, *West Melton*, *Hoyland Nether*, *Tankersley*, and *Wortley*; and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of "The *Barnsley* Lower Court of Requests;" and the Barrister to be nominated and appointed as herein-after mentioned shall be and is hereby appointed the sole Commissioner for the Recovery of Small Debts amounting to any Sum exceeding Five Pounds and not exceeding Fifteen Pounds within the said Town, Parishes, Townships, and Places; and such Barrister, and every Successor of such Barrister, is hereby constituted a Court of Justice by the Name of "The *Barnsley* Upper Court of Requests." Names of the Courts.

II. And be it further enacted, That when any of the said Commissioners of the said Lower Court of Requests, or any of their Successors to be appointed in manner herein mentioned, shall die, or refuse or become incapable 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 be lawful for the Commissioners for the Time being acting in the Execution of this Act, or the major Part of such of them as shall be present at a Meeting to be called as herein-after mentioned, and holden for that Purpose, to order Application to be made by their Clerk, or any Three of the said Commissioners, to the Magistrates assembled in Petty Sessions at *Barnsley*, requiring such Magistrates to nominate and make a List of Persons proper to be appointed Commissioners in the Execution of this Act; and upon such Application the Magistrates so in Petty Sessions assembled shall and they are hereby empowered and required to nominate and make a List of the Names of Double the Number of Persons required for supplying any such Vacancy or Vacancies, with the Places of Abode, Profession, Trade, or Calling of such Persons, and such List shall be signed by the said Magistrates, or the Majority of them present; and thereupon such List so signed shall be presented by the Clerk of the said Commissioners to the next Court of General or Quarter Sessions to be holden in and for the West Riding of the County of *York*; and it shall be lawful for the said Court to strike out one Half of the Number of Persons nominated in such List, and the remaining Half of the Persons nominated in such List shall be and be deemed to be appointed Commissioners or Commissioner for the Purposes of this Act in the Room or Stead of such Commissioners or Commissioner as shall have so died, or refused or become incapable or disqualified as aforesaid; and in case the said Court shall Appointment of new Commissioners.

shall decline to strike out any of such Names, then the Persons or Person whose Names or Name (as the Case shall be) shall stand first in such List (to the Extent of One Half of the whole Number) shall be and be deemed to be appointed Commissioners or Commissioner for the Purposes of this Act in the Room or Stead of each and every or any such Commissioner so dying, or refusing or becoming incapable to act, or ceasing to be qualified as aforesaid: Provided always, that in case the Number of the said Commissioners shall at any Time be reduced by Death or otherwise to Sixty then it shall not be lawful to hold the said Court of Requests until a sufficient Number of Commissioners shall have been nominated and appointed by the same Ways, Means, and Proceedings aforesaid, so as to make up the whole Number of Commissioners to One hundred and thirty; and Notice in Writing of the Time and Place of Meeting for making any such Order, and of the Purpose thereof, shall be affixed or caused to be affixed by the Clerk for 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 Ten clear Days at least before such Meeting shall be holden; and every Commissioner so to be appointed 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.

Directing the Number of Commissioners to be present.

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

A Barrister to be appointed.

IV. And be it further enacted, That it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, upon a Petition to be preferred to him or them for that Purpose signed by any Five or more of the said Commissioners, to nominate and appoint a practising Barrister at Law, who shall have been called to the Bar for the Space of Six Years at least, and who shall have actually practised as a Barrister for the Space of Six Years at least, to act as Barrister of the said Court of Requests; and such Barrister, when so appointed, shall be the sole Judge in all Actions or Causes of Debt exceeding Five Pounds, and shall be and be deemed to be one of the said Commissioners, and shall be the Chairman of the said Commissioners at every Meeting or Court to be holden in pursuance of this Act for the Trial or Hearing of all Actions or Causes of Debt not exceeding Five Pounds; and in case any such Barrister so nominated or appointed, or any Barrister to be afterwards nominated and appointed by virtue of this Act, shall die, or shall be removed from such Office, then and in every such Case it shall be lawful for the said Lord Chancellor, Lord Keeper, or Lords Commis-

sioners of the Great Seal, upon a Petition to be preferred as aforesaid, to nominate and appoint some other practising Barrister at Law, who shall have been called to the Bar for the Space of Six Years at least, and who shall have actually practised as a Barrister for the Space of Six Years, to act as presiding Barrister of the said Court of Requests, and so *toties quoties*; and every Barrister so appointed shall have the like Powers and Authorities for carrying this Act into execution as the Barrister in whose Room or Stead he shall be nominated or appointed.

Barrister may be dismissed.

V. And be it further enacted, That it shall be lawful for the said Lord Chancellor, Lord Keeper, and Lords Commissioners of the Great Seal to remove or displace any such Barrister so nominated or appointed from being one of the said Commissioners, and from such Office of presiding Barrister, in case it shall seem right and proper to the said Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, upon a Petition to be preferred to him or them respectively for that Purpose, signed by any Five or more of the said Commissioners.

Barrister may appoint a Deputy for hearing Causes above 5*l.* in case of Illness.

VI. Provided always, and be it further enacted, That in case any such Barrister shall, on any Day by this Act appointed for holding a Court for the Trial or Hearing of any Cause, Action, or Matter where the Amount sought to be recovered shall exceed the Sum of Five Pounds, be unable in consequence of actual Illness to attend and preside at such Court, then and on each such Occasion it shall be lawful for such Barrister to appoint, by Writing under his Hand, some other practising Barrister at Law, who shall have been called to the Bar for the Space of Six Years at least, and who shall have actually practised as a Barrister for the Space of Six Years at least, to act as his Deputy in such Court on such Occasion; and for such Purpose such Deputy shall be and be deemed to be on such Occasion one of the said Commissioners, and shall (after he shall have taken and subscribed the Oath or Affirmation herein-after mentioned) have the like Powers and Authorities for carrying this Act into execution as the Barrister making the Appointment has under this Act.

Barrister may appoint a permanent Deputy to act as Chairman in Courts not exceeding 5*l.*

VII. Provided also, and be it further enacted, That it shall be lawful for the Barrister who shall be nominated and appointed as aforesaid to appoint, by Writing under his Hand, some Person, being a Solicitor or Attorney of Six Years Standing at the least, to preside (in the Absence of such Barrister) as Chairman of the said Court of Requests upon the Trial or Hearing of all Causes, Actions, or Matters where the Amount sought to be recovered shall not exceed the Sum of Five Pounds; and also from Time to Time, by any other Writing under his Hand, to cancel any such Appointment, and thereupon, or upon the Death or Incapacity to act of any such Solicitor or Attorney, by Writing under his Hand to appoint some other Person, being a Solicitor or Attorney of at least Six Years Standing as aforesaid, to preside (in the Absence of such Barrister) as Chairman of the said Court in the Cases and for the Purposes last aforesaid; and such Person, during the Time he shall be so authorized to act as such Deputy

Chairman, shall be and be deemed to be one of the said Commissioners for all the Purposes of this Act: Provided always, that in case after any Appointment of any such Solicitor or Attorney as aforesaid the Barrister making the Appointment shall die or be removed, or shall otherwise vacate his Office, then and in every such Case the Solicitor or Attorney who shall have been by him appointed as aforesaid shall nevertheless continue in Office, and be capable of acting as a Commissioner in the Execution of this Act, and of presiding as Chairman of any Court for the Recovery of Small Debts not exceeding Five Pounds under this Act, until removed from such Office by any succeeding Barrister, or the Appointment of any other Solicitor or Attorney in pursuance of the Powers of this Act.

Chairman may be appointed by Commissioners at Courts not exceeding 5*l.* when there shall be no existing presiding Barrister.

VIII. Provided also, and be it further enacted, That until some Barrister shall be nominated and appointed by the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal as aforesaid, or in case at any Time after such Nomination and Appointment such Barrister shall die, or be removed from his Office, and the Solicitor or Attorney then being authorized as aforesaid to act as Chairman of the Court for the Trial and Hearing of any Cause, Action, or Matter not exceeding Five Pounds shall also die, or in case any such Solicitor or Attorney shall be actually ill, or unavoidably absent, or become incompetent to act as such Chairman, then and in any such Case it shall be lawful for the said Commissioners (until a Barrister shall be nominated and appointed as aforesaid) assembled at any such last-mentioned Court, or the major Part of them present in such Court, to appoint some Solicitor or Attorney of Six Years Standing at the least to be the Chairman to preside at such Court; and such Solicitor or Attorney so appointed shall, whilst presiding as such Chairman, be and be deemed to be one of the said Commissioners for the Purposes of this Act, and shall have the like Powers and Authorities for carrying this Act into execution, and be subject to the Provisions thereof, as fully and effectually as if he had been appointed by any such Barrister as aforesaid.

Requiring Courts to be held once a Quarter for Causes above 5*l.* and once a Month in other Cases, and oftener if expedient.

IX. And be it further enacted, That the said Barrister, when nominated and appointed as aforesaid, shall hold a Court for the Trial or Hearing of Causes, Actions, or Matters where the Amount sought to be recovered shall exceed the Sum of Five Pounds, Four Times at least in every Year (without publishing any Notices thereof); that is to say, on the First *Thursday* in the Month of *January*, on the First *Thursday* in the Month of *April*, on the First *Thursday* in the Month of *July*, and on the First *Thursday* in the Month of *October*; and the said Commissioners shall and they are hereby required to hold a Court for the Trial or Hearing of Causes, Actions, or Matters where the Amount sought to be recovered shall not exceed the Sum of Five Pounds once at least in every Month (without giving any Notices thereof); that is to say, on the First *Thursday* in every Month; and it shall be lawful for the said Commissioners or the said Barrister to hold the said respective Courts oftener than as aforesaid, when they or he find it expedient so to do, on giving such Notice as is by this Act required in Cases of calling Special Meetings.

X. And

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

X. And be it further enacted, That in case a sufficient Number of Commissioners shall not be present to act in the Execution of this Act as is herein directed on any of the Days appointed for holding the said monthly 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 Clerk or his Deputy for the Time being, to adjourn such Court to the next Court Day, or to some earlier Day.

Time of hearing Causes.

XI. And for better regulating the Sittings of the said Court, be it further enacted, That the said Commissioners or Barrister shall not hold any Court, or hear or determine any Case or Cause authorized to be heard or determined by virtue of this Act, but between the Hours of Ten of the Clock in the Forenoon and Five 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 Defendant or Witness in any such Court in pursuance of any Action or Summons commenced in or issued out of such Court, or by any Person whomsoever acting as an Officer of such Court, save and except between the said Hours of Ten of the Clock in the Forenoon and Five of the Clock in the Afternoon.

No Court to be held unless the Barrister or Chairman presides.

XII. And be it further enacted, That at all Courts to be held by virtue of this Act for the Trial or Hearing of any Cause, Action, or Matter where the Amount sought to be recovered shall exceed the Sum of Five Pounds the Barrister to be nominated and appointed as aforesaid shall and he is hereby required to attend in Person, or, in case of actual Illness, by his Deputy to be appointed by him as aforesaid, being such practising Barrister of such Standing as aforesaid; and at all Courts to be held by virtue of this Act for the Trial or Hearing of any Cause, Action, or Matter where the Amount sought to be recovered shall not exceed the Sum of Five Pounds the said Barrister, or such Solicitor or Attorney of such Standing as aforesaid to be appointed to preside as aforesaid, shall attend and preside as Chairman at such last-mentioned Courts; and it shall not be lawful for the said Commissioners to hear or decide any Cause, Action, or Matter in the said Court of Requests unless such Barrister or such Chairman, appointed conformably to the Directions of this Act, shall be present in Court, and preside as Chairman of the said Commissioners thereat.

Barrister to take an Oath or Affirmation.

XIII. And be it further enacted, That no Person shall be capable of acting in the Execution of this Act as Barrister, or as Deputy Barrister, or as Chairman of any Meeting or Court under this Act, 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, Moravians, or Separatists,* 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 passed in the First Year of the Reign of Queen *Victoria*, intituled [*here insert the*

'*Title*

'*Title of this Act*], without Favour or Affection, Prejudice or Malice, 'to any Person whomsoever. So help me GOD.'

[*Or, being a Quaker, Moravian, or Separatist, omit the Words* 'So help me God.']

Which Oath or Affirmation any Justice of the Peace for the West Riding of the County of *York* is hereby empowered and required to administer to such Barrister; and in Cases where any Solicitor or Attorney as aforesaid is to be sworn then the Commissioners of the Court, or any One or more of them, is and are hereby empowered and required to administer such Oath or Affirmation in open Court; and every such Barrister and Deputy and Chairman shall and he is hereby required, immediately after taking the said Oath or Affirmation, to sign and subscribe his Name upon a Roll 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 Book shall be carefully kept amongst the Records of the said Court.

Qualification of Commissioners.

XIV. And be it further enacted, That no Person shall be qualified to act as Commissioner in the Execution of this Act whilst in Business as a Retail Shopkeeper, or Dealer in Spirits or Victualler or Publican, or Pawnbroker, or being a Collector of Debts by Commission for others; and that no Person (except the presiding Barrister, and any Deputy by him appointed, and any Solicitor or Attorney, under the Provisions herein-before contained, appointed Chairman as aforesaid) 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 or possessed of a Freehold Estate, or Copyhold Estate of Inheritance, or Leasehold Estate for the Term of Sixty Years, of the yearly Value of Forty Pounds respectively, or possessed of 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 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 who shall sue for the same, to be recovered in any of Her 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, nor 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 Persons acting as Commissioners in the Execution of this Act, though not duly qualified as aforesaid previous to their being convicted of such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Persons had been duly qualified according to the Directions of this Act.

Acts of the Commissioners good before Conviction.

Commissioners to take an Oath

XV. And be it further enacted, That no Person, except the Barrister, his Deputy, or the Chairman, to be appointed as herein-before mentioned,

mentioned, 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,) or Affirmation.

Form of Oath or Affirmation.

'I *A. B.* do swear [*or, being one of the People called Quakers*, do solemnly affirm] That I am a Householder within the Jurisdiction of the Court constituted by an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act*], and that I am possessed of a Freehold Estate [*or* Copyhold Estate of Inheritance, *or* Leasehold Estate for the Term of Sixty Years, 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, *as they may be*], and 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 the said Act, without Favour, Affection, Prejudice or Malice to any Person or Persons whomsoever. So help me GOD.'

[*Or, being a Quaker, Moravian, or Separatist, omit the Words* '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 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 Book shall be carefully kept amongst the Records of the said Court.

Commissioners required to qualify within a certain Period.

XVI. And be it further enacted, That if any Person named a Commissioner in this Act shall neglect or refuse to take the Oath or Affirmation required to be taken by him as aforesaid, or to sign and subscribe his Name thereto as herein-before mentioned, within Two Years from the Day of the passing of this Act, or if any Person hereafter to be appointed a Commissioner shall neglect or refuse to take the said Oath or Affirmation so required to be taken by him, or to sign and subscribe his Name as aforesaid, within Two Years from the Day on which he shall have been so appointed, then and in such Case the Nomination and Appointment of such Person shall be void, and such Person shall thereupon be incapable of acting as a Commissioner in the Execution of this Act, and some other Person shall, in manner herein-before mentioned, be appointed a Commissioner in his Place in the Manner herein-before provided for the Appointment of new Commissioners: Provided always, that if any such Person whose Nomination and Appointment shall so become void shall at any Time thereafter be desirous of being re-appointed on such Vacancy, or on any subsequent Vacancy, it shall be lawful for the Court of General or Quarter Sessions again to appoint the same Person to be a Commissioner; and any such Person shall after such Re-appointment be allowed to take

and subscribe such Oath or Affirmation, and to qualify himself to act as a Commissioner under this Act.

Commissioners, &c. not to act where interested.

XVII. And be it further enacted, That if any Commissioner for the Time being of the said Court shall be Party to or interested in any Cause, Action, or Matter depending in the said Court, or shall be Father, Son, or Brother of any Person or of the Wife of any Person concerned or interested in any such Cause, Action, or Matter, such Commissioner shall not act as a Commissioner on the hearing or determining of such Cause, Action, or Matter, or in the making of any Order, Decree, or Judgment therein, on pain of forfeiting the Sum of Fifty Pounds, with Costs of Suit, to any Person who shall sue for the same in any of Her Majesty's Courts of Record at *Westminster*, but such Commissioner shall withdraw until the same be finally determined; and if any Clerk or Deputy Clerk, or the Serjeant or other Officer of the said Court for the Time being, shall be a Party to any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy Clerk, Serjeant, or other Officer shall not exercise his Office in such Cause, Action, or Matter, or in any thing relating thereto; but the said Commissioners, or (as the Case may be) the Barrister forming the Court, shall and may appoint another Person, duly qualified according to the Provisions of this Act, specially to exercise the Office of Clerk or Deputy, Serjeant, or other Officer respectively in all Things relating to such Cause, Action, or Matter.

No Commissioner to be concerned in the Supply of any Articles for the Use of the Court.

XVIII. 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 supplying any such Articles or performing such Works respectively; and if any Person being a Commissioner of the said Court shall offend in any of the Cases aforesaid, every such Person 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 in any of Her Majesty's Courts of Record at *Westminster*, wherein no Essoign or Protection, or more than One Imparlance, shall be allowed.

A Common Seal to be made and affixed.

XIX. And be it further enacted, That the said Commissioners shall cause to be made a Seal with the Words "*Barnsley* Court of Requests" engraved thereon, and shall cause to be sealed or stamped therewith all Processes, Orders, and other Proceedings of the said Court; all which Processes, Orders, and Proceedings, sealed as aforesaid, and having the Name of the Clerk of the said Court written or printed thereon, shall be received as Evidence in all Courts whatsoever, without any further Proof; and no such Process, Order, or Proceedings shall be valid, or have any Force or Effect, unless the same shall be so sealed or stamped, and have the Name of the Clerk as aforesaid.

Commissioners to enter their Proceedings in a Book.

XX. 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 to be provided by them for that Purpose of all the Judgments, Acts, Orders, Directions, Regulations,

and Proceedings of the said Commissioners and of the said Barrister relative to the Execution of the several Powers and Authorities of this Act, and also the Names of the Commissioners who shall be present at every Court, and such Entries shall be signed by the Barrister or Chairman; and such Entries, when so signed, and such Book, shall be allowed to be read in Evidence in Proof of the Proceedings of such Court in all Courts whatsoever.

Requiring Barrister and Commissioners to hold Courts.

XXI. And be it further enacted, That the said Barrister, when nominated and appointed as aforesaid, shall and he is hereby empowered and required to hold his first Court in some convenient Place in *Barnsley* for the Trial, Hearing, and Decision of Causes where the Amount in dispute shall exceed the Sum of Five Pounds on the First or Second Day herein-before appointed for holding the Quarterly Courts next after the Nomination and Appointment of a Barrister shall have been made in pursuance of this Act; and the said Commissioners shall and they are hereby empowered and required to meet and hold their first Court for the Decision of Causes where the Sum in dispute does not exceed Five Pounds in some convenient Place in *Barnsley* on the First *Thursday* in the Month next following the Month in which this Act shall be passed, such Places of Meeting or holding such Courts to be from Time to Time appointed as Occasion may require by the major Part of the Commissioners present at any of their Meetings to be holden by virtue of this Act; and the said Barrister at any Court to be by him held for the Purposes of this Act, and the said Commissioners, or the major Part of them who shall be present, such Number present not being less than by this Act directed, at their Courts to be holden in pursuance of this Act, is and are hereby authorized and empowered to determine all such Actions and Causes as are herein-after mentioned, and to give Judgments and make such Orders and Decrees therein, and in manner herein-after mentioned to award Execution thereupon, with the Costs, (such Costs to be in the Discretion of the said Barrister or Commissioners as to the Party by or to whom the same shall either wholly or in part be paid,) against the Goods and Chattels or against the Bodies of all Persons against whom such Barrister or Commissioners shall give any such Judgment or make any Order or Decree, as to them shall seem just in Law or Equity; provided the same be according to and in conformity with the Laws and Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, and with the Provisions of this Act.

For calling Special Meetings.

XXII. And be it further enacted, That it shall be lawful for any Five or more of the said Commissioners at any Time, by Notice in Writing signed by them, to require a Special Meeting of the said Commissioners to be called for the Purpose to be mentioned by them in such Notice, which Notice shall be addressed to the Clerk of the said Court or his Deputy, and be left for him at the Office or Dwelling of the said Clerk Fourteen clear Days at least before such intended Meeting; and thereupon the said Clerk or his Deputy shall cause Notice of such intended Meeting to be affixed on the Door of the Court House or Place of holding the said Court Ten clear Days at least previous to such Meeting.

XXIII. Pro-

For summoning Commissioners to attend.

XXIII. Provided always, and be it further enacted, That the Serjeant or other Officer of the Court for the Time being shall and he and they is and are hereby required to summon, on the *Monday* next before each and every Court Day for hearing Causes where the Sum claimed does not exceed Five Pounds, by Notice in Writing to be left at the respective last or usual Places of Abode of the Commissioners to be so summoned, Eight of the said Commissioners to attend the said Court as Commissioners on the respective Court Days expressed in such Notice or Notices; and the first Eight Commissioners to be summoned shall be the Eight Commissioners whose Names shall be the first upon the List herein-after directed to be hung up in the Court House or Place of holding the said Court, and the next Eight Commissioners to be so summoned shall be the Eight Commissioners whose Names shall stand next on such List; and so in like Manner Eight Commissioners shall be summoned for each ensuing Court, in like Order and Rotation, until such List shall be gone through, and then such List shall be gone through again in like Order.

Not to exclude any other Commissioners from attending.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to exclude any of the Commissioners named in or to be appointed by virtue of this Act from sitting in any such Court, although such Commissioner or Commissioners shall not have been summoned or stand in Rotation to be summoned, but that each and every Commissioner named in or to be appointed by virtue of this Act shall have full Power and Authority to sit, hear, determine, give Judgment, and make Orders and Decrees in any and every such Court, whether summoned or not summoned, or whether standing in Rotation or not standing in Rotation.

List of Commissioners to be made and kept by Clerk of the Court.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby required, at their First Meeting, to make or cause to be made a List of such of the said Commissioners as shall at or before the Close of such Meeting have qualified themselves to act as herein is provided; and such List so made out as aforesaid shall be kept by the Clerk of the said Court amongst the Records of such Court; and the said Clerk shall from Time to Time add to such List the Names of all such of the said Commissioners as shall qualify themselves to act in regular Rotation; and a Copy of such List, with such Additions or Alterations as shall from Time to Time be made as aforesaid, shall be hung up in some conspicuous Part of the Court House or Place of holding the said Court for the Inspection of all Persons interested therein.

Commissioners to be a Corporate Body for certain Purposes.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to purchase, rent, or take on Lease any Buildings or Land for the Purpose of converting them into or erecting thereon or using the same as a Court House and other Offices; and all such Buildings, Lands, and Hereditaments which shall be purchased, hired, or taken on Lease shall be conveyed, demised, and assured to "The Commissioners of the *Barnsley* Court of Requests;" and the said Commissioners shall be and they are hereby empowered to accept, take,

take, and hold, in the Nature of a Body Corporate, all such Buildings, Lands, and Hereditaments; and such Commissioners are hereby authorized and empowered to enter into all Contracts, and make and execute all Deeds, and give and take all Securities relative to the said Court, by and in their said Name and Title of "Commissioners of the *Barnsley* Court of Requests:" Provided always, that the Buildings and Land to be purchased or taken by the said Commissioners shall not exceed Half an Acre.

What Debts shall be decided by the Court.

XXVII. 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 not exceeding Five Pounds in all Actions or Causes of Debt; and it shall be lawful for the said Barrister, when so nominated and appointed as aforesaid, and he is hereby empowered, to decide and determine all Disputes and Differences between Party and Party for any Sum exceeding Five Pounds and not exceeding Fifteen Pounds in all Actions or Causes of Debt: Provided always, that no such Difference, Action, or Cause shall be decided or determined by the said Commissioners unless at some Court to be held under the Provisions of this Act, at which a Barrister or Solicitor or Attorney shall be Chairman as in this Act mentioned, in Cases not exceeding Five Pounds: Provided also, that the said Commissioners or Barrister shall decide and determine all such Disputes and Differences according to the Laws and Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England* for the Time being, except in as far as such Laws and Statutes are varied or altered by this Act.

Court not to determine any Cause where the Title to Land, &c. is to be brought in question.

XXVIII. 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 Commissioners or Barrister 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, or on any Debt for any Sum being the Balance of an Account or Demand originally exceeding Fifteen Pounds, or to judge, determine, or decide on any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments, or any of them, or 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 for or by way of Retainer of Tithes.

This Act not to alter the Powers of the Acts herein recited.

XXIX. And whereas an Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices*, and it is thereby enacted, that all Complaints, Differences, and Disputes which should arise between Masters or Mistresses and Servants in Husbandry who should be hired for One Year or longer, or which should happen or arise between Masters and Mis-

Mistresses and Artificers, Handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glassmen, Potters, and other Labourers employed for any certain Time, or in any other Manner, should be heard and determined by One or more Justice or Justices of the Peace for the Place where such Master or Mistress should inhabit; and one other Act was passed in the Thirty-first Year of the Reign of His said late Majesty, intituled
31 G. 2. c. 11. *An Act to amend an Act made in the Third Year of the Reign of King* William *and Queen* Mary, *intituled 'An Act for the better 'Explanation and supplying the Defects of the former Laws for the 'Settlement of the Poor,' so far as the same relates to Apprentices gaining a Settlement by Indentures; and also to empower Justices of the Peace to determine Differences between Masters and Mistresses and their Servants in Husbandry touching their Wages, though such Servants are hired for less Time than a Year;* and one other Act was passed in the Fourth Year of the Reign of His late Majesty
4 G. 4. c. 29. King *George* the Fourth, intituled *An Act to enlarge the Power of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others;* and another Act was passed in the Tenth Year of the Reign of His said Majesty
10 G. 4. c. 52. King *George* the Fourth, intituled *An Act to extend the Power of an Act of the Fourth Year of His present Majesty, for enlarging the Powers of Justices in determining Complaints between Masters and Servants, and to Persons engaged in the Manufacture of Silk;* be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Commissioners or Barrister to hear or determine any such Complaint, Difference, or Dispute, but all such Complaints, Differences, and Disputes shall be heard and determined in such and the like Manner by such Justice or Justices as if this Act had not been passed, any thing herein contained to the contrary thereof in anywise notwithstanding.

A Set-off, the Statute of Limitations, Discharge by Bankruptcy and Certificate, or by Court for Relief of Insolvent Debtors, may be pleaded.

XXX. And for removing all Doubts whether any Defence or Set-off to the Plaintiff's Demand, or of the Operation of the Statute of Limitations, or the Discharge of any Defendant by Bankruptcy and Certificate, or the Acts for Relief of Insolvent Debtors, may be made available in the said Court of Requests, be it enacted and declared, That all Defendants in the said Court shall be allowed to set-off any Debt or Demand claimed to be due to them from the Plaintiffs, or to set up by way of Defence and claim the Benefit of any Statute of Limitations, or any Discharge under any Statutes of Bankruptcy, or any present or future Act for Relief of Insolvent Debtors; and every Defendant so insisting on or claiming Advantage thereof 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 passed, and he had been sued for the same Debt or other Cause of Action in any of Her Majesty's Courts at *Westminster*, or in any other Court, and had there pleaded such Set-off, Statute, or other Matter in bar to the Action or Suit: Provided always, that no such Defence shall be admitted on the Hearing or Trial of any Cause between Parties unless Notice thereof in Writing shall have been given to the Clerk of the said Court, or left at the Office of such Clerk, Two Days at least previous to the hearing of the said Cause.

Notice to be given to make such Defences admissible at the hearing.

XXXI. And

Infants may be sued for Debts contracted for Necessaries

XXXI. And be it further enacted, That in every Case where a Debt not exceeding Fifteen Pounds shall be contracted for Necessaries by any Person between the Ages of Fourteen and of Twenty-one Years, being such a Person as if of full Age would be liable to be sued under this Act, it shall be lawful for the Person to whom such Debt shall be due to sue for and recover such Debt in the said Court 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, Sum or Sums of Money whatsoever, not exceeding the Sum of Fifteen Pounds, over which the Court shall have Jurisdiction by this Act, shall be due to any Person between the Ages of Fourteen and of Twenty-one Years, it shall be lawful for such Person to sue for and recover such Debt in the said Court of Requests in the same Manner as if he were of full Age; and the said Commissioners or Barrister are or is 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.

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

XXXII. 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 Sum that shall appear to be due and owing shall exceed the Sum of Fifteen 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 or Barrister that any Plaintiff shall have so split or divided his Cause or Action as aforesaid, then and in every such Case the said Commissioners or Barrister shall and they or he are or is 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 Debt in any of Her Majesty's Courts of Record at *Westminster*, or in such Manner as he may lawfully proceed: Provided always, that in case any Plaintiff who shall have so split or divided his 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 Demand in such Cause or Action so split or divided, then and in every such Case the said Commissioners or Barrister may adjudge, decree, and pronounce, on such Plaintiff proving his Cause or Case to the Satisfaction of the said Commissioners or Barrister, such Sum to the Plaintiff, not exceeding the Sum of Fifteen Pounds, as to the said Commissioners or Barrister shall seem just and reasonable; and such Sum shall in the Judgment or Decree to be pronounced by the said Commissioners or Barrister 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.

No Privilege to be allowed to Attornies.

XXXIII. 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 Her Majesty's Courts of Record at *Westminster*, or of any other

Court

Court whatever, but 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 is subject to the same.

Concurrent Jurisdiction with the Courts at Westminster.

XXXIV. And be it further enacted, That all Actions and Proceedings which before the passing of this Act might have been brought in any of Her Majesty's Courts at *Westminster* or otherwise may still, notwithstanding this Act and the Powers hereby granted, be brought and determined in either of the said Courts at *Westminster* or otherwise, at the Election of the Party suing or proceeding, in the same Manner as if this Act had not been passed.

Orders, &c. not to be removed.

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

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

XXXVI. And be it further enacted, That from and after the First Meeting of the said Commissioners it shall be lawful for any Person, whether such Person shall reside within the Jurisdiction of the said Court or elsewhere, and for all Corporations who now have or hereafter shall have any Causes of Action in respect of which the said Commissioners or Barrister shall have Jurisdiction by means of this Act, whether contracted within the Jurisdiction of the Court or elsewhere, owing or due to or claimed or demanded by such Person or Corporation in his or their own Right, or in the Right of any other Person to whom he or they shall be Executor or Administrator, Guardian, Assignee, 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 by virtue of the Statutes in such Case made and provided, and for which Debt or Demand he or they shall claim any Sum of Money from any Person whomsoever residing or being within the said Town, Parishes, Townships, and Places aforesaid, or any of them, or keeping any House, Warehouse, Wharf, Quay, Accounting-house, Chambers, Shop, Shed, Stall, or Stand, or other Place of dealing or working, or habitually employed working or seeking a Livelihood, within the said Town, Parishes, Townships, and Places, or any of them, to apply to the Clerk of the said Court for the Time being or his Deputy, who shall make out and deliver to One of the Serjeants or Officers of the said Court for the Time being a Summons written or printed, or partly written and partly printed, directed to such Debtor, expressing the Sum demanded of him, with the Name of the Party or Body demanding the same, and with the Particulars of the Debt or Demand, and requiring such Debtor to appear at a certain Time and Place to be mentioned in such Summons before the Commissioners or Barrister in the said Court to answer such Demand; and such Serjeant or Officer shall in due Course serve or cause such Summons to be served on such Debtor personally, being within the Jurisdiction of the said Court, Six Days at the least previous to and exclusive of the Day appointed on the said Summons for the hearing thereof,

thereof, but inclusive of the Day of the Service of such Summons, in case the Sum demanded shall not exceed Five Pounds, and Fourteen Days in case the Sum demanded shall exceed Five Pounds; and upon due Proof made of such Summons having been duly served as aforesaid, or upon the Appearance of the Debtor, the Commissioners in Court assembled or the major Part of them, (the Number present not being less than by this Act directed,) or the said Barrister, are or is 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 or him shall seem right and proper, consistent with the Rules and Regulations in this Act contained (such Costs to be in the Discretion of such Court as to the Party by or to whom the same shall either wholly or in part be paid); and as well the Plaintiff as the Debtor whom such Order or Decree, Judgment, 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 or Barrister to administer an Oath or Affirmation to any Officer of the said Court, or to all or any of the Parties, or their Agent or other Person appearing on their Behalf, whom they the said Commissioners or he the said Barrister shall think proper to examine touching the Matters then in question, and also to such Witnesses as shall be produced by each Party, and also to any other Person whose Evidence shall seem necessary towards the hearing or determining of any of the said Actions or Causes, or making any Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

Clerk not to issue Summons till Deposit is made.

XXXVII. And be it further enacted, That no Clerk of the said Court shall issue any Summons for any Debt unless the Plaintiff shall at the Time of issuing out such Summons deposit with the Clerk of the said Court, for every Debt not exceeding Twenty Shillings, the Sum of Two Shillings and Sixpence; and for every Debt exceeding Twenty Shillings and not exceeding Sixty Shillings, the Sum of Three Shillings and Sixpence; and for every Debt exceeding Sixty Shillings and not exceeding Five Pounds, the Sum of Five Shillings; and for every Debt exceeding Five Pounds and not exceeding Seven Pounds Ten Shillings, the Sum of Seven Shillings and Sixpence; and for every Debt exceeding Seven Pounds Ten Shillings, the Sum of Ten Shillings; 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 Cause for or on account of which the said Summons shall have been issued, the Plaintiff shall not appear either in Person or by his Agent, or some other Person on his Behalf, or appearing shall not make Proof of his Demand to the Satisfaction of the said Court, but shall become nonsuited, or Judgment shall be pronounced against him by the said Court, then and in every such Case it shall be lawful for the said Commissioners assembled in Court, or the said Barrister, and they or he are and is hereby required, to award to the Defendant a Part or the Whole of such Deposit Money by way of Costs and Satisfaction for his Trouble and Attendance, together with such

further Sum as they the said Commissioners or Barrister, in their or his Discretion shall think fit, and to order and compel the Plaintiff to pay such further Sum by such Ways and Means as any Debt ordered or decreed by the same Court can or may be recovered; and if there shall be any Overplus remaining in the Hands of the said Clerk after the Sum awarded to the Defendant shall have been paid, or if the Plaintiff shall on the Return of any such Summons appear and make Proof of his Demand to the Satisfaction of the said Court, then and in every such Case such Overplus or Sum of Money so deposited with the said Clerk as aforesaid shall be by the said Clerk returned and repaid into the Hands of such Plaintiff accordingly: Provided also, that in case such Plaintiff at the Time of such Judgment of the said Commissioners or Barrister, or at any Time afterwards, or his Goods and Chattels, shall be out of the Jurisdiction of the Court, then it shall be lawful for any Serjeant of the Court to apply to any Justice of the Peace acting for the County, Riding, or Place where such Person shall live or reside, 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 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 Serjeant or other Officer shall have the like Powers and Authorities to execute the said Precept as are herein-after provided in case any Defendant or his Goods and Chattels shall, after final Judgment given in the said Court, be removed or be found out of the Jurisdiction thereof.

No Evidence to be given by Plaintiff of any Matter not stated in the Summons.

XXXVIII. And be it further enacted, That the Summons shall state the Particulars of and Evidence by which the Plaintiff intends to support his Demand, and that no Particulars shall be entered into and no Evidence shall 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 Particulars or Evidence be admitted on behalf of the Defendant on the Trial of such Cause or Action of any Demand he may have on the Plaintiff in the Nature of a Set-off, to lessen or discharge himself from the first-mentioned Demand or Cause of Action, unless Notice thereof in Writing, stating the Particulars of such Set-off, and the Evidence by which the same is intended to be supported, shall have been given to the Clerk of the said Court, or his Deputy, Two clear Days at the least previous to the Day whereon such Matter or Cause shall be heard or tried, and such Notice shall forthwith be communicated by such Clerk or his Deputy to the Plaintiff.

Cause may be adjourned.

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

Commissioners or Barrister to adjourn or postpone such Action, Cause, or Matter in controversy from Time to Time as they shall think proper and direct.

If Debtors do not appear Commissioners may proceed.

XL. And be it further enacted, That if any Debtor who shall have been duly summoned as aforesaid shall not appear, either in Person or by his Agent or some other Person on his 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 Court, or Barrister, after Proof being made upon Oath of the said Summons having been served in manner aforesaid, to hear the Cause on the Part of the Plaintiff only, and to make such Order, Decree, or Judgment therein, and to award such reasonable Costs of Suit, as to them or him shall seem most agreeable to Equity and good Conscience, except it shall appear to the said Commissioners or Barrister that the said Debtor is unable from any reasonable Cause to attend.

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

XLI. And be it further enacted, That if on the hearing of any Cause in the said Court it shall appear by the Oath of any Person or otherwise to the Satisfaction of the major Part of the Commissioners then present, or of the said Barrister, that the Defendant is unable from Sickness or unavoidable Accident to pay and discharge the Debt for which he shall have been summoned, it shall be lawful for the major Part of the said Commissioners so assembled, or the said Barrister, to suspend or supersede the Proceedings in such Cause until it shall, upon like Proof as aforesaid, appear to the Court that such Defendant shall be able to pay such Debt, and then to proceed again in manner aforesaid, any thing herein contained to the contrary notwithstanding.

Witnesses to be summoned.

XLII. And be it further enacted, That it shall be lawful from Time to Time and at all Times hereafter for any Plaintiff or Defendant in any Suit or Cause to be depending in the said Court to cause any Person residing within the Jurisdiction of the said Court to be warned or summoned to such Court, either by serving a Subpœna or Summons to be issued by the Clerk or Deputy Clerk of such Court, and to be served by a Serjeant or other Officer of the same personally, or by leaving such Subpœna or Summons at the last or usual Place of Abode of such Person, to appear as a Witness to give Evidence in the said Court in or concerning the Suit or Cause there depending; and in case any Person, after having been so subpœnaed or summoned to give Evidence as aforesaid, and paid or tendered his reasonable Expences to attend and give his Evidence at the Time and Place in such Subpœna or Summons mentioned on behalf of any such Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Summons, due Proof having been made of the Service thereof, and no sufficient Cause for his Absence or Nonappearance being shown to the Satisfaction of the said Court, and on Oath or Affirmation being made before the Commissioners or Barrister there sitting by the Party at whose Instance and on whose Behalf such Subpœna or Summons issued that the Person served therewith was a Witness by such Party judged neces-

Penalty on Witnesses not attending.

sary

sary for the Proof of his Cause, Action, Complaint, or Defence, or if any such Witness shall appear, and shall refuse to be examined upon Oath, or, in case of a Quaker, Moravian, or Separatist, upon solemn Affirmation, and to give Evidence as aforesaid, according to the true Intent of this Act, then and in every such Case every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, 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 at whose Instance or Request such Subpœna or Summons shall have been issued.

No Practiser of the Law to appear as an Advocate.

XLIII. And be it further enacted, That no Barrister, Attorney, Solicitor, Scrivener, or other Person practising in the Law shall be permitted to appear or be heard in the said Court of Requests as Counsel, Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant, or any other Person, in any Cause, Action, or Matter where the Amount sought to be recovered shall not exceed the Sum of Five Pounds, unless such Barrister, Attorney, Solicitor, Scrivener, or other Person is himself a Party or Witness.

Court may award Execution against the Goods.

XLIV. And be it further enacted, That in any Action, Cause, or Question in which the said Commissioners or Barrister shall have made an Order or Decree for the Payment of Money it shall be lawful for the said Commissioners or Barrister immediately, or, in case of Default or Failure of Payment thereof, at the Times and in the Manner thereby directed, to award Execution against the Goods and Chattels of the Party against whom such Order or Decree shall be made; and thereupon it shall be lawful for the Clerk of the said Court, or his Deputy, at the Request 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 Fieri facias to one of the Serjeants or other 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 of Money and Costs as shall be so ordered, decreed, or adjudged.

For regulating the Sale of Goods taken in Execution.

XLV. Provided always, and be it further enacted, That no Sale of any Goods which shall be taken under or by virtue of any Precept or Execution to be issued in manner aforesaid shall take place or be made until after the Expiration of Five 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 Serjeant or other Officer taking or levying the same in some fit and convenient Place: Provided also, that it shall be lawful for the said Commissioners or Barrister from Time to Time, and they or he are or is hereby required, when and so often as it shall be necessary, 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 or Barrister to be necessary or proper.

XLVI. Pro-

Costs of Distress.

XLVI. Provided always, and be it further enacted, That the Costs and Charges of any Distress and Sale shall not exceed the Costs and Charges specified in the Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of Small Rents.* 57 G. 3. c. 93.

Court may order Debts to be paid by Instalments.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners or Barrister from Time to Time, in case they or he shall think fit, for the Ease and Convenience of the Defendant, and they and he are and is hereby authorized and empowered, to order, decree, or adjudge any Debt due to the Plaintiff to be paid by several Payments or Instalments, and under such Terms and Conditions as may appear reasonable and just to them or him for the Ease of the Defendant and the Security of the Plaintiff; and it shall be lawful for the said Commissioners or Barrister 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 and upon due Proof of the said Default or Failure, to award Execution against the said Defendant, or against any other Person who may have given Security to the said Plaintiff under the Direction of the said Commissioners or Barrister, 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 or him 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: Provided always, that Six Days Notice shall be given before Execution shall issue against any Person who may have given any such Security as aforesaid.

Process not to issue against the Body unless in case of Insufficiency of Goods.

XLVIII. And be it further enacted, That it shall not be lawful for the said Commissioners or Barrister to issue any Process against the Body of any Defendant except in such Cases as are herein-after mentioned; and in no Case shall any such Process issue unless the Plaintiff entitled to the Benefit of any Order, Judgment, or Decree shall have obtained a Warrant or Process against the Goods and Chattels of the same Defendant, and all proper Means shall have been taken to execute the same, and there shall have been a previous Return of Nulla bona thereon by one of the Serjeants of the said Court, or unless the Goods sold under the Execution shall not be sufficient to defray the Sum of Money and Costs so ordered, decreed, and adjudged, in which Case any Process against the Body of any such Defendant shall be issued only for the Deficiency.

If Defendants be out of the Jurisdiction of the Court a Justice of the Peace may endorse the Precept, &c.

XLIX. And be it further enacted, That in all Cases where a final Decree or Judgment for any Sum of Money shall have been obtained in the said Court, and the Body, Goods, and Chattels of any Defendant shall be out of the Jurisdiction of the Court, it shall be lawful for any Serjeant of the said Court to apply to any Justice of the Peace acting for the County, Riding, or Place whereto or wherein any Defendant or his Goods and Chattels shall be removed or be found; 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 Effects, as the Case may be, of the Defendant, and that the Person, Goods, and Chattels of such Defendant are not to be found within the Jurisdiction of the said Court, but are believed to be within the County, Riding, 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 on the said Precept of Execution; and thereupon the Serjeant or other Officer of the said Court shall be and he is hereby authorized and empowered to take and seize the Person and Effects of the Defendant wheresoever the same shall be found within the County, Riding, 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.

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

L. 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 whomsoever the Clerk of the said Court or his Deputy shall insert or endorse, or cause to be inserted or endorsed, the Sum of Money and the Costs so ordered, decreed, and adjudged; and if the Party against whom such Execution shall be awarded shall, before an actual Sale of the Goods and Chattels, or before he is apprehended, or before the Expiration of the Term of his Imprisonment as herein mentioned, pay or cause to be paid or tendered unto the Clerk of the said Court or his Deputy such Sum of Money as aforesaid, or such Part thereof as the Plaintiff shall agree to accept in full for his Debt, together with the Costs and the 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 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 shall be discharged and set at liberty.

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

LI. And be it further enacted, That if the Party against whose Goods such Execution as aforesaid shall have issued, and whose Goods taken in Execution shall have been insufficient to pay the Debt or Demand in respect of which such Execution shall have been awarded, or shall have secreted or removed his Goods or Chattels, or any of them, in order to prevent or evade such Execution, or the Payment of such Debt or Demand, it shall be lawful for the said Commissioners or Barrister to award Execution against the Body of the Party against whom such Order or Decree shall be made for the whole or so much of such Sum of Money and Costs so ordered, decreed, or adjudged as shall then remain unsatisfied; and thereupon it shall be lawful 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 to one of the Serjeants or Officers of the said Court, who shall and may and is hereby empowered to take such Party, who shall remain in Custody until he shall perform and obey such Order, Decree, or Judgment, or for the Space of Time herein in that Behalf particularly directed.

LII. And

Limitation of the Time of Imprisonment.

LII. And be it further enacted, That no Person shall be committed to any Gaol or Prison by Order of the said Court for any Debt, or kept or continued in Custody on any Pretence whatsoever, for any longer Space of Time than Seven Days from the Time of his Commitment; and the Keeper of every such Gaol or Prison is hereby directed and required to discharge such Person accordingly.

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

LIII. Provided always, nevertheless, and be it further enacted, That every Person 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 Imprisonment shall have more than One Execution against him 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 have expired on the First Execution the Imprisonment on the Second Execution shall commence; and after the limited Time shall have expired on the Second Execution the Imprisonment on the Third Execution shall commence; and so on until he 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 in the said Court previously to his being taken into Custody, or during his Imprisonment, any Law, Statute, or Usage to the contrary notwithstanding: Provided always, that no Person shall remain in Prison under and by virtue of the Provisions of this Act for any longer Time than Twenty-one Days at any one Time.

Gaolers, &c. to receive Prisoners committed.

LIV. And be it further enacted, That every Keeper for the Time being of a Common Gaol or Prison within the West Riding of the County of *York* shall be and is hereby required to receive and take into Custody all Persons who shall be committed or ordered to stand committed under or by virtue of this Act; and in case any Keeper or Keepers of any such Gaol or Prison shall neglect or refuse to receive into Custody any Person so committed, or shall, before the Expiration of the Time for which any Person shall be committed to Custody, discharge such Person out of Custody, or wilfully suffer such Person 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, or by the said Barrister, such Keeper so offending in any of the said Cases, and being thereof convicted before any One or more of Her Majesty's Justices of the Peace for the Riding, County, or Place in which such Person shall live or reside 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 Confession, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the said Justice or Justices; and in case any such Sum shall not be immediately paid by the Person 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 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), upon Demand, to such Offender, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture,

when

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.

Debtors not liable to pay Gaol Fees.

LV. And be it further enacted, That each and every Person in Prison by virtue of this Act shall on the Expiration of his Time of Imprisonment be discharged and set at liberty without paying any Sum of Money, Fee, or other Reward or Gratuity whatsoever to the Keeper or Turnkey 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 Turnkey of the said Gaol, or Prison, or any other Person whosoever, shall demand, take, or receive any Fee or Sum of Money whatsoever upon Discharge of any such Person so committed to his Charge or Custody as aforesaid, or shall keep or detain any such Person a Prisoner after the Time by this Act limited for his Imprisonment, every such Keeper, Turnkey, and other Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and it shall be lawful for any Two Justices of the Peace for such Riding, County, or Place 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 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 or either of them 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 and Chattels of the Offender, rendering the Overplus (if any), after deducting such Penalty or Forfeiture, and the Costs and Charges of such Distress and Sale, to the Owner thereof; 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.

Allowance to Defendant fo Support in Prison.

LVI. And be it further enacted, That in any Case in which any Defendant shall be committed to any Common Gaol or Prison by virtue of this Act for Want of sufficient Goods and Chattels it shall be lawful for the said Commissioners or Barrister and they and he are and is hereby required to direct the Plaintiff to pay the said Defendant any Sum not exceeding Sixpence *per* Day for his Support and Maintenance during his Imprisonment.

Commissioners may hold Meetings to execute such of the Powers of the Act as do

LVII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to assemble and hold any Meeting or Meetings for swearing in the Commissioners, appointing Officers, and carrying into effect any of the other Purposes of this Act not relating to the hearing, deciding, or determining any

Actions

Actions or Causes of Debt, or to the receiving any Complaint in respect thereof, or the issuing any Proceedings relative to any such Actions or Causes or Proceedings consequent thereupon, on any Day and at any Place or Places within the Limits of this Act, after Notice of the Intention of holding any such Meeting shall have been published as herein-after mentioned; and every Resolution, Determination, or Order of the Commissioners at any such Meeting in which the Majority of the Commissioners present shall concur (the Number present not being less Five) shall be of the same Force and Effect as if all the Commissioners had concurred therein; and it shall be lawful for any Five or more of the said Commissioners, or for their Clerk by the Direction of any Five Commissioners, to call any such Meeting when they shall deem it expedient so to do by Notice affixed on one of the outer Doors of the Church of *Saint Mary* in *Barnsley* Five clear Days at least before the Day appointed for such Meeting, specifying the Time, Place, and Purpose of such Meeting: Provided always, that the said Commissioners may hold their First Meeting at the Court House in *Barnsley* on the Second *Thursday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Four of the Clock in the Afternoon, without any such Notice as aforesaid; and any such Meetings may be adjourned from Time to Time without any Notice being given of the assembling of such adjourned Meeting; and at every such Meeting the Commissioners present may appoint One of the Commissioners as Chairman of such Meeting, and the Chairman, in case of an equal Number of Votes on any Question, including such Chairman's Vote, shall have the decisive or casting Vote.

not relate to Actions or Suits on any Day after Notice given.

LVIII. And be it further enacted, That it shall be lawful for the said Commissioners or the major Part of them assembled and voting at their First Meeting to be held under the Provisions of this Act, or at a Meeting to be for that Purpose convened in manner herein-before mentioned, to nominate and appoint during his and their good Behaviour a fit and proper Person or Persons, being a Barrister or Barristers or an Attorney or Attorneys of one of Her Majesty's Superior Courts at *Westminster*, to be Clerk or Clerks to the said Court of Requests, and also such and so many Serjeants, Criers, and other Officers as may appear to the said Commissioners, or the major Part of them then present, to be requisite for carrying any of the Purposes of this Act into execution; and every such Clerk, Serjeant, Crier, and Officer shall be subject to the Pains and Penalties and Powers of Removal, and to the Rules and Regulations, herein expressed; and when and so often as it shall happen that the Office of Clerk, Serjeant, or Crier, or of any other Officer, shall become vacant, either through Death or Resignation, Suspension, Incapacity, Dismissal, or Removal, then and in every such Case it shall be lawful for the said Commissioners, or the major Part of them assembled and voting at a Meeting to be convened for that Purpose within Twenty Days next after such Vacancy shall happen, to nominate and appoint another fit and proper Person to be Clerk, Serjeant, or Crier, or other Officer of the said Court, during his good Behaviour, being in like Manner subject to the Pains and Penalties, Powers of Removal, and to the Rules and Regulations herein mentioned and expressed; and

Appointment of Officers.

every such Nomination and Appointment of any Officer of the said Court of Requests shall be authenticated by Writing under the Hand and Seal of the Chairman of such Meeting, and the Production thereof shall in all Cases be deemed sufficient Evidence of the Nomination and Appointment to the Office therein mentioned, without further or other Proof whatsoever; provided that every Person to be so appointed Clerk as aforesaid shall be a Barrister or Solicitor or Attorney of one of Her Majesty's Courts at *Westminster*.

No Victualler, &c. to hold any Place of Profit, nor Commissioner to act as Clerk.

LIX. Provided always, and be it further enacted, That no Person who shall be a Pawnbroker, or who shall keep any Victualling House, Alehouse, or any public House of Entertainment, or who shall sell any Wine, Cider, Beer, spirituous or other strong Liquors by retail, shall be capable of holding any Place of Profit belonging to the said Court; and no Person nominated a Commissioner shall be capable of acting as a Commissioner during the Time he shall remain Clerk of the said Court.

Duty of Clerks and Serjeants.

LX. 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 are herein mentioned, and as they shall be directed or appointed by the said Commissioners or by the said Barrister 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.

Officers may be displaced for Misbehaviour.

LXI. And be it further enacted, That if any Clerk or Deputy, Serjeant, Crier, or other Officer, shall be guilty of any Misbehaviour, either by any 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 to inquire 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 thereof 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 next 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 or Crier or other Officer, hath been guilty of such Misbehaviour or Breach of Duty as aforesaid in his Office, then and in every such Case it shall be lawful 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 said Office.

LXII. And

Power for the Clerk to appoint a Deputy.

LXII. And be it further enacted, That it shall be lawful for the Clerk of the said Court of Requests for the Time being to nominate One or more sufficient Deputy or Deputies, being a Barrister or Barristers, Attorney or Attornies of one of Her Majesty's Superior Courts at *Westminster*, to act for him in the Office of Clerk of the said Court of Requests, in case such Clerk shall be prevented by Illness from attending, or be unavoidably absent; 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 Clerk of the said Court 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 and 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.

Fees to be taken.

LXIII. And be it further enacted, That the several Fees to be taken by the Barrister or Chairman, Clerks, Serjeant, and other Officers of the said Court of Requests shall not exceed the Sums herein-after limited and expressed for the several and respective Services in the Execution of this Act for the Recovery of all Sums not exceeding Fifteen Pounds; (that is to say,)

	On Debts not exceeding 40*s.*	On Debts exceeding 40*s.* and not exceeding 5*l.*	On Debts exceeding 5*l.* and not exceeding 10*l.*	On Debts exceeding 10*l.*
THE BARRISTER'S OR CHAIRMAN'S FEES.	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
For every Summons - - -	0 3	0 6	2 0	3 0
For every Hearing or Trial - -	1 0	1 6	7 6	10 0
For every Order, Decree, or Judgment on Hearing - - - -	1 0	1 6	2 0	3 0

	On Debts not exceeding 40*s.*	On Debts exceeding 40*s.* and not exceeding 5*l.*	On Debts exceeding 5*l.* and not exceeding 7*l.* 10*s.*	On Debts exceeding 7*l.* 10*s.* and not exceeding 10*l.*	On Debts exceeding 10*l.*
THE CLERK'S FEES.	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
For entering every Cause -	0 4	0 9	1 0	1 3	1 6
Issuing every Summons or Subpœna - - -	0 4	0 9	1 0	1 3	1 6
Every Hearing or Trial -	0 6	1 0	1 6	2 0	2 6
Adjournment of any Cause -	0 3	0 4	0 5	0 6	0 8

	On Debts not exceeding 40*s.*	On Debts exceeding 40*s.* and not exceeding 5*l.*	On Debts exceeding 5*l.* and not exceeding 7*l.* 10*s.*	On Debts exceeding 7*l.* 10*s.* and not exceeding 10*l.*	On Debts exceeding 10*l.*
THE CLERK'S FEES—*continued.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
Giving Notice of Set-off -	0 3	0 6	0 9	1 0	1 3
Swearing any Witness, Plaintiff, or Defendant - -	0 3	0 4	0 5	0 6	0 6
Entering and drawing up every Judgment, Decree, or Order - -	0 6	1 0	1 6	2 0	2 6
Copy of every Order or Judgment - - -	0 3	0 4	0 5	0 6	0 8
Every Nonsuit - - -	0 6	1 0	1 6	2 0	2 6
Paying Money into Court, and entering same in Books	0 3	0 4	0 5	0 6	0 8
Every Search, including Payment of Money into and out of Court, and entering same - - -	0 3	0 6	0 9	1 0	1 3
Every Receipt for Payment of Money into and out of Court - - -	0 3	0 6	0 9	1 0	1 3
Issuing every Attachment, Precept, Order, or Execution - - -	1 0	1 6	2 0	2 6	3 0
Entering Acknowledgment of Satisfaction in full -	0 6	1 0	1 6	2 0	2 6
For every Warrant of Commitment for an Insult or Misbehaviour in the Court to the Commissioners, Clerk, or other Officer of the Court - - -	1 0	1 0	1 0	1 0	1 0
CRIER'S AND SERJEANT'S FEES.					
For calling every Plaintiff or Defendant - - -	0 2	0 3	0 4	0 5	0 6
For serving every Summons, Order, or Subpœna within One Mile of the Court House - - -	0 4	0 6	0 8	0 10	1 0
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House - -	0 2	0 3	0 4	0 4	0 4
For the Execution of any Warrant, Precept, or Attachment against the Goods or Body - - -	1 0	1 6	2 0	2 6	3 0
If above One Mile, then extra for every Mile not exceeding Seven Miles from the Court House - -	0 2	0 3	0 4	0 4	0 4

	On Debts not exceeding 40*s.*	On Debts exceeding 40*s.* and not exceeding 5*l.*	On Debts exceeding 5*l.* and not exceeding 7*l.* 10*s.*	On Debts exceeding 7*l.* 10*s.* and not exceeding 10*l.*	On Debts exceeding 10*l.*
CRIER'S AND SERJEANT'S FEES—*continued.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
If an Assistant Serjeant should be necessary in the Judgment of the Commissioners, then for Assistant - -	0 6	1 0	1 6	2 0	2 6
If above One Mile, then extra for every Mile not exceeding seven Miles from the Court House - -	0 2	0 3	0 4	0 4	0 4
For carrying every Plaintiff, Defendant, or Delinquent to Prison (including all Expences and Assistants), for every Mile - -	1 0	1 0	1 0	1 0	1 0

A Table of all which Fees shall be hung up or affixed in manner herein-after mentioned.

Table of Fees, &c. to be painted on a Board and affixed in the Court.

LXIV. And be it further enacted, That the said Commissioners shall and they are hereby required to paint or cause to be painted on a Board, in distinct and legible Letters and Figures, a Table of all the Fees or Sums of Money to be from Time to Time taken by the Officers of the said Court in pursuance of this Act, and also a Copy of the Rules and Regulations which may be fixed on or determined by the said Commissioners for the better carrying this Act into execution; and the said Commissioners shall and they are hereby required to hang up or place the same respectively in some conspicuous Part of the Court or Place where they shall hold their Meetings, and to continue and renew the same when and so often as they shall become obliterated or defaced; and no Fees or Sums of Money shall be taken except what shall appear on such Board, and during such Time only as the same shall appear thereon unobliterated and undefaced.

No Fees to be taken unless the Board remains.

Fees to be paid to the several Officers, who shall account to the Treasurer.

LXV. And be it further enacted, That as well the said Fees of the Clerk and Crier and Serjeant as also all Monies which shall be paid into Court on account of any of the Suitors thereof shall be received by such of the Clerks, Serjeants, Criers, and other Officers to be appointed by virtue hereof as the said Commissioners, or the major Part of them present at any public Meeting to be called as herein-mentioned, shall from Time to Time direct and appoint to receive the same; and the said Fees are hereby declared to be and belong to them the said Commissioners, and shall be applied and disposed of by them in manner herein-after directed; and the said Clerks, Serjeants, Criers, and other Officers are hereby required and directed to pay to the Treasurer of the said Commissioners to be appointed under and by virtue of this Act, monthly or oftener, as they may be

be required by any Three or more of the said Commissioners, so much and such Part of the Sum and Sums of Money as they may have received for any such Fees or Payments as are herein-before mentioned.

A Treasurer to be appointed, who shall pay the Salaries to the different Officers of the Court.

LXVI. And be it further enacted, That the said Commissioners shall appoint from Time to Time some fit and proper Person to be Treasurer of the said Court of Requests; and such Treasurer shall from Time to Time, quarterly or oftener, if the same shall be directed by the said Commissioners or any Three or more of them sitting in Court, pay to each and every of the Clerks, Serjeants, Criers, and other Officers of the said Court to be appointed in the Manner before mentioned such respective annual Sums of Money as the said Commissioners, or the major Part of them present at any Meeting to be called in the Manner by this Act directed for calling Special Meetings, shall direct and appoint, and he shall make such Payments respectively at such Times and Manner as such Commissioners shall from Time to Time direct or appoint.

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

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 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 Fifty Pounds to any Person who shall sue for the same in any of Her 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.

Funds and Fees to be received by the Treasurer, and applied to the Purposes of the Court.

LXVIII. And be it further enacted, That as well all and every the said Fees of the Clerk and Crier and Serjeant as also all other Sums of Money receivable on account of the said Court shall be paid to the Treasurer for the Time being of the said Court of Requests, and shall form One general Fund, to be applied and disposed of in the Manner herein-after mentioned; (that is to say,) first, in Payment of all and every the Salary or Salaries payable to the different Officers of the said Court in the Manner herein directed; and next, in payment and satisfaction of such Expences attending the Court House

House and Offices, and insuring and keeping the same in repair, and in defraying and paying all Rent, Taxes, and other Charges and Expences attending the same, so far as the Fund herein-after mentioned shall be insufficient to pay the said Charges and Expences, and for such other Purposes for carrying into execution this Act, or relating to the said Court, as the said Commissioners, or the major Part of them present at any Special Meeting to be called as herein is directed, shall from Time to Time deem necessary; and if after such several Payments it shall appear to the said Commissioners that the Treasurer shall have in his Hands a Balance exceeding Two hundred Pounds arising from such Fees and Income as before mentioned, then so much and such Part of the said Balance as the said Commissioners shall direct shall be invested in Government Securities in the Names of Trustees, according to the Directions in this Act contained as to the Investment of the Money of the Suitors of the said Court remaining in the Hands of the said Treasurer after the Period of Seven Years.

Account to be taken of all Fees received, which may be reduced.

LXIX. Provided always, and be it further enacted, That an Account in Writing of the Number of Causes, and of all the Fees and Emoluments whatsoever received by the Clerks, Serjeants, Criers, and Officers of the said Court respectively, and also an Account of the Cash paid into Court and taken out of the same by the Suitors, and also an Account of all other Sums of Money received and paid by the Treasurer of the said Court or belonging thereto, shall yearly and every Year, and within Fourteen Days from the Thirty-first of *December*, be made up to the preceding Day inclusive in each Year; and such Account so made up in each Year, when so examined and balanced as herein-after mentioned, shall be filed by the said Commissioners, and printed; and if it shall appear that the Amount of the Fees taken or received upon an Average of the Three preceding Years shall considerably exceed the Salaries paid to the Clerks, Serjeants, Criers, and Officers of the said Court, and the Charges and Expences herein-before mentioned, and to be allowed by the said Commissioners or the major Part of them present at a Special Meeting to be held and summoned for such Purpose, then the said Commissioners at such Special Meeting to be held and summoned as herein mentioned, or the major Part of them, or, in case of their Refusal or Neglect, any Two Justices acting for the West Riding of the County of *York*, on the Application of any Party residing within the Jurisdiction of the said Court, shall order and direct the said Fees and Emoluments, or such of them as they shall deem expedient, to be abolished or lessened and reduced so as from Time to Time to bring in or produce yearly such Sum and Sums of Money as may in their Judgment be sufficient for the several Charges, Payments, and Allowances as aforesaid, or as near thereto as may be; and if at any Time after such Reduction or Abolition the Business of the said Court shall decline so as not to bring in or produce sufficient Money for Payment of such respective Salaries, Charges, Payments, and Allowances, then it shall be lawful for the Majority of the said Commissioners at any such Meeting to be called as before mentioned to reduce the Salaries of the respective Officers of the said Court, or to increase or restore the Fees again, so as that they shall not nor do at any

any Time on any Account or Pretence exceed the Fees set forth and allowed to be hereby taken: Provided always, that Seven Days Notice of any Application to any Justices of the Peace for the Purpose of reducing or abolishing the said Fees or Emoluments, or any of them, shall be given to the said Commissioners.

Accounts of Commissioners.

LXX. And be it further enacted, That the said Commissioners shall not at any Time permit any just Claim or Demand upon them as such Commissioners to remain unpaid for a longer Period than Three Calendar Months; and the said Commissioners shall and they are hereby required, when and as soon as the herein-before mentioned Account shall have been made out, to cause the said Account to be publicly affixed in the said Court until the End of the Month of *January;* and such Account, so far as relates to the Payments and Receipts in respect of the said Court, together with the Vouchers relating thereto, shall be by the said Commissioners laid before Two or more of Her Majesty's Justices of the Peace acting for the said West Riding, not interested in the Premises, to be by them examined and balanced, and the same shall be examined and balanced on or before the last Day of *February;* and an Abstract of such Account, so examined and balanced, shall, within Fourteen Days after the same shall have been so examined and balanced, be inserted in some one Newspaper printed or usually circulated within the said Riding; and no Charge or Item in any such Account shall be binding on the Parties concerned or be valid in Law unless the same shall have been duly allowed by such Justices, nor until such Abstract thereof shall have been published in such Newspaper as aforesaid: Provided always, that Seven Days Notice of the Time of examining and balancing the said Accounts shall be given by the said Commissioners by publicly affixing the said Notice in the Court House; and all Persons residing within the Jurisdiction of the said Court shall have Liberty to object to the said Accounts, or any Items or Charges therein, before the said Justices.

No Alteration of Fees but at a Special Meeting.

LXXI. Provided always, and be it further enacted, That such Alteration, either for the Abolition, Reduction, or Increase of the said Fees or any of them, by the said Commissioners, as herein-before mentioned, shall be made only at a Special Meeting of the Commissioners to be called together and holden as herein is mentioned; and no such Alteration shall take place or be had unless and until the Resolution or Resolutions, Order or Orders passed or made at any such Special Meeting resolving or ordering the same shall have been confirmed at any subsequent Special Meeting of the said Commissioners to be held at such Place, and at such Time after the Expiration of One Calendar Month from the Time of holding such First Special Meeting at which any such Resolutions or Orders shall have passed or been made, as shall be then and there fixed, and of which Second Special Meeting a like Notice, and containing the Purpose thereof, shall be given as is herein mentioned for calling a Special Meeting.

Accounts and other Documents may be inspected.

LXXII. And be it further enacted, That the Accounts herein-before mentioned or referred to, and all Judgments, Acts, Orders, Directions, Regulations, and Proceedings of the said Commissioners relative

relative to the Execution of the several Powers and Authorities vested in them by this Act, and all Books, Papers, and Writings belonging to the said Commissioners, shall at all seasonable Times, and when the same shall not be actually wanted for making up or entering such Accounts or using such other Documents respectively, or for any other the Purposes of this Act, be open to the Inspection of all Persons interested in the Proceedings of the said Court of Requests, which Persons may also have Copies or Extracts of such Accounts or Documents, paying for each Inspection the Sum of One Shilling; and for all Copies or Extracts thereof after the Rate of Sixpence for every One hundred Words; and in case the Officer or Person in whose Custody or Power such Accounts or Documents may be shall refuse to permit or shall not permit any such Persons as aforesaid to inspect the same, or to have Copies or Extracts as aforesaid, such Officer or Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

Bonds to be taken from the different Officers, in the Name of the Treasurer, that they shall duly account.

LXXIII. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and may and are hereby required to take such Security from all and every the Clerks, Serjeants, Criers, and other Officers to be elected and chosen under this Act as aforesaid, by Bond or otherwise, to be given to the Treasurer for the Time being in such respective Sum and Sums of Money as the said Commissioners or any Five or more of them, at any Meeting to be called in the Manner in this Act directed, shall direct, for the accounting and due Payment to such Treasurer for the Time being, by such several Clerk or Clerks, Serjeant, Crier, or other Officers respectively, of all Monies which shall come to his or their respective Hands, and for the Delivery of all Books, Papers, and Writings in their and each of their respective Hands, Custody, and Power, to such Person and Persons as they the said Commissioners or any Five or more of them shall appoint to receive the same; provided that nothing herein contained shall extend or be construed to extend to make the said Treasurer personally liable for the due accounting of any such Clerk, Serjeant, Crier, or other Officer by whom such Bonds shall be given as last aforesaid.

A List to be made out of unclaimed Sums paid into Court.

LXXIV. And be it further enacted, That the Clerk to the said Commissioners shall and he is hereby required, in the Month of *January* in every Year, to make out and lay before the said Commissioners a correct List of all Sums of Money which shall have been paid into Court and which shall have remained unclaimed for the Space of Twelve Calendar Months or for any longer Period next before the making out of such List; and the said List shall also contain the Names of the Parties having paid such Sums of Money, and also the Names of the Parties for whom or on whose Account the same were so paid into Court, and such List shall be and remain hung up in some conspicuous Part of the said Court; and any Sums which may have remained unclaimed for the Space of Seven Years shall be applied by the said Commissioners in the same Manner as is herein-after provided with respect to the Sums of Money herein-after

directed to be retained by and out of the Monies to be recovered for the Plaintiff in any Suit or Action to be commenced in the said Court.

Commissioners to make Rules respecting Suitors Money; and Orders and Regulations for the Conduct of the Court and Officers.

LXXV. And be it further enacted, That the said Commissioners, at any of their Meetings to be holden by virtue of this Act, shall and may and they are hereby empowered 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 any Officers of the said Court, and for the due accounting for and Application of all such Balances and other Sums of Money, and also for auditing the Accounts by the said Commissioners; and also to make Rules, Orders, and Regulations for the better Management, Conduct, and Practice of the said Court, and also for the Government and Direction of the several and respective Clerks, Criers, Serjeants, and all other Officers and Persons employed in and about the said Court, and also as to the keeping the Accounts and the Entries of the several Proceedings of the said Court, and all other Matters relating thereto; and from Time to Time, at any Meeting or Meetings to be convened in the Manner and as herein-before mentioned, to vary, alter, extend, amend, or annul the said Rules, Orders, and Regulations relating to or in any Manner concerning the several Matters aforesaid, or of any or either of them: Provided always, that such Rules, Orders, and Regulations shall not be contrary to the Laws for the Time being in force for that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, and the Provisions of this Act.

For supporting the Dignity of the Court and preventing Insults.

LXXVI. And be it further enacted, That if any Person shall contemptuously and wilfully insult or abuse any of the Commissioners of the said Court, or the Barrister or Chairman acting in the Execution of this Act, or any of the Officers of the said Court for the Time being, during 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 be lawful for the Serjeant of the said Court, with or without the Assistance of any other Person, by the Order of the said Commissioners or Barrister, to take such Offender into Custody; and the said Commissioners or Barrister are or is hereby authorized and empowered to impose a Fine not exceeding Five Pounds for each and every such Offence on each and every such Offender, which Fine shall be recoverable, and when recovered shall be paid, applied, and distributed, by such Means and in like Manner as Fines and Penalties are by this Act directed to be recovered, paid, applied, and distributed.

Commissioners misbehaving may be struck out of the List.

LXXVII. And be it further enacted, That in case any of the Commissioners of the said Court shall during their Sitting or Attendance in the said Court behave or demean themselves improperly or in an unbecoming Manner, then and in every such Case it shall be lawful for the Majority of the Commissioners then present in Court to direct the Clerk of the said Court of Requests to convene a Special Meeting of the said Commissioners (which Meeting shall be called in such Manner as is herein-before directed for calling Special Meetings); and the Commissioners to be assembled at such Special Meeting shall inquire

inquire into the Cause of Complaint against such Commissioner as aforesaid; and the Majority of the Commissioners assembled shall and may, in case they shall find sufficient Cause, order and direct the Clerk of the said Court to strike out and erase the Name of the Commissioner 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 whose Name 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 Ten Days Notice of the intended 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 herein-before appointed for the Election of new Commissioners.

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

LXXVIII. And be it further enacted, That if any Clerk, Deputy Clerk, Serjeant, or Crier, or any other Officer employed by the said Court in putting this Act or any of the Powers thereof into execution, shall exact, take, or accept any Fee or Reward whatsoever, other than 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 Penalties, Forfeitures, and Fines are in and by this Act directed to be recovered, paid, applied, and distributed.

Serjeant neglecting his Duty to pay the Debt.

LXXIX. 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 Goods, Chattels, or Effects of the Party or Parties against whom such Execution shall be awarded 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 said Court, upon Complaint and due Proof thereof made upon Oath or Oaths, or Affirmation or Affirmations, of any 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 in the said Court; and it shall and may be lawful for the said Court and such Court is hereby enabled to impose any Fine not exceeding Five Pounds for every such Offence on such Serjeant or Serjeants, Officer or Officers; and such Fine shall and may be recoverable, and when

when received or recovered shall be paid, applied, and distributed, by such Means and in like Manner as Penalties, Forfeitures, and Fines are in and by this Act directed to be recovered, paid, applied, and distributed.

For punishing Persons guilty of Perjury.

LXXX. And be it further enacted, That if any Person or Persons shall in his, her, or their Examination on Oath or Affirmation before 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, every 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.

LXXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed or authorized to be imposed, the Manner of levying, recovering, and applying whereof is not hereby otherwise particularly directed, shall, upon Proof of the Offences respectively before any Justice or Justices of the Peace having Jurisdiction in the County, Riding, Division, or Place where the Offence shall be committed, either 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 or Justices; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Clerk of the said Commissioners, to be by him paid over and to be applied in the same Manner as is herein-after provided with respect to the Sum and Sums herein-after directed to be retained 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; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall be lawful for such Justice or Justices 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 Justice or Justices, for his, her, or their Appearance before him or them 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 Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise as to him or them shall seem right and proper; but if upon Return of such

Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath not nor have Goods and Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol or Prison of the County, Riding, Division, or Place where such Offender or Offenders shall live or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

LXXXII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice or Justices of the Peace it shall be lawful for any such Justice or Justices as aforesaid to whom Complaint shall be made of any Offence against this Act to summon before him or them the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before him or them; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

LXXXIII. 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 our Lord to wit. } is [*or* are] convicted before of Her [*or* His] Majesty's Justices of the Peace for the West Riding of the County of *York* by virtue of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*], of having [*state the Offence*]; and I [*or* we] the said Justice [*or* Justices] 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 unlawful for Want of Form.

LXXXIV. 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 or may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LXXXV. And be it further enacted, That no Judgment, Order, 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, or be removed or removeable by Certiorari or by any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

Commissioners may sue and be sued in the Name of the Clerk.

LXXXVI. And be it further enacted, That all Actions and Suits to be commenced or instituted by or on behalf of the said Commissioners may lawfully be commenced or instituted and prosecuted in the Name of their Clerk for the Time being, or of any One of the said Commissioners, as a nominal Plaintiff for or on behalf of the said Commissioners; and all Actions or Suits to be commenced or instituted against the said Commissioners may be commenced, instituted, and prosecuted against their Clerk, or against any one of the said Commissioners for the Time being, as the nominal Defendant; and no Action or Suit which may be commenced, instituted, or prosecuted by or against the said Commissioners in the Name of their Clerk, or of any one of the said Commissioners, shall abate or be discontinued by the Death, Resignation, Suspension, or Removal of such Clerk or Commissioner, or by any Act or Default of such Clerk or Commissioner done or suffered without the Consent or Direction of the said Commissioners, but such Clerk or Commissioner shall be always deemed Plaintiff or Defendant, as the Case may be, in every such Action or Suit: Provided always, that in all Cases in which the Clerk of the said Commissioners, or any one of the said Commissioners as aforesaid, shall be the Plaintiff or Defendant on the Record in any Action or Proceeding in which, in effect, the said Commissioners shall be suing or be sued, pleading or impleaded in the Name of such Clerk, or of any such Commissioner as aforesaid, such Clerk or such Commissioner, as the Case may be, may and shall, if not otherwise interested, be a good and competent Witness in any such Action or Proceeding, either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk or by such Commissioner (as the Case may be), notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided always, that no such Clerk or Commissioner in whose Name, as such nominal Plaintiff, any Action or Suit shall be commenced or prosecuted by the said Commissioners, or against whom, as such nominal Defendant, any Action shall be commenced or prosecuted, shall by reason thereof be liable to or become chargeable with any Costs, Damages, or Expences, but that every Plaintiff suing the said Commissioners in

the Name of their said Clerk, or any one of the said Commissioners, shall, on obtaining Judgment in any such Action or Suit, have the like Remedies for Satisfaction thereof as if the said Commissioners had been made Defendants in such Action or Suit: Provided also, that no Execution in any Action, Suit, or Proceeding against any one of the said Commissioners, or their Clerk for the Time being, shall be issued without Leave first granted by the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, which Leave shall be applied for upon Motion to be made in open Court on Notice to the Person or Persons sought to be charged.

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

LXXXVII. And be it further enacted, That in all Actions and Suits which shall be commenced or instituted by or on behalf of or against the said Commissioners in the Name of their Clerk, or in the Name of any one of the said Commissioners in pursuance of this Act, no Plaintiff or Plaintiffs shall recover in any such Action or Suit 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 in which such Action or Suit shall be brought, 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.

Expences of the Act.

LXXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required, out of the first Monies which shall come to their Hands under either or all of the Powers or Provisions herein-after contained, to pay and discharge all the Costs, Charges, and Expences of applying for, obtaining, and passing of this Act, and preparatory or incidental to the Application for the same.

For providing a Fund for the Purpose.

LXXXIX. And be it further enacted, That for the Purpose of defraying the Expences incident to and attending the preparing, obtaining, and passing of this Act, and the purchasing, renting, or taking on Lease any Buildings, Lands, or Hereditaments for the Purpose of converting them into or erecting thereon or using the same as a Court House and other Offices, it shall be lawful for the said Commissioners, or any Nine or more of them, at their first or any subsequent Meeting or Meetings, Notice of which Meeting, and of the Sums of Money intended to be borrowed, shall be given Seven Days at the least previous to any such Meeting, to borrow and take up at Interest such Sums of Money as they or any Five or

more

more of them shall think fit; and they or any Five or more of them are hereby empowered from Time to Time, by any Writing under their Hands and Seals, to enter into and execute such Securities as may be required by any Persons for the several Sums of Money as shall be so borrowed, with Interest for the same; and the Times of such Sums being so borrowed shall be entered in a Book to be kept for that Purpose by the Clerk of the said Court; and for raising a Fund for paying off such Sums of Money as shall or may be borrowed for the Purposes aforesaid, and the Interest in respect thereof, and also for providing from Time to Time for the necessary Expences of Fire, Coals, Candles, and cleaning the Court House or Place of Meeting of the said Commissioners, and for other necessary and proper Purposes, it shall be lawful for the Clerk of the said Court to deduct and retain, by and out of the Monies to be recovered for the Plaintiff 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 not 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 One Pound and not 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 Two Pounds and not amount to the Sum of Three Pounds; and any Sum not exceeding the Sum of Two Shillings when the Amount of such Debt recovered shall amount to the Sum of Three Pounds and not amount to the Sum of Four Pounds; and any Sum not exceeding the Sum of Two Shillings and Sixpence when the Amount of such Debt recovered shall amount to the Sum of Four Pounds and not amount to the Sum of Five Pounds; and any Sum not exceeding Three Shillings when the Amount of such Debt recovered shall amount to the Sum of Five Pounds and not amount to the Sum of Six Pounds; and any Sum not exceeding Three Shillings and Sixpence when the Amount of such Debt recovered shall amount to the Sum of Six Pounds and not amount to the Sum of Seven Pounds; and any Sum not exceeding Four Shillings when the Amount of such Debt recovered shall amount to the Sum of Seven Pounds and not amount to the Sum of Eight Pounds; and any Sum not exceeding Four Shillings and Sixpence when the Amount of such Debt recovered shall amount to the Sum of Eight Pounds and not amount to the Sum of Ten Pounds; and any Sum not exceeding Five Shillings when the Amount of such Debt recovered shall amount to the Sum of Ten Pounds and not amount to the Sum of Twelve Pounds; and any Sum not exceeding Seven Shillings and Sixpence when the Amount of such Debt recovered shall amount to or exceed the Sum of Twelve Pounds; and such respective Sums of Money shall be payable and paid in all Cases by such Plaintiff after a Suit or Action commenced, whether the Amount of such Debt shall be paid into or levied under the Process of the Court, or shall be paid, secured, or settled by the Defendant unto or with the Plaintiff; which Sums so to be raised as aforesaid the Clerk of the said Court is hereby required to keep an Account of, and pay over from Time to Time to the Treasurer of the said Court, for the Purpose of applying the same as herein-after mentioned; and the same shall be in the first

place

place applied in liquidation of or in paying off such Sums of Money as may be borrowed, and the Interest thereof, for the Purpose of defraying the Expences incident to and attending the preparing, obtaining, and passing of this Act, or the purchasing, renting, or taking on Lease any Buildings, Lands, or Hereditaments for the Purpose of converting them into or erecting thereon or using the same as a Court House and other Offices; and the Remainder of such Sums to be from Time to Time raised shall be applied as the said Commissioners assembled at any Special Meeting holden for that Purpose shall direct for the incidental Expences attending such Court as aforesaid.

Subscribers to pay their Subscriptions.

XC. And be it further enacted, That the several and respective Persons who have subscribed for any Money for and towards the Purpose of obtaining this Act, or who shall hereafter subscribe any Money for such Purpose, or for carrying this Act or any of the Purposes thereof into execution, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times and in such Parts and Proportions as the said Commissioners or any Five or more of them shall order and direct; and the same shall be paid to such Person or Persons as the said Commissioners or any Five or more of them shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Commissioners to sue for and recover the same in any of Her Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or more than One Imparlance, shall be allowed; and all such Monies shall be vested in the said Commissioners, and applied for the Purposes aforesaid.

Powers of Act not to extend to certain Places.

XCI. Provided always, and be it further enacted, That the Powers of the said Court, or of the said Commissioners under this Act, shall not extend or be construed to extend to any Part or Parts of the several Townships and Places of *West Bretton*, *Cumberworth*, and *Skelmanthorp* which are situate in the several Parishes of *Sandal Magna* and *Kirkburton*, or either of them, or to any Parishes, Townships, or Places within the Liberty or Jurisdiction of the Manor of *Wakefield*.

Saving of Rights.

XCII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, change, take away, prejudice, or annul any of the Rights, Privileges, Franchises, Courts, and Jurisdictions of Her most Excellent Majesty in right of Her Duchy of *Lancaster*, or of the Honour of *Pontefract*, or of the Sheriff of the said County of *York*, but that the same severally and respectively shall be, remain, and continue in as full and ample Power, Jurisdiction, and Authority as if this Act had not been passed, any thing herein contained to the contrary notwithstanding; and that nothing herein contained shall extend or be construed to extend to prejudice, make void, alter, or otherwise affect all or any of the Rights, Franchises, Privileges, and Jurisdictions of the Lord or Lords for the Time being of the Manor of *Barnsley-with-Dodworth*; and

the several Courts thereto belonging, or of any other Lord or Lords for the Time being of any other Manor or Manors within the Jurisdiction of the said Court, and the several Courts to such Manors belonging or appertaining, but that all and every the said Rights, Franchises, Privileges, and Jurisdictions shall be and remain of the same Force and Authority to all Intents and Purposes as if this Act had not been passed.

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

XCIII. Provided always, and be it further enacted, That at the Expiration of Six Calendar Months next after any general Act shall be passed for the Recovery of Small Debts, and the Operation of which general Act shall affect or interfere with the Powers given by this Act to the said Town, Parishes, Townships, and Places in this Act mentioned, every Clause, Matter, and Thing in this Act contained which shall extend or be construed to extend to give to the Commissioners hereby appointed any such local or separate Jurisdiction shall cease and determine.

Property belonging to the Commissioners to be transferred according to the Provisions of any such general Act.

XCIV. And be it further enacted, That in case any such general Act as last aforesaid shall be passed the Commissioners for the Time being acting in the Execution of this Act shall, with all convenient Speed after the passing thereof, cause any Messuages, Lands, Tenements, or Hereditaments which may at that Time be the Property of the said Commissioners to be sold to any Person or Persons whomsoever, by public Auction or private Contract, for the best Price in Money that can be reasonably had or gotten for the same; and the Money arising from such Sale, together with any Money or Securities for Money, or other Property or Effects of any Description whatever, then in the Hands or under the Control of the said Commissioners, shall be applied by the said Commissioners in paying and discharging all Claims and Demands to which such Money or Securities may be liable in the Hands of the said Commissioners; and the Surplus thereof shall at or before the Expiration of Six Calendar Months from the passing of such Act be by the said Commissioners paid or transferred to such Persons and in such Manner as in and by any such Act shall be directed or specified; and in case any such Messuages, Lands, Tenements, or Hereditaments shall not have been sold within the said Six Calendar Months, then the same shall at the Expiration of that Period cease to be the Property of the said Commissioners, and shall belong to and absolutely vest in the Person or Persons who, under or by virtue of any such general Act as aforesaid, shall be entitled to the same, or to the Proceeds arising from the Sale thereof.

Construction of certain Words in this Act.

XCV. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall comprise and be applied to one Person, Matter, or Thing as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and apply to Females as well as Males; and the Word "Corporations" shall include all Bodies Politic, Corporate, or Collegiate, and Corporations

Aggregate

Aggregate or Sole, unless it be in any of the Cases aforesaid specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

Act may be altered this Session.

XCVI. And be it further enacted, That this Act may be altered or repealed during the present Session of Parliament, either by any Act passed for the express Purpose of altering or repealing the same, or by any Act of which the Provisions shall be inconsistent with the Provisions herein contained.

Public Act.

XCVII. 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.

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