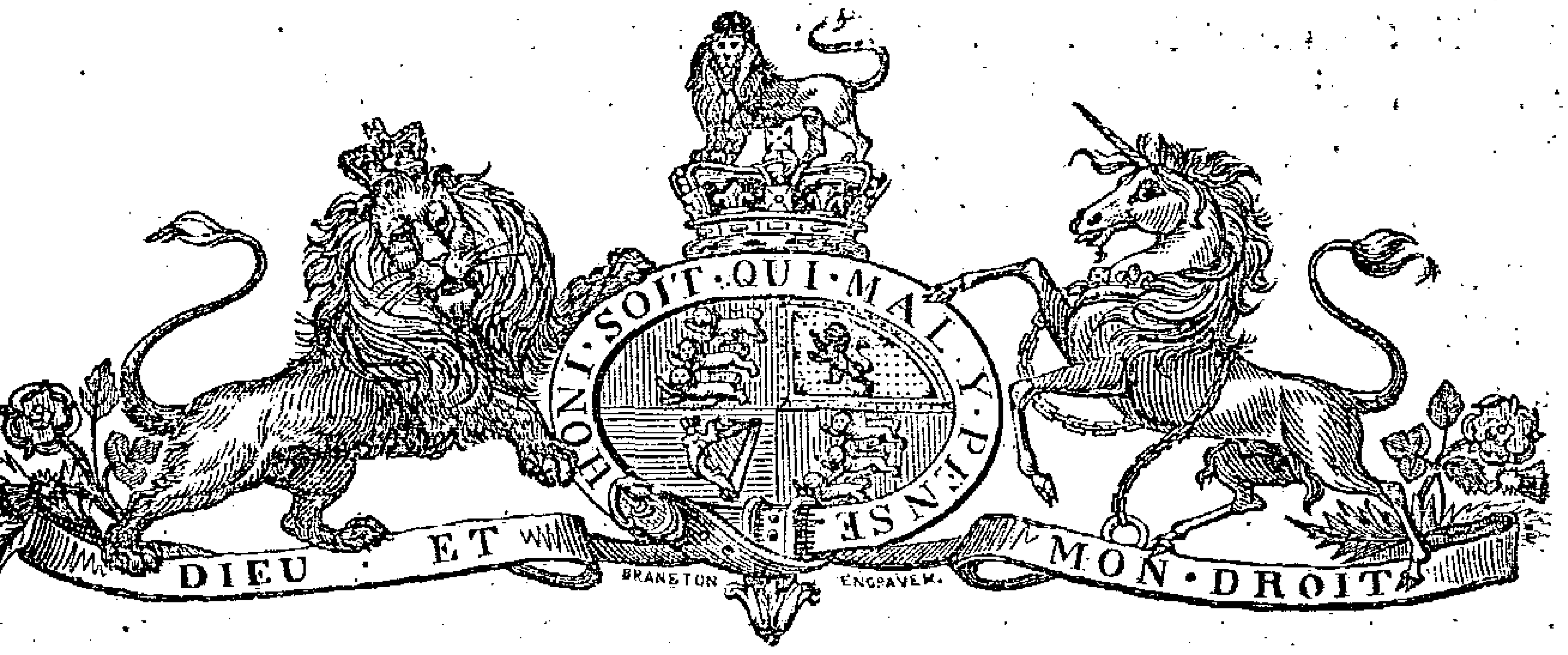


ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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Cap. lxxxix.

An Act to amend an Act for the Amendment of Four several Acts, passed in the Fifth, Sixth, Tenth, and Forty-seventh Years of the Reign of His late Majesty King *George* the Third, for the Recovery of Small Debts within the Hundreds of *Blackheath*, of *Bromley* and *Beckenham*, of *Rokesley* otherwise *Ruxley*, and of *Little* and *Lesness*, in the County of *Kent*, and within the Hundred of *Wallington* in the County of *Surrey*, and to extend the Powers thereof. [27th *July* 1838.]

WHEREAS the Provision made by a certain Act made and passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for* 6 & 7 W. 4.
the Amendment of Four several Acts passed in the Fifth, Sixth, Tenth, c. 120.
and Forty-seventh Years of the Reign of His late Majesty George *the Third, for the Recovery of Small Debts within the Hundreds of* Blackheath, *of* Bromley *and* Beckenham, *of* Rokesley *otherwise* Ruxley, *and of* Little *and* Lesness, *in the County of* Kent, *and within the Hundred of* Wallington *in the County of* Surrey, *and to extend the Powers thereof,*

thereof, for Payment of the Expence of maintaining the Prisoners committed under the Orders of the Court of Requests established by the said recited Act, and of the necessary Cost of conducting the Proceedings of the said Court, is insufficient: And whereas it is expedient that a Fund should be provided for defraying such several Expences, as well as for defraying the Cost and Charges incident to and attending the preparing, obtaining, and passing the said recited Act and this Act, as well as the necessary Costs, Charges, and Expences relative to the Management of and conducting the Proceedings of the said Court, and that the Commissioners should be authorized to borrow Money for such several Purposes: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners under the said recited Act, and they are hereby directed, at their first or any subsequent Meeting or Meetings after the passing of this Act, in such Manner as they or the Majority of them present at such Meeting (not being less in Number than Seven) shall think proper and direct, to borrow and take up at Interest such Sum or Sums of Money as shall be agreed on at such Meeting or Meetings; and the said Commissioners are hereby empowered from Time to Time, by any Writing under their Hands and Seals, or under the Hands and Seals of any Seven or more of them, to enter into and execute such Security or Securities by way of Mortgage or otherwise upon the Funds herein-after directed to be raised, and also upon the Monies arising from the unclaimed Suitors Fund, as in the said recited Act is also mentioned, and also upon the Security of the Court House of the said Court in the said recited Act mentioned, as may be required by any Person or Persons for the several Sums of Money which shall be borrowed, with Interest for the same; and the Time or Times of such Sum or Sums of Money being so borrowed shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks for the Time being of the said Court; and for raising a Fund for paying off such Sum or Sums of Money as shall be borrowed for the Purposes aforesaid, and the Interest in respect thereof, and also for providing from Time to Time for the other necessary Expences herein-after mentioned, the Plaintiff in each Suit commenced in the said Court shall, in lieu and instead of the Fees mentioned in the said recited Act to be paid by such Plaintiff, pay to the Clerk or Clerks of the said Court, or to his or their Deputy or Deputies, at the Time of applying for the Summons and the granting thereof, the Sums following; (that is to say,)

Commissioners empowered to borrow Money to defray the necessary Charges incident to the Execution of the recited Act.

Fees to be paid by Plaintiffs commencing Suit in lieu of those mentioned in recited Act.

When the Amount of the Debt or Sum sued for shall not exceed Twenty Shillings, the Sum of Sixpence:

When the Amount of the Sum sued for shall exceed Twenty Shillings and not exceed Forty Shillings, the Sum of One Shilling:

When the Amount of the Sum sued for shall exceed Forty Shillings and not exceed Sixty Shillings, the Sum of Two Shillings:

When the Amount of the Debt or Sum sued for shall exceed Sixty Shillings, the Sum of Three Shillings:

Which said several Sums shall be a Charge upon and be paid by the Plaintiff in the Suit, whether he shall further prosecute his Suit or

not, or shall become nonsuited, or shall settle the Cause out of Court after Summons issued:

Fee to be paid by Defendant.

And the Defendant in each and every Suit commenced against him in the said Court,

When the Debt or Sum adjudged against him or compromised or settled with the Plaintiff out of Court, after Suit commenced, shall not exceed Twenty Shillings, shall pay towards the said Fund the Sum of Three-pence:

When the Debt or Sum adjudged against him or compromised or settled out of Court, after Suit commenced, shall exceed Twenty Shillings and not exceed Forty Shillings, the Sum of Sixpence:

When the Debt or Sum adjudged against him or compromised or settled out of Court, after Suit commenced, shall exceed Forty Shillings and not exceed Sixty Shillings, the Sum of One Shilling:

When the Debt or Sum adjudged against him or compromised or settled out of Court, after Suit commenced, shall exceed Sixty Shillings, the Sum of One Shilling and Sixpence:

Which said last-mentioned Sums of Money shall be a Charge upon the Defendant immediately after Judgment has been recovered against him, or the Debt or Sum compromised or settled with the Plaintiff out of Court, and shall be paid by him to the Clerk or Clerks, or to his or their Deputy or Deputies, over and above the Amount awarded to be paid to the Plaintiff, and before Payment of the Amount so awarded; which Sum or Sums, when so received, the Clerk or Clerks of the said Court is and are hereby required to keep an Account of, and to pay over to the Treasurer at the Annual General Meeting or otherwise, when and so often as the Commissioners shall at a General Meeting direct; and the Receipt of the said Treasurer shall be a sufficient Discharge to the said Clerk or Clerks; and the Fund so to be raised as aforesaid shall be applied as herein-after mentioned; (that is to say,) in paying off and discharging all such Sum and Sums of Money as shall be borrowed under the Authority of this Act; then in defraying the Expences incident to and attending the preparing, obtaining, and passing the said recited Act and this Act, together with all Interest which may be due thereon (in case the Money herein-before directed to be borrowed shall not have been sufficient for that Purpose); and then in payment of the Sums already advanced by the Clerks of the said Court, and which have been allowed by the Commissioners at a General Meeting; in payment of any further or other Sum or Sums which, since the last Accounts rendered by the said Clerks and allowed by the said Commissioners as aforesaid, have been or shall hereafter be advanced and paid by them for the Purposes of the said recited Act and this Act, and in conducting the Proceedings of the said Court, after the same shall have been duly allowed by the said Commissioners; in payment of Interest at the Rate of Five Pounds *per Centum per Annum* on such several Advances and Payments as aforesaid; in payment of the Ground Rent, Taxes, Repairs, and Insurance due and to become due in respect of the said Court House and Prison; in payment of Rent, Taxes, Repairs, and Insurance due in respect of any other Court House, Prison, or other Offices which may at any Time hereafter be used by the said Commissioners for the Purposes of the said Court;

Clerk to keep Accounts of such Fees.

Application of the Fee Fund.

Court; in the Maintenance of the Prisoners confined in the Prisons of the said Court; in providing Books, Stationery, and Printing for the Purposes of the said Court; in providing Fire, Coals, and Candles for the said Court House, Rooms, and Offices, and for such other necessary and proper Expences relative to the due Management of the Proceedings of the said Court as the said Commissioners at a General Meeting shall direct or appoint; and if after such several Payments as aforesaid it shall appear to the said Commissioners, or the major Part of them so to be assembled as aforesaid, that there still remains a Surplus which will not be required for the several Purposes aforesaid, such Surplus shall be applied by the said Commissioners towards the Reduction of the Fees to be taken under the Authority of this Act, and which are made applicable to the aforesaid Fund: Provided always, that it shall and may be lawful to and for the said Commissioners, if they shall think fit, from Time to Time after such Reduction, to increase the said Fees, but so as not to exceed the several Sums before stated.

Surplus to be applied in reduction of the Fees.

Persons may sue in certain Cases as before 6 & 7 W. 4. c. 120.

II. And be it enacted, That nothing in the said recited Act shall be construed to extend so as to prevent or restrain any Person or Persons from suing in any of Her Majesty's Superior Courts at *Westminster*, or from levying Plaints in the Court of the Queen's Palace of *Westminster*, where the Sum sought to be recovered shall amount to the Sum of Forty Shillings, in the same Manner as he or they might have done in case the said recited Act had not passed.

Public Act.

III. And be it further enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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