ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 141.

An Act for the more eaſy and ſpeedy Recovery of Small Debts within the Pariſh of *Merthyr Tidfil*, and other Places therein mentioned, in the Counties of *Glamorgan*, *Brecon*, and *Monmouth*.

[3d *June* 1809.]

WHEREAS the Inhabitants and Trade of the ſeveral Pariſhes and Places of *Merthyr Tidfil*, *Gellygare*, *Yſtradyfoduck*, and *Aberdare*, in the County of *Glamorgan*; *Penderyn*, *Vaynor*, and *Llangunider*, in the County of *Brecon*; and the Pariſh of *Bedwelty* in the County of *Monmouth*; have of late Years very much increaſed: And whereas the ſeveral Tradeſmen and Inhabitants of the ſaid ſeveral Pariſhes are, for the Purpoſe of recovering any ſmall Sums of Money that may be due and owing to them, obliged, under the reſpective Juriſdiction to which they muſt at preſent reſort, to be at an Expence generally far exceeding and in all Caſes highly diſproportionate to the Sum in Diſpute: And whereas it would tend greatly to the Improvement and Encouragement of Trade, and to the neceſſary Support and Protection of uſeful Credit in the ſaid ſeveral Pariſhes, if a Court were eſtabliſhed for the more eaſy and ſpeedy Recovery of ſuch ſmall Debts not exceeding the Sum of Five Pounds; but as the ſame cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Commissioners. That the several Justices for the Time being acting in the Commission of the Peace for the said Counties of *Glamorgan*, *Monmouth*, and *Brecon*, the Ministers for the Time being of the said several Parish Churches respectively, and *Richard Crawshay* Esquire, *Joseph Bailey* Esquire, *George Martin Mayber* Esquire, *Samuel Homfray* Esquire, *Richard Hill* Esquire, *Anthony Hill* Esquire, *Francis Tappendon* Esquire, *Thomas Tappendon* Esquire, *George Overton* Esquire, *George Seale* Esquire, *John Scale* Esquire, *Richard Fothergill* Esquire, *William Fothergill* Esquire, *Matthew Monkhouse* Esquire, *William Taitt* Esquire, *Josiah John Guest* Esquire, *Alexander Kirkwood* Esquire, *William Morgan* Esquire, *William Morgan* the younger, Esquire, *Thomas Jones* Clerk, *Evan Jones* Gentleman, *Jehosaphat Jones* Gentleman, *John Llewelyn* Gentleman, *Thomas Williams* Gentleman, *David Davies* Gentleman, *Daniel Davies* Gentleman, *Samuel Rees* Gentleman, *William Davies* Gentleman, *Rees Davies* Gentleman, *John Richards* Gentleman, *Richard Jenkins* Gentleman, *David Jenkins* Gentleman, *Lewis Roberts* Gentleman, *John Perot* Gentleman, *William Thomas* Gentleman, *William Wild* Gentleman, *Thomas James* Gentleman, *Thomas Peirce* Gentleman, *Thomas Hawkins* Gentleman, *Thomas Treharn* Gentleman, *Edward Edwards* Gentleman, *John Lewis John* Gentleman, *Thomas Rees* Gentleman, *Joseph Coffin* Gentleman, *Thomas Burnell* Gentleman, *Abraham Jones* Gentleman, and *Cornelius Guest* Gentleman, shall be and they are hereby appointed Commissioners for the Recovery of Small Debts within the said several Parishes of *Merthyr Tidfil*, *Gellygare*, *Ystradyfoduck*, and *Aberdare*, in the County of *Glamorgan*; *Pendvryn*, *Vaynor*, and *Llangunider*, in the County of *Brecon*; and the Parish of *Bedwelty* in the County of *Monmouth*; and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of "The Court of Requests "for the several Parishes of *Merthyr Tidfil*, *Gellygare*, *Ystradyfoduck*, and "*Aberdare*, in the County of *Glamorgan*; *Penderyn*, *Vaynor*, and *Llangu-*"*nider*, in the County of *Brecon*; and the Parish of *Bedwelty* in the "County of *Monmouth*;" and the said Commissioners shall and they are hereby empowered and required to meet and to hold the said Court on the Second *Thursday* in every Month (Fast Days and Thanksgiving Days by Proclamation only excepted, and then on the following Day), within the Town of *Merthyr Tidfil*, in some convenient Place there, to be appointed by the major Part of the said Commissioners for that Purpose at any of their Meetings to be holden by virtue of this Act; and the First Meetings of the said Commissioners shall be holden within the said Town of *Merthyr Tidfil* on the Third *Thursday* next after the passing of this Act.

Attornies not to act as Commissioners. II. Provided always, and be it further enacted, That no Person acting or authorized by Law to act as an Attorney or Solicitor in any of His Majesty's Courts of Record at *Westminster*, or in any other Court whatsoever, nor any Victualler or Publican, nor any Person dealing in or selling any Article, Goods, Wares, or Merchandize by Retail, shall act as a Commissioner in the Execution of this Act during the Time that such Person shall act or practise as such Attorney or Solicitor, or shall be such Publican and Victualler or Retail Dealer as aforesaid.

III. And

Commiſſioners to hear Cauſes and give Judgement.

III. And be it further enacted, That the ſaid Commiſſioners or the major Part of them preſent at their Meetings to be duly holden in purſuance of this Act, are hereby authorized and empowered to hear and determine all ſuch Actions and Cauſes as are herein-after mentioned, and to give Judgments, and to award Execution thereupon, with the Coſts, againſt the Body or Bodies, or againſt the Goods or Chattels of all and every the Perſon and Perſons againſt whom they ſhall give any ſuch Judgement, and in caſe of an Equality of Votes on any Action, Cauſe, or Queſtion before the ſaid Commiſſioners, then and in every ſuch Caſe the Commiſſioner preſent who ſtands firſt in the Liſt of Names of the ſaid Commiſſioners, (which Liſt the ſaid Commiſſioners ſhall and they are hereby required to hang or cauſe to be hung up in the Court or Place where the Commiſſioners meet), ſhall have the deciſive or caſting Vote.

Three Commiſſioners ſhall attend to decide on 40s. and Five above 40s.

IV. Provided always, and be it further enacted, That throughout the Hearing and 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 throughout the Hearing and on the Deciſion of each and every Action, Cauſe, or Queſtion for the Recovery of any Sum exceeding Forty Shillings, Five at leaſt of the ſaid Commiſſioners ſhall be preſent in Court; the ſame Three Commiſſioners in the former Caſe, and the ſame Five Commiſſioners in the latter Caſe, to be attending from the Commencement of the Hearing of any Cauſe, Queſtion, or Action, to the Deciſion thereof.

To regulate the Sittings of the Court.

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

For appointing new Commiſſioners.

VI. And be it further enacted, That when any of the ſaid Commiſſioners, or any of the Succeſſors of ſuch Commiſſioners, to be elected in Manner herein mentioned, ſhall die or refuſe to act, or ſhall ceaſe to be qualified in Manner herein directed, to act as a Commiſſioner in the Execution of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving and remaining Commiſſioners acting in the Execution of this Act, or the major Part of them preſent at a Meeting to be holden for that Purpoſe, within the Space of Thirty Days next after ſuch Deceaſe or Refuſal to act ſhall happen or be known, or as ſoon after as conveniently may be, to elect and appoint One other Commiſſioner in the room or ſtead of every ſuch Commiſſioner ſo dying or refuſing to act, or ceaſing to be ſo qualified; and Notice in Writing of the Time and Place of Meeting for every ſuch Election, and for the Purpoſe thereof, ſhall be given by Advertiſement to be inſerted in ſome Newſpaper printed or circulated in

the ſaid ſeveral Counties Fourteen Days at leaſt before ſuch Meeting ſhall be holden; and every Commiſſioner ſo elected ſhall have the like Powers and Authorities for carrying this Act into Execution, and ſhall be ſubject and liable to the ſame Rules, Regulations, and Reſtrictions, as fully and effectually to all Intents and Purpoſes whatſoever, as if he had been particularly named herein as a Commiſſioner.

Commiſſioners to take an Oath.

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

Oath.

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

'So help me GOD.'

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

Qualification of the Commiſſioners.

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

cation 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 Judgements, Orders, Decrees, Acts, and Proceedings of all and every Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, although not duly qualified as aforesaid previous to his or their being convicted of such Offence, shall notwithstanding such Conviction be as good, valid, and effectual, as if such Person or Persons had been duly qualified according to the Directions of this Act.

Appointment of Officers, &c.

IX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, at their said First Meeting, to nominate and appoint One or more fit and proper Person or Persons for each of the several Offices of Clerk and Beadle, and for the other necessary Offices of and in the said Court of Requests; and it shall and may be lawful to and for the Person or Persons appointed to execute the Office of Clerk, immediately after his or their Appointment, and from Time to Time to nominate and appoint a Deputy or Deputies to act in his or their room or stead in case of Sickness, or for other sufficient Cause to be allowed by the said Commissioners, but not otherwise; and every 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 Judgements of the said Court, and to do all such Acts, Matters, and Things as are directed or required to be done by the said Clerk by virtue of this Act.

If a sufficient Number of Commissioners do not attend, Clerk to adjourn the Court.

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

Offices of Clerk, Beadle, and Crier.

XI. And be it further enacted, That the Clerks and Beadles of the said Court shall do and perform in their respective Offices as they shall be directed or required by the said Commissioners, and the said Beadles of the said Court shall serve all Summonses, and execute such Orders, Warrants, and Precepts, and do and perform all such other Acts, Matters, and Things as may be required to be done by them respectively by virtue of this Act.

Officers may be displaced for Misbehaviour.

XII. And be it further enacted, That if any such Clerk or Deputy, Serjeant, Crier or other Officer, shall be guilty of any Misbehaviour either by Neglect or Breach of Duty, or in taking greater Fees than are by this Act allowed to be taken, or otherwise, in the Discharge of their respective Offices, upon Complaint and due Proof thereof made upon Oath in open Court, the said Commissioners then sitting shall and they are hereby directed and required to inquire into the Nature of the said Complaint, and if it shall appear to be well founded, then such Com-

missioners or the major Part of them so sitting in Court as aforesaid, are hereby directed and required to cause the whole Number of Commissioners of the said Court residing within the Jurisdiction of the said Court, to be summoned to meet at a convenient Time and Place, which Meeting shall be holden not sooner than Fourteen Days, nor later than Thirty Days after such Summons; and the said Commissioners at such Meeting, or the major Part of them present, shall and may examine and consider the Merits of such Complaint, and if it shall appear to the Commissioners of the said Court, or the major Part of them, that such Clerk or Deputy, Serjeant, Crier or other Officer, hath or have been guilty of such Misbehaviour or Breach of Duty as aforesaid in his or their Office or Offices, then and in every such Case it shall 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 or their Office or Offices.

Appointment of new Officers, in case of Death or Resignation.

XIII. And be it further enacted, That it shall and may be lawful to and for the major Part of the Commissioners who shall be sitting and acting in Court on the next Court Day after the Death, Resignation, or Removal of any Clerk, Beadle, or other Officer nominated or appointed by virtue of this Act, or as soon after as the same shall be known, to cause the whole Number of Commissioners for the Time being to be summoned by Advertisement, to be inserted in some Newspaper printed or circulated in the said Counties, to meet at some convenient Place to be appointed for that Purpose within Twenty Days next after their being summoned as aforesaid; and the Commissioners at such Meeting, or the major Part of them present, are hereby authorized and required to elect another Person or Persons in the room or stead of every such Clerk, Beadle, or other Officer so dying, resigning, or being removed as aforesaid, for the Uses and Purposes in this Act contained, and so from Time to Time when and as often as any Clerk, Beadle, or other Officer shall die, resign, or be removed from their respective Offices.

Commissioners to enter their Proceedings in a Book.

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

What Debts shall be decided by the said Commissioners.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered and enabled to decide and determine all Disputes and Differences between Party and Party for any Sum not exceeding Five Pounds in all Actions or Causes of Debt.

XVI. Provided

XVI. 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 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 on Demand originally exceeding Five Pounds, or to judge, determine, or decide on any Debt that ſhall ariſe by reaſon of the Occupation of Lands, Tenements, or Hereditaments ſituate elſewhere than within the Juriſdiction of the ſaid Court of Requeſts, 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 Tythes.

Commiſſioners not to determine any Cauſe where the Title to Land is to be brought in Queſtion.

XVII. And whereas by an Act made 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*, it is 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 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 by one other Act made in the Thirty-firſt Year of the Reign of His ſaid late Majeſty, intituled *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*,' it is enacted, That all and every Clauſe, Matter, and Thing in the ſaid recited Act contained, ſhall be deemed and conſtrued to extend to all Servants employed in Huſbandry, though hired for a leſs Time than One Year; provided therefore, 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 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 made; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

This Act not to alter the Powers of 20 and 31 G. 2.

XVIII. And be it further enacted, That if any Commiſſioner or Commiſſioners of the ſaid Court for the Time being, ſhall be Party or Parties to, or concerned or intereſted in any Cauſe, Action, or Matter depending in the ſaid Court, no ſuch Commiſſioner or Commiſſioners ſhall be capable of acting as a Commiſſioner or Commiſſioners on the hearing

Commiſſioners not to act where intereſted.

or determining of such Cause, Action or Matter, or in making any Order, Decree or Judgement therein, but such Commissioner or Commissioners, after being heard in such Cause, Action or Matter, shall withdraw until the same is finally determined; and if the Clerk or his Deputy, or other Officer of the said Court for the Time being, shall be a Party to or interested in any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy, or other Officer shall not exercise his said Office in such Cause, Action or Matter, or in any Thing relating thereto, but the said Commissioners forming the said Court shall and may appoint another Person to exercise the Office of such Clerk or Deputy, or other Officer respectively, in all Things relating to such Cause, Action or Matter.

Commissioners may make such Order between the Parties as they shall think fit.

XIX. And be it further enacted, That from and after the First Meeting of the said Commissioners, it shall and may be lawful to and for any Person or Persons, (whether such Person or Persons shall reside within the Jurisdiction of the said Court or not), having any Debt or Debts (save and except as herein excepted) not exceeding the Value of Five Pounds due or owing or belonging to him, her, or them, in his, her, or their own Right, or in the Right of any other Person or Persons, or as Executor, Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due and owing to him as Mayor, Chamberlain, Town Clerk, or other Officer, to any Body Corporate, or to any Club or Friendly Society duly associated and constituted by the Statutes in that Case made and provided, or in any other Manner whatsoever, which the said Commissioners are by this Act enabled to judge and determine, and not expressly prohibited by this Act, by or from any other Person or Persons whomsoever inhabiting, residing, or being within the Jurisdiction of the said Court of Requests, or keeping and using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall or Stand, or generally using and frequenting the Markets there as a Dealer, or seeking a Livelihood, to apply to the Clerk of the said Court for the Time being or his Deputy, who shall immediately make out and deliver to the Beadle of the said Court for the Time being a Summons in Writing, under the Hand of the said Clerk, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, and stating the Particulars of such Demand or Cause of Action, together with the Name of the Party demanding the same, and requiring him, her, or them to appear at a certain Time and Place to be mentioned in such Summons, (such Time not being earlier than Three Days after the serving of such Summons,) before the Commissioners of the said Court to answer such Demands; and such Beadle or such Plaintiff shall forthwith serve or cause such Summons to be served on such Debtor or Debtors either personally or by leaving the same with his, her, or their Servant, or other Person belonging to him, her, or them, or at the Dwelling House, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing of such Debtor or Debtors, being within the Jurisdiction of the said Court; and upon due Proof made of such Summons having been duly served in Manner aforesaid, the said Commissioners present in Court (such Number present not being less than by this Act directed) are hereby empowered and required to make due Enquiry concerning such Demands or Plaints, and make such Orders therein, and pass such Sentence or Judgement thereupon, and award such reasonable Costs of Suit as to them shall seem right and proper, consistent with the Rules and Regulations in this Act contained;

contained; and for the better Diſcovery of the Truth, and more ſolemn Determination of the Matters and Cauſes which ſhall be depending in the ſaid Court, it ſhall and may be lawful to and for the ſaid Commiſſioners preſent in the ſaid Court to adminiſter an Oath or Oaths, or Affirmation or Affirmations to any Officer of the ſaid Court, or to either of the ſaid Parties whom they the ſaid Commiſſioners ſhall think proper to examine touching the Matters then in Queſtion, and alſo to ſuch Witneſs or Witneſſes as ſhall be produced by each Party, and alſo to any other Perſon or Perſons whoſe Evidence ſhall ſeem neceſſary towards hearing and determining any of the ſaid Cauſes or Actions, or making an Order or Decree therein, or for any other Purpoſe requiſite to the Execution of this Act.

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

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

If Debtor does not appear, Commiſſioners may proceed.

XXI. And be it further enacted, That if any Debtor or Debtors who ſhall have been duly ſummoned as aforeſaid, ſhall not appear either in Perſon or by his, her, or their Agent, or ſome other Perſon on his, her, or their Behalf, before the ſaid Court at the Time and Place mentioned in the ſaid Summons, (ſuch Time not being earlier than Seven Days after the ſerving of ſuch Summons), then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners aſſembled in the ſaid Court, after Proof made upon Oath of the Service of the ſaid Summons in Manner aforeſaid, to hear the Cauſe on the Part of the Plaintiff or Plaintiffs only, and to make ſuch Order, Decree, or Judgement therein as to them ſhall ſeem juſt and equitable, and to appoint ſome certain Time and Place, according to their Diſcretion, for ſuch Debtor or Debtors to ſhew Cauſe before the ſaid Commiſſioners againſt ſuch Order, Decree, or Judgement ſo pronounced *ex parte* as aforeſaid; at which Time and Place or at any ſubſequent Court or Courts it ſhall and may be lawful to and for the ſaid Commiſſioners, whether ſuch Debtor or Debtors ſhall then appear and ſhew Cauſe or not, upon Proof upon Oath made that a Copy of ſuch Order, Decree, or Judgement had been given to ſuch Debtor or Debtors, or left with his, her, or their Servant or other Perſon belonging to him, her, or them, or at the Dwelling-houſe, Warehouſe, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working of ſuch Debtor or Debtors, being within the Juriſdiction of the ſaid Court, (Seven Days at the leaſt before the final Order, Decree, or Judgement ſhall be made or pronounced), to

make and pronounce such final Order, Judgement, or Decree therein, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

Clerk of the Court not to issue out Summons until the Plaintiff shall deposit a certain Sum of Money to prosecute the Suit.

XXII. And be it further enacted, That the Clerk of the said Court shall not issue any Summons, 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 Five Shillings; and for every Debt exceeding Twenty Shillings and not exceeding Forty Shillings, the Sum of Seven Shillings and Sixpence; and for every Debt exceeding Forty Shillings and not exceeding Sixty Shillings, the Sum of Ten Shillings; and for every Debt exceeding Sixty Shillings, the Sum of Twelve Shillings and Sixpence; 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 or Plaintiffs shall not appear either in Person or by his, her or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demand to the Satisfaction of the said Court, but shall become nonsuited, or Judgement shall be pronounced against him, her, or them by the said Court, then and in every such Case it shall and may be lawful to and for the said Commissioners present in Court, and they are hereby required to award to the Defendant or Defendants a Part or the Whole of such Deposit Money by way of Costs and Satisfaction for his, her, or their Trouble and Attendance, together with such further Sum as they the said Commissioners in their Discretion shall think fit; and to order and compel the Plaintiff or Plaintiffs to pay such further Sum by such Ways and Means as any Debt or Debts ordered or decreed by the said Court can or may be recovered; and if there shall be any Overplus remaining in the Hands of the said Clerk after the Sum or Sums awarded to the Defendant or Defendants shall have been paid, or if the Plaintiff or Plaintiffs shall on the Return Day of any such Summons appear and make Proof of his, her, or their Demands to the Satisfaction of the said Court, then and in every such Case such Overplus, or Sum or Sums of Money so deposited with the said Clerk as aforesaid, shall be by the said Clerk returned and repaid into the Hands of such Plaintiff or Plaintiffs accordingly.

Punishing Witnesses not attending, if summoned.

XXIII. And be it further enacted, That in case any Person or Persons residing or being within the Jurisdiction of the said Court, after having been duly served with a Subpœna or Summons, to be issued by the Clerk or Clerks of the said Court of Requests, or his or their Deputy, and paid or tendered his, her, or their reasonable Expences to attend and give his, her, or their Evidence at a Time and Place in such Subpœna or Summons mentioned on Behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Summons, due Proof being made of the Service of such Subpœna or Summons, and no sufficient Cause for his, her, or their Absence or Non-appearance being shewn to the Satisfaction of the said Court on Oath, or in case of being a Quaker or Quakers, solemn Affirmation being made (which Oath or Affirmation the said Commissioners or any Three or more of them are hereby authorized and required to administer) before the said Commissioners, by the Party or Parties at whose Instance and on whose Behalf such Subpœna or Summons issued, that the Person or Persons served therewith was or were a Witness,

by such Party or Parties judged necessary for the Proof of his, her, or their Cause or Causes, Action or Actions, Complaint or Complaints, Defence or Defences; or if the Person or Persons so served with such Subpœna or Summons shall appear and refuse to be sworn, or being a Quaker or Quakers to make Affirmation (which Oath or Affirmation the said Commissioners or any Three or more of them are hereby authorized and required to administer), or to give Evidence touching the Matter in Question, then and in every such Case it shall and may be lawful to and for the said Commissioners to impose any Fine not exceeding Five Pounds on every such Person or Persons; and in case such Fine shall not be paid forthwith, such Fine shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hands and Seals of the said Commissioners, rendering the Overplus (if any) after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and such Fine, when so paid, levied, or recovered, shall be paid over to the Party or Parties at whose Instance or on whose Behalf such Subpœna or Summons shall have been issued; and in case sufficient Distress shall not be found, it shall and may be lawful to and for any Three or more of the said Commissioners, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol of the County in which such Person shall reside, there to remain for any Time not exceeding the Space of Two Calendar Months.

Debts due to Persons under Age may be recovered.

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

Commissioners may award Execution against the Body or Goods, &c.

XXV. And be it further enacted, That in any Cause, Action, or Case where the said Commissioners shall have made an Order for the Payment of Money, it shall and may be lawful to and for the said Commissioners present in Court to award Execution either against the Body or Goods of the Party against whom such Order shall be made, and thereupon it shall and may be lawful to and for the Clerk of the said Court, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal by way of *Capias ad Satisfaciendum*, or *Fieri Facias*, to one of the Beadles of the said Court, who by virtue of such Precept issued upon Execution awarded against the Body of such Party, shall and may and is hereby empowered to take such Party, being within the Jurisdiction of the said Court, and carry him, her, or them, to the Common Gaol within the County where such Person shall reside, there to remain for the Space of Time herein in that Behalf particularly directed, save and except he, she, or they shall perform

and

and obey such Order, Decree, or Judgement before the Expiration of such Order; and in case any such Precept shall be issued upon Execution against the Goods and Chattels of such Party, such Beadle shall and may and he is hereby empowered to levy by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such Sum or Sums of Money and Costs as shall be so ordered or adjudged; and if the Party against whose Body or Goods any such Execution shall be awarded, and Process thereupon issue, shall, by absconding or by secreting or removing his, her, or their Goods or Chattels, or by any other Means prevent or evade the Service or Effect of any such Execution, then and in every such Case it shall and may be lawful to and for the said Commissioners present in the said Court, upon due Proof thereof made before them by the Oath or Oaths of One or more credible Witness or Witnesses, at their Discretion to award further Execution either against the Body or Goods and Chattels of such Party, and Process shall issue thereupon, and be served by One of the Beadles of the said Court in Manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied; and it shall and may be lawful to and for the said Commissioners from Time to Time, (in case they shall think fit, for the Ease and Convenience of the Defendant or Defendants,) and they are hereby authorized and empowered to order, decree, or adjudge any Debt or Debts due to the Plaintiff or Plaintiffs to be paid by several Payments or Instalments, and under such Terms and Conditions as may appear reasonable and just to them the said Commissioners for the Ease of the Defendant or Defendants, and the Security of the Plaintiff or Plaintiffs; and it shall and may be lawful to and for the said Commissioners present in Court, in case any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, or directed shall afterwards be made, and they are hereby authorized and empowered, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure, to award Execution against the said Defendant or Defendants, or against any other Person or Persons who may have given Security to the said Plaintiff or Plaintiffs under the Directions of the said Commissioners for the Payment of such Instalments in Manner aforesaid, for the whole Debt, or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable; and such Debt, or such Part thereof, 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.

Allowance to be made to Prisoners.

XXVI. And be it further enacted, That the said Commissioners shall be and they are hereby empowered in their Order of Commitment of any Person or Persons to the said Common Gaol for the Nonpayment of any Debt or Debts, to order and direct such daily Sum or Sums to be paid weekly or otherwise by the Plaintiff or Plaintiffs to the Defendant or Defendants so committed, for his, her, or their Maintenance while in Prison, as they the said Commissioners in their Discretion shall think proper, so as such daily Allowance shall not exceed Three-pence to each Person; and in Default of Payment of the Sum or Sums so ordered to be paid for the Space of Three Days, the Keeper or Keepers of the same Gaol is and are hereby directed to discharge such Person or Persons from his, her, or their Custody, in such and the same Manner as if the Debt and Costs for which such Person or Persons was or were committed had been

been fully paid and satisfied: Provided nevertheless, that it shall and may be lawful to and for the Plaintiff or Plaintiffs to pay to the Gaoler or Gaolers the Sum so ordered by the Commissioners for the whole Number of Days expressed in the Order of Commitment, at the Time of the Defendant or Defendants being delivered into the Custody of the Gaoler or Gaolers, and such Gaoler or Gaolers is and are hereby directed to pay thereout the daily Allowance so ordered every Day to such Defendant or Defendants during his, her, or their Confinement; and in case such Defendant or Defendants shall be legally discharged from such Confinement before the Expiration of the Time of Commitment, that then and in such Case the said Gaoler or Gaolers shall upon such Discharge forthwith repay to the Plaintiff or Plaintiffs the proportionate Residue of such Sum, according to the Number of Days which shall be unexpired of the Time for which such Defendant or Defendants was or were originally committed.

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

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

Clerk to indorse Debt and Costs on the Precept, and if paid to him before Sale, Execution to be superseded.

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

Penalty on Keeper of Prison neglecting his Duty.

XXIX. And be it further enacted, That the Keeper or Keepers for the Time being of the Common Gaol of the said County of *Glamorgan*, *Brecon*, or *Monmouth* (as the Case may be) shall and he and they is and are hereby required to receive and take into his or their Custody respectively all and every Person or Persons who shall be committed or ordered to stand committed under or by virtue of this Act; and in case the Keeper or Keepers of such Gaol or Prison shall neglect or refuse to receive and take into his or their Custody any Person or Persons so committed, or shall before the Expiration of the Time for which any Person or Persons shall be committed to his or their Custody, discharge such Person or Persons out of his or their Custody, and wilfully suffer such Person or Persons to go at large without a Warrant or Order for that Purpose in Writing signed in Court by the said Commissioners or any Three or more of them, such

Keeper and Keepers reſpectively ſo offending in either of the ſaid Caſes, and being thereof convicted before any One or more of His Majeſty's Juſtices of the Peace for the County of *Glamorgan*, *Brecon*, or *Monmouth*, within their reſpective Juriſdictions, upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby authorized and required to adminiſter), or upon his or their own Confeſſion, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Pounds, at the Diſcretion of the ſaid Juſtice or Juſtices; and in caſe ſuch Sum ſhall not be immediately paid by the Perſon or Perſons ſo offending into the Hands of the ſaid Juſtice or Juſtices, before whom ſuch Offender or Offenders ſhall be convicted, then and in every ſuch Caſe ſuch Sum ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, rendering the Overplus (if any) upon Demand to ſuch Offender or Offenders, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale; and ſuch Forfeiture, when ſo paid, levied, or recovered, ſhall be diſtributed in like Manner as the ſeveral other Fines and Penalties are by this Act directed to be diſtributed; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for ſuch Counties reſpectively, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty and Forfeiture, and all Coſts and Charges attending ſuch Conviction, be ſooner paid and diſcharged.

No Privilege to be allowed Attornies.

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

No Attorney, Solicitor, or Scrivener, or Practiſer of the Law, to be an Advocate in this Court.

XXXI. And be it further enacted, That no ſuch Attorney, Solicitor, Scrivener, or any Perſon practiſing the Law, ſhall be permitted to appear in the ſaid Court of Requeſts as an Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant, or any other Perſon, to ſpeak before the ſaid Court in any Cauſe, Action, or Matter in which ſuch Attorney, Solicitor, or Scrivener is not himſelf a Party or Witneſs; and in caſe any Attorney, Solicitor, or Scrivener ſhall appear in the ſaid Court of Requeſts as an Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant, or ſpeak before the ſaid Court in any Cauſe, Action, or Matter in which ſuch Attorney, Solicitor, or Scrivener is not himſelf a Party or Witneſs, then and in every ſuch Caſe ſuch Attorney, Solicitor, or Scrivener ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Fifty Pounds, on being convicted thereof before any One or more of His Majeſty's Juſtices of the Peace for the Counties aforeſaid, upon Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice and Juſtices is and are hereby authorized and required to adminiſter), or on his own Confeſſion; and in caſe ſuch Sum of Money

ſhall

ſhall not be paid forthwith by the Perſon or Perſons ſo offending into the Hands of the ſaid Juſtice or Juſtices before whom ſuch Offender ſhall be convicted, then and in every ſuch Caſe ſuch Sum of Money ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, rendering the Overplus (if any) to ſuch Offender, after deducting ſuch Fine or Forfeiture, and the Coſts and Charges of ſuch Diſtreſs and Sale; and ſuch Fine or Forfeiture, when ſo paid and levied or recovered, ſhall be diſtributed in like Manner as the ſeveral other Fines and Penalties are by this Act directed to be diſtributed.

Fees to be taken.

XXXII. And be it further enacted, That the ſeveral Fees herein-after limited and expreſſed, and no other, ſhall be taken by the Clerks and Beadles for their ſeveral and reſpective Services in the Execution of this Act, for the Recovery of all Sums not exceeding Five Pounds, according to the Amount of the Sum recovered; (that is to ſay):

	Debt not exceeding 20*s.*		Debt not exceeding 40*s.*		Debt not exceeding 5*l.*	
To the **CLERK.**	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
Entering every Caſe	0	3	1	0	1	6
Iſſuing every Summons	0	3	0	6	1	0
For calling the Plaintiff and Defendant before the Court, and entering Appearance	0	3	0	3	0	6
For every Hearing	0	6	1	0	1	6
Entering and drawing up the Order	0	6	0	9	1	6
Paying Money into Court in full, and entering the ſame in his Book	0	6	0	9	1	6
Paying Money by Inſtalments	0	6	0	9	1	0
Iſſuing Subpœna	0	6	1	0	1	6
Iſſuing every Attachment, Precept, Order or Execution	1	0	1	6	2	6
Acknowledging Satisfaction in part or in full	0	6	0	6	1	0
For every Nonſuit	0	6	1	0	2	0
Every Search in the Book	0	3	0	3	0	6
For ſwearing every Witneſs	0	3	0	4	0	6
To the **BEADLE.**						
For calling every Cauſe	0	2	0	2	0	3
For calling every Plaintiff or Defendant	0	2	0	2	0	3
For every Hearing	0	2	0	3	0	4
For every Nonſuit	0	3	0	4	0	6
Serving every Summons, Order or Subpœna in the Town of *Merthyr Tidfil*	0	3	0	6	0	9
If out of the Town of *Merthyr Tidfil*, for every Mile extra	0	3	0	3	0	4
Execution of every Warrant, Precept, or Attachment againſt the Goods or Body	0	6	1	0	2	0
If out of the Town of *Merthyr Tidfil*, for every Mile extra	0	3	0	3	0	4

A Table of ſuch Fees to be hung up in the Court.

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

XXXIII. And

Limiting the Time of Imprisoning Debtors, &c.

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

Any Debtor concealing Money or Goods, the Time of his Imprisonment to be enlarged.

XXXIV. And, in order more effectually to prevent Persons summoned for Debt to the said Court from fraudulently concealing their Money, Goods, or Effects, be it further enacted, That in case upon the Summons of any Person for any Debt or Debts before the said Court, Information of any such fraudulent Concealment shall be given, such Court shall have Power to hear Evidence as to the Fact; and in case it shall be proved to their Satisfaction, upon the Oath of One or more credible Witness or Witnesses, which Oath the said Court is hereby empowered to administer, then and in every such Case it shall and may be lawful to and for the said Court to enlarge the aforesaid Time of Imprisonment of such Debtor to any Period in addition thereto not exceeding Three Calendar Months.

The Time of Imprisonment shall be separately and successively for each Execution.

XXXV. And be it further enacted, That all and every Person and Persons who shall be taken in Execution under or by virtue of any Process issuing from or out of the said Court of Requests, and who at the Time of his, her, or their being taken into Custody, or during his, her, or their Imprisonment, shall have more than One Execution against him, her, or them in the said Court, shall be imprisoned the Time by this Act limited for and in respect of such Execution, and after the Time so limited in the First Execution is expired, the Imprisonment on the Second Execution shall commence, and after the Time so limited on the Second Execution is expired, the Imprisonment on the Third Execution shall commence, and so on until he, she, or they shall have been imprisoned the Time by this Act limited for and in respect of each separate Execution to be issued against him, her, or them in the said Court, previous to his, her, or their being taken into Custody, or during his, her, or their Imprisonment; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Debtor not liable to pay Gaol Fees, &c.

XXXVI. And be it further enacted, That each and every Person imprisoned by virtue of this Act shall, on the Expiration of his or her Time of Impri-

Impriſonment, be diſcharged and ſet at Liberty, without paying any Sum or Sums of Money, Fee or Fees, or other Reward or Gratuity whatſoever to the Keeper or Keepers, Turnkey or Turnkeys of the Priſon to which he or ſhe ſhall have been committed, or others, by way of Gaol Fees or Diſcharge Fees, or on any Pretence whatſoever; and if any Keeper or Keepers, Turnkey or Turnkeys of ſuch Priſon, or any Perſon who mſoever ſhall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatſoever, upon the Diſcharge of any ſuch Perſon or Perſons ſo committed to his or their Charge or Cuſtody as aforeſaid, or ſhall keep or detain any ſuch Perſon or Perſons a Priſoner or Priſoners after the Time by this Act limited for his, her or their Impriſonment, every ſuch Keeper, Turnkey, and other Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds; and it ſhall and may be lawful to and for any Two Juſtices of the Peace for the ſaid County to hear and determine every ſuch Offence; and ſuch Two Juſtices are hereby authorized and required upon any Information exhibited, or Complaint made before them of ſuch Offence having been committed, (in caſe ſuch Information ſhall be exhibited or Complaint made within Three Calendar Months after the Offence committed), to ſummon the Party accuſed, and alſo the Witneſſes on each Side, and to examine into the Matter of Fact, and upon due Proof made thereof by the Oath of One or more credible Witneſs or Witneſſes, or by the voluntary Confeſſion of the Party accuſed, to give Judgement or Sentence for ſuch Penalty or Forfeiture aforeſaid, and in caſe ſuch Penalty and Forfeiture ſhall not be forthwith paid, to iſſue a Warrant under their Hands and Seals for levying ſuch Penalty and Forfeiture by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus (if any) after deducting ſuch Penalty and Forfeiture, and the Coſts and Charges of ſuch Diſtreſs and Sale, to the Owner or Owners thereof; and in caſe ſufficient Diſtreſs ſhall not be found it ſhall and may be lawful to and for ſuch Juſtices to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for the County in which ſuch Offender or Offenders ſhall reſide, there to remain for any Time not exceeding Three Calendar Months, unleſs ſuch Penalty and Forfeiture, and all Coſts and Charges attending ſuch Conviction, be ſooner paid and diſcharged; and one Moiety of ſuch Penalty or Forfeiture when paid or received, ſhall be paid to the Perſon or Perſons informing or ſuing for the ſame, and the other Moiety thereof to the Clerk of the ſaid Commiſſioners; and ſuch Moiety ſo paid to the ſaid Clerk, ſhall be by the ſaid Commiſſioners diſtributed amongſt the Poor of the ſeveral Pariſhes and Places within the Juriſdiction of the ſaid Court, in ſuch Shares and Proportions as to the ſaid Commiſſioners ſhall ſeem right and proper.

Juſtices may determine ſuch Offence.

XXXVII. And be it further enacted, That if any Beadle or other Officer or Officers of the ſaid Court employed to ſerve any Execution, ſhall, by wilful Neglect, Omiſſion, or Connivance, cauſe or ſuffer the Party againſt whom ſuch Execution ſhall be awarded to eſcape or abſcond, or the Goods of ſuch Party to be carried away or ſecreted, ſo that ſuch Execution ſhall not have its due Effect, it ſhall and may be lawful to and for the ſaid Commiſſioners, upon Complaint and due Proof thereof made upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, to order ſuch Beadle or other Officer to pay the Sum or Sums of Money for which ſuch Execution was awarded to the Parties complaining, and to enforce

Certain Officers of the Court neglecting their Duty to pay the Coſts, &c.

the Payment thereof by the ſame Ways and Means as are herein provided for the Recovery of his, her, or their Debt or Debts; and it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby enabled to impoſe any Fine not exceeding Ten Pounds for every ſuch Offence on ſuch Beadle or Beadles, Officer or Officers; and ſuch Fine if not forthwith paid ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Commiſſioners, rendering the Overplus (if any) after deducting ſuch Fine, and the Coſts and Charges of ſuch Diſtreſs and Sale, to the Owner or Owners of ſuch Goods and Chattels; and ſuch Fine, when ſo levied and recovered, ſhall be paid to and diſtributed by the ſaid Commiſſioners in ſuch Shares and Proportions, and in ſuch Manner amongſt the Poor of the ſeveral Pariſhes and Places within the Juriſdiction of the ſaid Court, as they the ſaid Commiſſioners may think fit and proper.

Officers taking any Fee beſides the Fee allowed by the Act, to loſe their Situations, and pay a Fine.

XXXVIII. And be it further enacted, That if any Clerk, Beadle or any other Officer or Servant employed by the ſaid Commiſſioners in putting this Act or any of the Powers thereof in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than and 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 under or by virtue thereof, or on any Account whatſoever relative to putting this Act into Execution, every ſuch Perſon ſo offending ſhall upon Conviction thereof before the ſaid Commiſſioners at any of their Meetings, or upon Verdict or Judgement being had againſt him in ſuch Action as next herein-after mentioned, be for ever incapable of ſerving or being employed under this Act in any Office of Profit or Emolument, and ſhall over and above forfeit and pay the Sum of Ten Pounds to any Perſon or Perſons who ſhall ſue for the ſame by Action of Debt, Bill, Plaint or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, within Six Calendar Months after the Offence committed, in which Suit no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Clerk or Beadle not performing his Duty may be removed.

XXXIX. And be it further enacted, That if any Clerk or Beadle of the ſaid Court ſhall neglect to iſſue or ſerve any Summons in the due or proper Time for ſerving the ſame, or ſhall be guilty of any Neglect or Miſbehaviour, or otherwiſe miſconduct himſelf in the Execution of his Office, then and in every ſuch Caſe, upon Complaint made, it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby empowered, in open Court, to hear and enquire into the Matter of ſuch Neglect, Miſbehaviour, or Miſconduct, by the Oath or Oaths of One or more credible Witneſs or Witneſſes; and in caſe it ſhall appear to the ſaid Commiſſioners on ſuch Hearing and Enquiry, that ſuch Clerk or Beadle has been guilty of ſuch Neglect, Miſbehaviour, or Miſconduct, it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby empowered to ſuſpend or remove the ſaid Clerk or Beadle ſo offending from his ſaid Office, and nominate or appoint ſome other fit and able Perſon to execute the ſaid Office in the place or ſtead of the Officer ſo removed.

Puniſhing Perſons guilty of Perjury.

XL. And be it further enacted, That if any Perſon or Perſons, upon his, her, or their Examination on Oath or Affirmation before the ſaid Commiſſioners in any Action, Cauſe, or Matter depending in the ſaid Court

Court of Requeſts, or before any Juſtice or Juſtices of the Peace acting in Execution of this Act, ſhall wilfully and corruptly give falſe Evidence, or ſhall wilfully and corruptly ſwear 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 and effect, Perſons guilty of wilful or corrupt Perjury are ſubject and liable to.

For preventing Inſults being offered to the Court.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall contemptuouſly and wilfully inſult or abuſe all or any of the ſaid Commiſſioners, or any of the Officers of the ſaid Court for the Time being, during his or their Sitting or Attendance in the ſaid Court, or ſhall interrupt or obſtruct the Proceedings of the ſaid Court, then and in every ſuch Caſe it ſhall and may be lawful to and for the Beadle or Beadles of the ſaid Court, with or without the Aſſiſtance of any other Perſon or Perſons, by Order of the ſaid Commiſſioners, to take ſuch Offender or Offenders into Cuſtody; and the ſaid Commiſſioners ſhall then examine into ſuch Inſult, Abuſe, or Miſbehaviour, either from their own View or Knowledge of what paſſed, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes, and upon ſuch Inſult, Abuſe, or Miſbehaviour being duly proved as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby authorized and empowered to impoſe a Fine not exceeding Ten Pounds for each and every ſuch Offence on each and every ſuch Offender or Offenders; and in caſe ſuch Fine ſhall not be forthwith paid, the ſame ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders by Warrant under the Hands and Seals of any Three or more of the ſaid Commiſſioners, rendering the Overplus (if any), after deducting ſuch Fine and the Coſts and Charges of ſuch Diſtreſs and Sale, to the Owner or Owners of ſuch Goods and Chattels; and the ſaid Fine, when ſo paid, levied, or recovered, ſhall be paid to and diſtributed by the Commiſſioners in ſuch Shares and Proportions, and in ſuch Manner amongſt the Poor of the ſeveral Pariſhes and Places within the Juriſdiction of the ſaid Court as they the ſaid Commiſſioners ſhall think fit and proper; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall and may be lawful for any Three or more of the ſaid Commiſſioners to commit ſuch Offender or Offenders to the Common Gaol for the County or Place wherein the Offence ſhall ariſe, for any Time not exceeding the Space of One Calendar Month.

This Act not to prevent Diſtreſs for Rent, &c.

XLII. Provided always, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to prevent or reſtrain any Perſon from diſtraining for any Rent or Arrears thereof, although the ſame ſhall not exceed the Sum of Five Pounds.

Statute of Limitations may be pleaded.

XLIII. And, for removing all Doubts whether the Statute of Limitations may be pleaded in the ſaid Court of Requeſts, be it further enacted, That all Defendants in the ſaid Court ſhall be allowed to plead or claim the Benefit of any Statute of Limitations in force and effect, and every Defendant ſo pleading or claiming ſhall have and receive ſuch and the like Advantage and Relief thereby as ſuch Defendant would have been entitled to in caſe this Act had not been made, and

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

Recovery and Application of Penalties.

XLIV. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the ſaid Commiſſioners, (which Warrant ſuch Commiſſioners are hereby empowered to grant) upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath, and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels, after deducting ſuch Fines and Penalties, and the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures, when recovered (if not herein-before directed to be otherwiſe applied) ſhall be paid to the Clerk to the ſaid Commiſſioners, and ſhall be by the ſaid Commiſſioners diſtributed amongſt the Poor of the ſeveral Pariſhes and Places within the Juriſdiction of the ſaid Court of Requeſts, in ſuch Shares and Proportions, and in ſuch Manner as the ſaid Commiſſioners or any Three or more of them ſhall think right and proper; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby authorized and required, by Warrant under their Hands and Seals, to cauſe the Offender or Offenders to be committed to the Common Gaol for the County or Place where the Offence ſhall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

Preſcribing the Form of Conviction.

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

Form of Conviction.

'BE it remembered, That on this Day of in the
'Year of the Reign of *A. B.*
'is convicted before of His Majeſty's Juſtices of the Peace for
'[*or*, before of the Commiſſioners
'for the Recovery of Small Debts in the County of] of having
'[*as the Offence ſhall be*]; and I [*or*, We] the ſaid do ad-
'judge him [her, *or* them] to forfeit and pay for the ſame the Sum of
' ſuch Offence being contrary to the Proviſions of an
'Act made in the Forty-ninth Year of the Reign of King *George* the
'Third, intituled, [*here inſert the Title of this Act*]. Given under my
'Hand and Seal [*or*, our Hands and Seals] the Day and Year
'aforeſaid.'

Diſtreſs not unlawful for Want of Form.

XLVI. 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

the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for Want of Form.

XLVII. And be it further enacted, That no Order, Verdict, Aſſeſſment, or Judgement, or other Proceeding 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.

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

XLVIII. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Forty-two 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 the Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgement ſhall be made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitations of Actions.

XLIX. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act after Three Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought to Trial in the County where the Cauſe of Complaint ſhall have ariſen and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Forty-two Days Notice ſhall have been given, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall have Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Saving the Rights of the Court Baron of the Marquis of Bute.

L. Provided always, and be it further enacted, That nothing in this Act ſhall extend or be conſtrued to extend to do away, deſtroy, prejudice, or interfere within the Court Baron of the moſt Honourable *John* Marquis of *Bute* and the Earl of *Dumfries*, now accuſtomed to be held for any of the Manors within the ſaid Pariſhes or any or either of them, or any other Court belonging to the ſaid Manors, or any Rights, Liberties, Privileges, Franchiſes, Uſages, Cuſtoms, Royalties, Suits, Services, Powers, or Authorities enjoyed with or appertaining or belonging to the ſaid ſeveral Manors within the ſaid Pariſhes, or any or either of them.

Saving the Rights of the Court Baron of the Duke of Beaufort.

LI. Provided alſo, and be it further enacted, That nothing in this Act ſhall extend or be conſtrued to extend to do away, deſtroy, prejudice, or interfere with the Court Baron of the moſt Noble *Henry Charles* Duke of *Beaufort*, now accuſtomed to be held for any of the Manors within the ſaid Pariſhes or any or either of them, or any other Court belonging to the ſaid Manors, or any Rights, Liberties, Privileges, Franchiſes, Uſages, Cuſtoms, Royalties, Suits, Services, Powers or Authorities enjoyed with or appertaining or belonging to the ſaid ſeveral Manors within the ſaid Pariſhes, or any or either of them.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1813.