ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

***

Advice and Consent of the said Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Governor of the *Isle of Wight* for the Time being, the Mayor, Recorder, Aldermen, and Chief Burgesses of the Borough of *Newport* in the said *Isle of Wight* for the Time being, the several Justices of the Peace for the County of *Southampton* for the Time being residing in and acting for the said Division of the *Isles of Wight*, the Right Honourable *Henry Seymour* commonly called Lord *Henry Seymour*, Sir *John Barrington* Baronet, the Reverend Sir *Henry Worsley Holmes* Baronet, Sir *William Oglander* Baronet, *Edward Rushforth* Esquire, *Alexander Campbell* Esquire, *Maurice George Bisset* Esquire, *John Delgarno* Esquire, *Fitz-Williams Barrington* Esquire, *Barrington Pope Blackford* Esquire, *George Ward* Esquire, *William Horne* Esquire, *John Popham* Esquire, *Benjamin Jolliffe* Esquire, *James Jolliffe* Esquire, *Barnabas Leigh* Esquire, the Reverend *Henry Worsley* Doctor in Divinity, *John Barrois* Clerk, *James Worsley* Clerk, *Henry Oglander* Clerk, *Noel Digby* Clerk, *Benjamin Holmes* Clerk, *Anthony William Glynn* Clerk, *Peter Geary* Clerk, *James Kirkpatrick*, *John Kirkpatrick*, *Joseph Kirkpatrick*, *Richard Bassett*, *Robert Clarke* of the Parish of *Carisbrook*, *John Ward* of *East Cowes*, *Thomas Auldjo*, *William Cooke* of *Bell Croft*, *Thomas James Haskoll*, *George Forster Wise*, *William Clarke* of *Newport*, Brewer, *James Gill*, *Richard Boquett*, *Thomas Day* of *West Cowes*, *James Day* of *West Cowes*, *Robert Bird Wilkins*, *John Rogers* of *Newport*, *Robert Cole* of *Newport*, *John Young* of *Cosham*, *Edward Orill Cowlam*, *Thomas Lawrence Waterworth*, *John Wavell* of *Newport*, *James White Bassett*, *Robert Bloxham*, *James Barlow*, *John Albin*, *James Bootyman*, *Thomas Pittis*, *Thomas Cooke* of *Newport*, *James Hardley*, *James Dennett* of the Parish of *Carisbrooke*, *William Taylor* of *Newport*, and their Successors to be appointed in manner hereinafter mentioned, be and are hereby appointed Commissioners to hear and finally determine all Causes for the Recovery of Small Debts within the said *Isle of Wight*, and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of "The Court of Requests for the *Isle of Wight*, and several Parishes, Townships, and Places within the same."

Commissioners.

Time of hearing Causes.

Three Commissioners for 40*s.* Five Commissioners for a greater Sum.

How new Commissioners shall be chosen.

And be it further enacted, That the said Commissioners are hereby empowered and required to meet and to hold the said Court on every *Monday* throughout the Year in some convenient Place within the Borough of *Newport* in the said *Isle of Wight* to be appointed by the major Part of the Commissioners for that Purpose assembled; and the first Meeting of the said Commissioners shall be holden on the third *Monday* next after the passing of this said Act; and the said Commissioners or the major Part of them who shall be present, such Number present not being less than Three at their Meetings to be holden in pursuance of this Act, are hereby authorized and empowered to hear and determine all such Actions and Causes as are hereinafter mentioned, and to give such Judgments, and to make such Orders and Decrees therein, and to award Executions thereupon, with the Costs, against the Body or Bodies or against the Goods of all and every the Person and Persons against whom they shall give any such Judgment, or make any Order or Decree, as to them shall seem just in Law or Equity; and in case of any Equality of Votes on any Actions, Causes, or Questions before the said Commissioners, then and in every such Case the Governor of the *Isle of Wight* for the Time being if present, but in his

Absence

Absence the Mayor of *Newport* for the Time being, and in his Absence the Recorder of *Newport* for the Time being, and in his Absence the senior Justice of the Peace for the County of *Southampton* residing in and acting for the Division of the *Isle of Wight*, then actually present, and in the Absence of the Governor of the *Isle of Wight*, the Mayor and Recorder of *Newport* and the said Justices, 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 up or cause to be hung up in the Court House or Place where the Commissioners meet) shall have the decisive or casting Vote.

Commissioners.

Time of hearing Causes.

III. And for better regulating the Sittings of the said Courts, be it further enacted, That the said Commissioners shall not hold the said Court, or hear or determine any Case or Cases, Cause or Causes to be heard or determined by the said Commissioners by virtue of this Act, but between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon; and nothing in this Act contained shall extend or be construed to extend so as to require or compel the Attendance of any Plaintiff or Plaintiffs, Defendant or Defendants, Witness or Witnesses in the said Court, in Pursuance of any Action or Summons 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 Three of the Clock in the Afternoon.

Three Commissioners for 40*s*., Five Commissioners for a greater Sum.

IV. Provided always, and be it enacted, That on the Decision of each and every Action, Cause or Question, for the Recovery of any Sum 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, Five at least of the said Commissioners shall be present in Court.

How new Commissioners shall be chosen.

V. And be it further enacted, That when any of the said Commissioners or their Successors (save and except the said Governor of the *Isle of Wight*, or the Mayor, Recorder, Deputy Recorder, Aldermen and Chief Burgesses of the Boroughs of *Newport* aforesaid, and the said Justices for the County of *Southampton*, residing in and acting for the Division of the *Isle of Wight*,) shall happen to die, or refuse to act, or shall cease or be disqualified 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 who shall be present at a Meeting to be holden for that Purpose within the Space of Twenty-one Days next after such Decease or Refusal to act shall 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 the Meeting for every such Election and for the Purpose thereof shall be given by the Clerk to each of the said Commissioners, or left at their respective last or usual Places of Abode, at least Fourteen Days before the Day appointed for such Election, and such Notice shall also be affixed on the Door of the Governor of the Isle of Wight for the Time being if present, but in his Absence

of the Guildhall in the said Borough of *Newport*, Fourteen Days at least before such Meeting shall be holden; and every such 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.

VI. 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, and save and except the Governor of the *Isle of Wight* for the Time being) until he shall have taken an Oath to the Effect following; (that is to say,)

Commissioner's Oath.

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

Which Oath or Affirmation the said Commissioners, 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 (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 Commissioners.

VII. And be it further enacted, That no Person shall be qualified to act as Commissioner in the Execution of this Act unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and possessed of a Real Estate, of the annual Value of Forty Pounds, or of a Personal Estate of the Value of One thousand Pounds, above all Charges and Incumbrances whatsoever; and if any Person, not being qualified as aforesaid shall presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence (over and above any Punishment that he may be subject 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,

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

Acts of Commissioners good before Conviction.

VIII. 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 First Meeting, to nominate and appoint fit and proper Persons for Clerk, Serjeant, and other necessary Officers of and in the said Court of Requests, and that the said Clerk and Serjeants shall continue in such their respective Offices during their good Behaviour; and the said Commissioners, or any Three or more of them, shall and may at their first or any subsequent Court appoint some proper Person, being an Inhabitant of the said Isle of Wight, to be the Deputy Clerk of the said Court, in order to execute the Office of Clerk at such Times as the Clerk shall by Sickness or otherwise be prevented from attending the said Court; and the said 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 do all such Acts, Matters, and Things as are directed or required to be done by the said Clerk by virtue of this Act, and shall enter and register, or cause to be entered and registered, in proper Books to be provided by the said Clerk and kept for that Purpose, all the Acts and Proceedings of the said Court of what Nature or Kind soever; and the said Clerk and his Deputy shall further do and perform in their respective Offices as they shall be directed or appointed by the said Commissioners; and the said Serjeants of the said Court shall and they are hereby required to serve all such Summonses, and to execute all such Orders, Warrants, and Precepts so to be issued as aforesaid, and to 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.

Appointment of Officers.

IX. 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 herein directed, on any of the Days appointed for holding of the said Court, then and in every such Case it shall and may be lawful to and for any One or more of the said Commissioners who shall be present, and if no Commissioner shall be present then it shall and may be lawful to and for the said Clerk or his Deputy for the Time being to adjourn the said Court to the following *Monday*.

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

X. And be it further enacted, That it shall and may be lawful 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, Crier, Serjeant or Serjeants, or other Officer nominated or appointed by virtue of this Act, or so soon after the same shall be known, to cause the whole Number of Commissioners for the Time being to be summoned to meet at some convenient Place to be appointed for that Purpose within

Appointing new Officers in case of Death, Resignation, &c.

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

and additional ones if wanted.

But the Court may decree in such Action, if the Plaintiff shall be satisfied to receive the Money in full of all Demands in such Action, to be removable for Misconduct.

For summoning the Commissioners to be decided by the Commissioners.

Commissioners not to determine any Cause where the Title of Land is brought in question.

But this not to exclude any other Commissioner from acting.

shall be Calendar Months next after such Death, Resignation, or Removal as aforesaid, and other Summons stating the Purpose for which the Commissioners are to meet shall be served on each Commissioner, left at his usual Place of Residence within the said *Isle of Wight*, Twenty one Days previous to the Day appointed for such Meeting; and such 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, Crier, Serjeant, or other Officer dying, resigning, or being removed as aforesaid, before the Uses and Purposes in this Act contained, and so from Time to Time when and as often as any Clerk, Crier, Serjeant, or other Officer shall die, resign, or be removed from their respective Offices; and if it shall at any Time appear necessary to the said Commissioners assembled at any such General Court, or to the major Part of them, from the Increase of the Business of the said Court, or for any other Reason, that more Serjeants or other inferior Officers of the said Court are wanting, it shall and may be lawful to and for such Commissioners, or the major Part of them, not being less than Five, being assembled at any such General Courts, to appoint any additional Serjeants or other inferior Officers who may appear to the said Commissioners to be wanting on necessary for carrying any of the Purposes of the said Act into execution, and that it shall and may be lawful to and for the said Commissioners, or the major Part of them, not being less than Five, assembled at any such General Courts aforesaid, and having been duly summoned for that Purpose at least Twenty-one Days previous to the Day of Meeting, and the Cause of such Meeting being stated in the Body of the said Summons, from Time to Time at their Will and Pleasure to remove all such Clerks, Deputy Clerks, Criers, Serjeants, and other Officers, or any of them, for Misbehaviour in their respective Offices, or any other sufficient Cause.

XV. And to the Intent that no undue Preference may be made and given in the Appointment of Deputy Clerks, Criers, Serjeants, and other Officers, be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorized and empowered 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, whether such Debt shall arise from any Bond, Bill, or Specialty for Payment of Money only, or any Promissory Note or Inland Bill of Exchange, or for Rent upon Leases, Articles, Minutes, and in all Causes of Assumpsit and Insimul computasset, and in all Causes or Actions of Trover and Conversion, and in all Causes and Returns founded in Quantum meruit, and in all Causes or Actions of Trespass or Detinue for Goods and Chattels taken or detained.

XIV. Provided always, and be it 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 Estate 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, of any Chattels Real whatsoever, shall be brought or come into question, or to judge, determine, or decide any Debt that shall arise by reason of any Cause concerning Testament or Marriage, or anything concerning or properly belonging to the Ecclesiastical Courts.

XVI. But this not to exclude any other Commissioner from acting.

XIII. And

XIII. 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 Recovery of any Debt where the whole Sum that shall appear to be due and owing shall exceed the Sum of Five Pounds, in order that the same may be made the Ground of Two or more Causes or Actions, for the Purpose of bringing such Causes or Actions within the Jurisdiction of the said Court; and in case it shall appear to the said Commissioners that any Plaintiff shall have so split or divided his or her Cause or Action as aforesaid, then and in every such Case the said Commissioners shall and they are hereby required to dismiss, with Costs, every such Cause or Action so split and divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or she may lawfully proceed.

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

XIV. Provided always, That in case any Plaintiff who shall have so split or divided such his or her Cause or Action shall be willing to accept such Sum of Money as the said Court is by this Act enabled to adjudge, decree, and pronounce, in full of the whole of his or her Demand in such Cause or Action so split or divided, then and in every such Case the said Commissioners shall and may adjudge, decree, and pronounce (on such Plaintiff proving his or her Cause or Case to the Satisfaction of the said Commissioners) such Sum to the Plaintiff, not exceeding the Sum of Five Pounds, as to the said Commissioners shall seem just and reasonable; and such Sum shall, in the Judgment or Decree to be pronounced by the said Commissioners, be declared to be and shall be in full Discharge of all Demands from the Defendant to the Plaintiff in such Cause or Case so split or divided.

But the Court may decree in such Action so split, if the Plaintiff shall be satisfied to receive the Money in full of all Demands in such Action.

XV. And to the Intent that no undue Preference may be made and given in summoning the said Commissioners appointed or to be appointed in pursuance of this Act to attend the said Court, be it further enacted, That the Serjeant or Serjeants of the said Court for the Time being, to be nominated and appointed by virtue of this Act, shall and he and they is and are hereby required to summon, in each and every Week, (by Notice in Writing to be left at the respective last or usual Places of Abode of the Commissioners to be so summoned at least Three Days before the Day of Meeting) Ten of the Commissioners to attend the said Court as Commissioners for the Week then next ensuing; and the first Ten Commissioners to be summoned shall be the Ten Commissioners whose Names shall stand first in the List hereby directed to be hung up in the Court or Meeting Place of the said Commissioners, and the next Ten Commissioners to be so summoned shall be the Five Commissioners whose Names shall stand next in such List, and the Five last Commissioners who were summoned to attend the last preceding Court, and so in like Manner Ten Commissioners shall be summoned for each ensuing Week in Order and Rotation until such List shall be gone through, and then such List shall be gone through again.

For summoning the Commissioners to attend.

XVI. Provided always, That nothing herein contained shall extend or be construed to extend so as to exclude any of the said Commissioners for the Time being from sitting in the said Court, although such Commissioners shall not have been summoned, or stand in rotation to be summoned,

But this not to exclude any other Commissioner from acting.

moned; but that each and every such Commissioner, if he shall think fit so to do, shall and may sit and be assistant in determining, giving Judgment, and making Orders and Decrees in the said Court, and shall have the like Powers and Authorities as any Commissioner so summoned as aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

Debtor to be summoned before Commissioners, who may make Orders between Parties as they think fit.

XVII. 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, or the Balance of Account, or otherwise howsoever, 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 Executors or Administrators, Guardian, Assignee, or Trustee to any Person or Persons, or due and owing to him as Chamberlain, Town Clerk, or other Officer to any Body Corporate, or 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 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 whatsoever inhabiting, residing, or being within the said *Isle of Wight*, or any of the Parishes, Townships, or Places within the same, or keeping or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or using or frequenting the Markets there, or seeking a Livelihood, or in any way trading or dealing within the same, to apply to the Clerk of the Court for the Time being, or his Deputy, who shall immediately make out and deliver to one of the Serjeants 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 before the Commissioners of the said Court, to answer such Demand; and such Serjeants 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, trading, working, or lodging of such Debtor or Debtors being within the Jurisdiction of the said Court; and where such Debtor or Debtors shall inhabit or reside, or shall keep or use any House, Warehouse, Wharf, or Shop within the Borough of *Newport* in the said *Isle of Wight*, or within One Mile thereof, then such Summons shall be so served as aforesaid on such Debtor or Debtors Twenty-four Hours at the least previous to the Time appointed by such Summons for such Debtor or Debtors to appear before the said Court; and where such Debtor or Debtors shall inhabit or reside, or shall keep or use any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand within the Jurisdiction of the said Court, but at a greater Distance than One Mile from the Borough of *Newport* aforesaid, then such Summons shall be

served

served on such last-mentioned Debtor or Debtors at least Forty-eight

[illegible]

Enquiry concerning such Demands or Pleas, and Decrees therein, and pass such final Sentence or Judgment thereupon, and award such Costs of Suit as to them shall seem meet; and for the better

[illegible]

Witnesses who shall be produced by any of the said Parties, and also to any other Person or Persons whose Evidence they shall think necessary touching the Matters in question, by such Ways and Means as the said Courts of Equity, or any of them, shall in their Discretion think fit; and may be also assisted in the said Court touching any Matter depending before them by the Opinion of any Officer of the said Courts, to be by them appointed for that Purpose, if they shall think fit so to do.

No Evidence to be given by Plaintiff of Matter not stated in his Summons, nor by Defendant of any Demand on the Plaintiff, unless Notice be given.

If Debtor does not appear, Commissioner may proceed.

If Plaintiff does not appear, Defendant shall have Costs.

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

Commissioners may award Execution against the Body or Goods of Party against whom Judgment may be removed into the superior Court, and Writs of Execution issued to the Sheriff of any County.

XXI. And be it further enacted, That in any Cause, Action, or Case where the said Commissioners shall have made an Order or Decree for the Payment of Money, it shall and may be lawful to and for the said Commissioners present in Court to award Execution either against the Body or Goods of the Party against whom such Order or Decree shall be made, and thereupon it shall and may be lawful to and for the proper Officer 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 Serjeants of the said Court, who, by virtue of such Precept issued upon Execution awarded against the Body of such Party, shall and may and is hereby empowered to take such Party, being within the Jurisdiction of the said Court, and carry him, her, or them to the County Bridewell within the Borough of *Newport* aforesaid there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgment for the Space of Time herein in that Behalf particularly directed; and in case any such Precept shall be issued upon Execution against the Goods and Chattels of such Party, such Serjeant shall and may and he is hereby empowered to levy by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such Sum or Sums of Money and Costs as shall be so ordered, decreed, or adjudged; and if the Party against whose Body or Goods any such Execution shall be awarded, and Process thereupon shall 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, it shall and may be lawful to and for the said Commissioners present in the said Court, upon due Proof thereof made before them by the Oath or Oaths of One or more credible Witness or Witnesses, at their Discretion to award further Execution either against the Body or Goods and Chattels of such Party, and Process shall issue thereupon and be served by one of the Serjeants of the said Court 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 due to the Plaintiff or Plaintiffs to be paid by several Payments or Instalments, and under such Terms and Conditions as may

In case Parties shall abscond, or secrete their Goods.

Clerk to indorse Debt and Costs on the Precept, and if paid before Sale of Execution to

Parties

appear

appearing 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 to and in any such Payments or Instalments so ordered, decreed, adjudged, and directed shall afterwards be made, and they are hereby authorized and empowered, at the Instance of the Plaintiff or Plaintiffs, and upon 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 for the said Plaintiff or Plaintiffs, under the Direction of the said Commissioners, for the Payments of such Payments or Instalments in manner aforesaid for the whole Debt, or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable; and such Debt, or such Part thereof, and such further Costs, shall be recovered by the same Ways and Means as are herein provided for the Recovery of the Debt and Costs first decreed.

Commissioners may award Execution against the Defendant. 10 Geo. 4. c. 50. s. 4. Record of Judgment may be removed into the superior Court, and Writs of Execution issued to the Sheriff of any County.

XXII. And whereas it may happen that Persons served with Process issuing out of the said Court of Requests may, in order to avoid Execution, remove their Persons and Effects beyond the Limits and Jurisdiction of the said Court; be it therefore enacted, That in all Cases where a final Decree or Judgment for any Sum or Sums exceeding Ten Shillings shall have been obtained in the said Court, it shall and may be lawful to and for any of His Majesty's Courts of Record at *Westminster*, upon Affidavit made and filed of such Decree or Judgment being obtained, and of diligent Search and Inquiry having been made after the Person or Persons of the Defendant or Defendants, or his, her, or their Goods and Chattels, and of the Precept of Execution having issued against the Person or Persons or Effects [*as the Case may be*] of the Defendant or Defendants, and that the Person or Persons, Goods and Chattels, of such Defendant or Defendants, is or are not to be found within the Jurisdiction of the said Court, which Affidavit may be made before a Judge or Commissioner authorized to take Affidavits; and it shall and may be lawful to and for such superior Court to cause the Record of the said Decree or Judgment to be removed into such superior Court, and to issue Writs of Execution thereupon to the Sheriff of any County, City, Liberty, or Place against the Person or Persons or Effects of the Defendant or Defendants, in the same Manner as upon Judgments obtained in the said Courts at *Westminster*, and the Sheriff upon every such Execution shall and he is hereby authorized to detain the Defendant or Defendants until the Sum of Ten Shillings be paid to him, or to levy the same out of the Effects according to the Nature of the Execution, for the extraordinary Costs of the Plaintiff or Plaintiffs in the said Court, subsequent to the said Decree or Judgment, and of the Execution in the superior Court, over and above the Money for which such Execution shall be issued.

In case Parties shall abscond, or secrete their Goods.

XXIII. 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 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 appear

Clerk to indorse Debt and Costs on the Precept, and if paid before Sale Execution to

be superseded.

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 of the said Court such Sum or Sums of Money and Costs, together with the Fee or Fees herein directed to be paid to the Clerk as a Compensation for his Trouble in receiving the same, and in entering an Acknowledgment and Satisfaction in full for such Sum and 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.

No Privilege to be allowed Attornies.

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

XXIV. And be it further enacted, That it shall not be lawful for the said Commissioners to issue any Process against the Body or Bodies of any Person or Persons in any Case or Cases where the Party entitled to the Benefit of any Order, Judgment, or Decree shall at the same Time have obtained any Warrant or Process against the Goods and Chattels of the same Person or Persons.

No Attorney, Solicitor, Scrivener, or Person practising the Law to be permitted to appear in the said Court.

Penalty on Keeper of Prison neglecting his Duty.

XXV. And be it further enacted, That the Keeper or Keepers for the Time being of the said County Bridewell within the said Borough of *Newport* shall and he and they is and are hereby required to receive and take into their Custody respectively all and every Person or Persons who shall be committed or ordered to stand committed 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 *Southampton* aforesaid, or for the Borough of *Newport* aforesaid, 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 Surplus (if any) to such Offender or Offenders, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture, when paid, levied, or recovered, shall be paid over to the Guardians of the Poor of the said Isle of Wight for the Use of the Poor of the said Island; and in case sufficient Distress shall not be found it shall and may be lawful

And to be convicted before any One or Two Justices of the Peace for the Borough of Newport.

to and for such Justices to commit such Offender or Offenders to the Common Bridewell or House of Correction for the said County of *Hants* 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.

XXVI. 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 an 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 Attorneys, Solicitors, and other Officers shall be subject to the several Processes, Orders, Judgments, and Executions of the said Court of Requests in the same Manner as any other Person or Persons are subject to the same.

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

XXVII. 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, or be admitted 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, to be convicted thereof before any One or more of His Majesty's Justices of the Peace for the said County of *Southampton*, or the said Borough of *Newport*, upon the Oath of One or more credible Witness or Witnesses, (which Oath such Justice or Justices are hereby authorized and required to administer), or by his own Confession; and in case such Money shall not be forthwith paid by the Person or Persons 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 or Offenders, 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, shall be paid over to the Corporation of the Guardians of the Poor of the said *Isle of Wight*, for the Use of the Poor of the said Island.

Fees to be taken.

XXVIII. And be it further enacted, That the several Fees hereafter mentioned, and no other, shall be taken by the said Clerk, Serjeants, and Officers for their several and respective Services in the Execution of this Act; (that is to say)

	To Ten Shillings inclusive.	To Forty Shillings inclusive.	To Five Pounds inclusive.
	s. d.	s. d.	s. d.
To the CLERK.			
Entering the Cause	0 3	0 6	0 [illegible]
Issuing every Summons	0 3	0 6	0 6
Entering and Drawing up Judgment, Decree, or Order	0 6	0 6	0 [illegible]
Paying Money into Court and entering same in Book	0 3	0 6	0 6
Issuing Subpœna	0 3	0 6	0 6
Issuing every Attachment, Precept, Order, or Execution	0 6	0 6	0 9
For every Nonsuit	0 6	0 6	1 0
Every Search in the Books		0 3	0 6
Swearing every Witness	0 2	0 2	0 4
To the SERJEANTS.			
Serving every Summons, Order, or Subpœna within the Borough of *Newport*, or within One Mile thereof	0 3	0 4	0 6
If more than One Mile from the said Borough of *Newport*, for every extra Mile		0 3	0 3
Execution of every Warrant, Precept, or Attachment against the Goods or Body	0 6	0 [illegible]	1 0
If more than One Mile from the said Borough of *Newport*, for every extra Mile	0 2	0 3	0 3
If an Assistant be necessary for the Serjeant, for the Assistant	0 4	0 6	1 0
If more than One Mile from the said Borough of *Newport*, for every extra Mile	0 2	0 3	0 3
To the GAOLER.			
For every Commitment	[illegible]	2 0	2 6

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 Place 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.

XXIX. And whereas Difficulties frequently arise in the Recovery of Debts in certain Cases by reason of Infancy; be it therefore 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 whatsoever 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, Defendant or Defendants, were all of full Age.

39 & 40 G. 3. c. 14. s. 9. Debts due by Persons under Age may be recovered.

XXX. And be it further enacted, That no Person or Persons whomsoever who shall be committed to the said Bridewell or Prison by Order of the said Court for any Debt or Debts shall be 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 herein-after 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 no 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, and does not exceed Five 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 Bridewell or Prison is and are hereby directed and required to discharge such Persons accordingly.

Time of Imprisonment limited.

XXXI. And in order the more effectually to prevent Persons summoned for Debts to the said Court from the fraudulent Concealment of their Money or Goods, be it further enacted by the Authority aforesaid, That in case, upon the Summons of any Person for any Debt or Debts before the said Court, Information of any such Practice shall be given, such Court shall have Power to hear Evidence as to such fraudulent Concealment, and in case it shall be proved to their Satisfaction upon the Oath of One or more Witness (which Oath the said Court is hereby empowered to administer) that any such Debtor has Money or

Debtor concealing Money or Goods, his Imprisonment shall be enlarged. 26 G. 3. c. 38.

or Goods which he or she hath wilfully and fraudulently concealed; then and in every such Case it shall and may be lawful for the said Court to enlarge the aforesaid Time of Imprisonment to any Period in addition thereto not exceeding Three Calendar Months.

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

XXXII. 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 or in respect of such First 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 notwithstanding.

Proceedings may be suspended in case of the Sickness of the Debtor.

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

Serjeant neglecting his Duty, to pay the Debt.

XXXIV. And be it further enacted, That if any Serjeant or Serjeants, or other Officer or Officers of the said Court employed to serve any Execution, shall by wilful Neglect, Omission, or Connivance, cause or suffer the Party 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 Serjeant to pay the Sum or Sums of Money for which such Execution was awarded to the Party complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for Recovery of their 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 Serjeant or Serjeants,

Serjeants, 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 the Corporation of the Guardians of the Poor of the said *Isle of Wight* for the Use of the Poor of the said Island.

Officers taking any Fees besides the Fees allowed by the Act.

XXXV. And be it further enacted, That if any Clerk, Serjeant, Crier, or Gaoler, 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 by virtue of this Act, or on any Account whatsoever relative to putting this Act into execution, every such Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, or upon Verdict or Judgment being had against him in such Action, as next herein-after mentioned, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall, over and above, forfeit and pay any Sum not exceeding Ten Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster* within Three Calendar Months after the Offence committed, in which Suit no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Proceedings may be stayed in case of the Sickness of the Debtor.

Punishing Witness not attending if summoned.

XXXVI. 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 of the said Court of Requests, and paid or tendered his or her 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 shown to the Satisfaction of the said Court, and Oath being made 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 or Witnesses by such Party or Parties judged necessary for the Proof of his, her, or their Cause or Causes, Action or Actions, Complaint or Complaints, Defence or Defences, then and in every such Case it shall and may be lawful to and for the said Commissioners to impose any Fine not exceeding Ten Pounds on 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

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 to commit such Offender to the said County Bridewell within the said Borough of *Newport* for any Time not exceeding the Space of One Calendar Month.

Punishing Persons guilty of Perjury.

XXXVII. And be it further enacted, That if any Person or Persons, upon Examination on Oath or Affirmation before the said Commissioners in any Action, Cause, or Matter depending in the said 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 and corrupt Perjury are subject and liable to.

Verdict in other Courts, for Debts recoverable in this, not extended to Costs.

XXXVIII. And be it further enacted, That if any Commissioner of the said Court for the Time being shall be Party to or concerned or interested in any Cause, Action, or Matter depending in the said Court, or shall be the Father or Son or Brother of any Person or Persons concerned or interested in any such Cause, Action, or Matter, such Commissioner shall not be capable of acting as a Commissioner on the hearing or determining such Cause, Action, or Matter, or making any Order, Decree, or Judgment therein, but such Commissioner, 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 not to sit when they are interested.

No Proceedings to be removed into any Superior Court, except in certain Cases.

XXXIX. 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 going to or from the said Court, or shall interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall be lawful for the Serjeant or Serjeants of the said Court, with or without the Assistance of any other Person or Persons, by the Order of the said Commissioners, to take such Offender or Offenders into Custody, and the said Commissioners shall then examine into such Insult, Abuse, or Misbehaviour, either from their own View or Knowledge of what passed, or by the Oath or Oaths of One or more credible Witness or Witnesses, and upon such Insult, Abuse, or Misbehaviour being duly proved as aforesaid it shall 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, such Fine shall and may be levied

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

Persons may distrain for Rent.

Where Debts due from Two Persons

more

vied 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) upon Demand, 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 said *Isle of Wight* as they the said Commissioners shall think 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 said County Bridewell within the said Borough of *Newport* for any Time not exceeding the Space of One Calendar Month.

Punishing Persons guilty of Perjury.

Verdict in other Courts, for Debts recoverable in this, not entitled to Costs; and if Verdict for Defendant, he shall be entitled to Costs.

XL. And be it further enacted, That if any Action or Suit for any Debt recoverable by virtue of this Act in the said Court of Requests shall be commenced in any other Court whatsoever, or elsewhere than in the said Court of Requests, (save and except the Court of the Corporation of *Newport* and the Court called the *Knighton Court*,) then and in every such Case the Plaintiff or Plaintiffs in such Action or Suit shall not, by reason of a Verdict for him, her, or them, or otherwise, have or be entitled to any Costs whatsoever; and if the Verdict shall be given for the Defendant or Defendants in such Action or Suit and the Judge or Judges before whom the same shall be tried or heard shall think fit to certify that such Debt ought to have been recovered in the said Court of Requests, then and in every such Case such Defendant or Defendants shall have Costs and such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any Cases by Law; and no Action or Suit which shall be commenced or prosecuted in the said Court of Requests in pursuance of this Act, nor any Proceedings therein, shall or may be removed into any superior Court, except by the Plaintiff or Plaintiffs in Cases where the Defendant or Defendants shall have removed himself, herself, or themselves, or his, her, or their Effects, out of the Jurisdiction of the said Court, after a Decree or Judgment obtained against such Defendant or Defendants by Certiorari, or any other Writ or Process whatsoever, but every such Decree and Judgment shall be final and conclusive between the Parties to all Intents and Purposes whatsoever: Provided always that nothing in this Act contained shall extend or be construed to extend to affect, infringe, lessen, or take away any of the Rights, Privileges, Franchises, Liberties, Powers, or Jurisdictions of the Governor and Captain General of the *Isle of Wight*, the Mayor and Corporation of *Newport*, the Mayor and Corporation of *Yarmouth*, and the Mayor and Corporation of *Newtown*, or any of them, but all Rights, Privileges, Franchises, Liberties, Powers, and Jurisdictions which they now possess or are entitled to shall remain and continue in as full and ample Form and Manner to all Intents and Purposes as if this Act had not been made: 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.

No Proceedings to be removed into any Superior Court, except in certain Cases.

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

Persons may distrain for Rent.

XLI. And be it further enacted by the Authority aforesaid, That where any Debt shall be due and owing or demanded from any Two or more

Where Debts due from Two Persons

summoning One of them sufficient.

more Persons jointly by reason or on account of such Persons being Partners in Trade, or otherwise jointly concerned, Service of such Summons as aforesaid on any One of such Partners or Persons, or left at his, her, or their last usual Place, or Places of Abode, Warehouse, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, shall be as good and sufficient as if each of such Partners or Persons were separately summoned as aforesaid.

Statutes of Limitations shall be pleaded.

XLII. And for removing all Doubts whether the Statute of Limitations may be pleaded in the said Court of Requests, it is hereby enacted and declared, 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 at *Westminster*, or any other Court, and had there pleaded such Statute in bar to the Action or Suit.

Recovery and Application of Penalties.

XLIII. 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 hereinbefore directed to be otherwise applied) shall be paid to the Corporation of the Guardians of the Poor of the *Isle of Wight*, for the Use of the Poor of the said Island; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful 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 said County Bridewell within the said Borough of *Newport*, 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.

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

Form of Conviction.

' to wit. } BE it remembered, That on this Day of in the Year of the Reign of

' *A.B.* is convicted before of His Majesty's

' Justices of the Peace for the County of *Southampton* acting for the

' Division of the *Isle of Wight*, or before of His Majesty's

jesty's Justices of the Peace for the Borough of *Newport* aforesaid, or before Three of the Commissioners for the Recovery of Small Debts within the said *Isle of Wight*, and the several Parishes, Townships, and Places within the same, of having [*as the Offence shall be*], and I [*or* we] the said do adjudge him [her *or* them] to forfeit and pay for the same, such Offence being contrary to the Provisions of an Act ' made in the Forty-sixth Year of the Reign of King *George* the Third, ' intituled [*here insert the Title of this Act*], the Sum of

Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year aforesaid.'

XLV. 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 and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

XLVI. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

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

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

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

XLVIII. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the

Limitation of Actions.

the County of *Hants*, 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 Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases of Law.

Public Act.

XLIX. 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 SPOTTISWOODE
Printers to the King's most Excellent Majesty. 1835.