ANNO SEXTO

GULIELMI IV. REGIS.

Cap. xxiii.

An Act for the more easy and speedy Recovery of Small Debts within the Borough of *Leicester* in the County of *Leicester*. [19th *May* 1836.]

WHEREAS the Borough of *Leicester* in the County of *Leicester* is very populous, and in the same Borough there are many very considerable Manufactories which employ great Numbers of People, who, along with divers other Persons residing or trading within the said Borough, contract Small Debts, which in the whole amount yearly to a large Sum of Money; and although many of such Debtors are well able to pay their respective Debts they often refuse to pay the same, by reason of which their respective Creditors are either obliged to forego their respective Debts, or for the Recovery thereof to incur an Expence sometimes far exceeding and in all Cases disproportionate to the Sums in dispute: And whereas it would be a great Benefit to the Inhabitants of the said Borough, and tend much to the Support and Protection of useful Credit within the same, if an easy and speedy Method of recovering Small Debts within the said Borough were provided; but inasmuch 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, That *John Allen*, *Stephen Atkin*, *Thomas Archer*, *Edward Allen*, *Rowland Austin*, *Thomas Agar*, *Matthew Berridge*, *Benjamin Brookhouse*, *John Bailey*, *John Bosworth*, *William Baines*, *Robert Birkley*, *Robert Brewin*, *John Bankart* the younger, *Charles* Commissioners appointed.

Charles Bowmar, Edward Bracebridge, William Butcher, John Biggs, Joseph Chamberlain, Thomas Combe the younger, *Thomas Cook, Samuel Cartwright, Thomas Corah, Edward Coleman, Peter Colston, Joseph Cripps, John Cooper, John Collier, James Cort, Benjamin Cort, Joseph Spencer Cardale, Thomas William Dabbs, William Dunmore, William Dalton, Joseph Fielding, Robert Freeman, William Frisby, James Foster, Mansfield Gregory, Thomas Gamble, William Grundon, William Gray, Samuel Smith Harris, William Howcutt, William Haddon, George Brushfield Hodges, William Evans Hutchinson, John Higginson, Samuel How* the younger, *James Hudson, Henry Highton, George Houghton, John Houlden, Joshua Harrison, Joseph Hames, Richard Harris, William Johnson, Thomas Johnson, William Jackson, William Ingram, Charles Inman, Mark Oliver Iron, John Kirby, Daniel Knight, John Kendall, Samuel Kirby, Thomas Lockwood, William Salte Lockwood, Isaac Lovell, Thomas Marston, Abraham Meres, William Miles, Richard Mitchell, John Measures, John Manning, John Mellor, Joseph Moore, John Eames Marshall, Thomas Nunneley, James Neale, John Nichols, John Oldacres, Henry Oldfield, Robert Overton, James Page, John Pratt, Joseph Philips, Thomas Paget, Robert Parr, William Parsons, Benjamin Payne, Charles Burt Robinson, Henry Rawson, James Rawson, Onesiphorus Raworth, William Rowlett, William Sturgess, John Pinfold Stallard, William Smith, Benjamin Sutton, William Weston Stretton, Thomas Stokes, James Sargeant, John Sarson, Samuel Spurrett, John Taylor, William Taylor, Thomas Toone, Joseph Wheatley, Samuel Waters, Richard Willey, Edward Weston, William Wall, Joseph Wright, Thomas Wheeler, Thomas Watts, Thomas Wood* the younger, *Richard Warner Wood, Joseph Whetstone,* and *John George White Young* shall be and are hereby appointed the Commissioners for the Recovery of Small Debts within the said Borough of *Leicester,* and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of "The Court of Requests for the Borough of *Leicester;*" and the said Commissioners are hereby empowered and required to meet and hold the said Court on *Tuesday* once in every Two Weeks, or oftener, if in the Opinion of the said Commissioners there shall be Occasion, (*Christmas Day* and Fast and Thanksgiving Days by Proclamation excepted, and then on the following Day,) in some convenient Place within the Borough of *Leicester* aforesaid to be from Time to Time appointed as Occasion may require by the major Part of the said Commissioners present at any of their Meetings to be holden by virtue of this Act; and the First Meeting of the said Commissioners shall be holden at the Town Hall within the said Borough on the Third *Tuesday* next after the passing of this 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 as aforesaid, are hereby authorized and empowered to determine all such Actions and Causes as are herein-after mentioned, and to give such Judgments, and make such Orders and Decrees therein, and to award Execution thereupon, with the Costs, (such Costs to be in the Discretion of the said Court as to the Party by or to whom the same shall either wholly or in part be paid,) against the Goods and Chattels or against the Body or Bodies 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 at every such Meeting the Commissioners present shall and may appoint one of the Commissioners as Chairman of such Meeting; and the Chairman, in case

Meetings of Commissioners.

of

of an equal Number of Votes upon any Question, including such Chairman's Vote, shall have the casting or decisive Vote.

Directing the Number of Commissioners to be present.

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

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

III. 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 or to be appointed for holding the said Court, then and in every such Case it shall be lawful for any of the said Commissioners who shall be present, and if no Commissioners be present it shall be lawful for the Clerk or his Deputy for the Time being, to adjourn the said Court to the next Day of meeting, or to some earlier Day.

Time of hearing Causes.

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

Appointment of new Commissioners.

V. And be it further enacted, That when any of the said Commissioners of the said Court herein-before named, or any of their Successors 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 be lawful for the Commissioners for the Time being acting in the Execution of this Act, or the major Part of such of them as shall be present at a Meeting to be holden for that Purpose, to elect and appoint one other Commissioner in the Room or Stead of each and every or any such Commissioner so dying, or refusing to act, or ceasing to be qualified as aforesaid: Provided always, that in case the Number of the said Commissioners shall at any Time be reduced by Death or otherwise to Sixty, then the surviving or remaining Commissioners shall and they are hereby required to elect and appoint so many other Persons, being duly qualified, to act as Commissioners in the Room or Stead of the said Commissioners so dying, or refusing to act, or ceasing to be qualified as herein-before mentioned, as will make up the Number of One hundred and twenty Commissioners; and Notice in Writing of the Time and Place of Meeting for every such Election and of the Purpose thereof shall be affixed or caused to be

affixed

affixed by the Clerk for the Time being to the Commissioners of the said Court on the outer Door of the Court-house, or Place of holding the said Court, Ten clear Days at least before such Meeting shall be holden; and every Commissioner so 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.

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 or Affirmation herein mentioned to the other Commissioners) until he shall have taken and subscribed the Oath or Affirmation following; (that is to say,)

Form of Oath.

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I will faithfully, honestly, and impartially, according to the best of my Skill and Judgment, hear and determine such Matters and Things as shall be brought before me by virtue of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act* [*here insert the Title of this Act*], without Favour, Affection, Prejudice, or Malice to any Person or Persons whomsoever; and also that I am a Householder within the Jurisdiction of the Court constituted by the said Act, and that I am possessed of a Freehold Estate, *or* Leasehold Estate for the Term of Sixty Years, of the yearly Value of Forty Pounds, *or* of a Personal Estate of the Value of One thousand Pounds, above all Charges or Incumbrances whatsoever. So help me GOD.'

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

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

Qualification of Commissioners.

VII. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and seised or possessed of a Freehold Estate or Leasehold Estate for the Term of Sixty Years of the yearly Value of Forty Pounds respectively, or possessed of Personal Estate of the Value of One thousand Pounds, above all Charges and Incumbrances whatsoever; and if any Person not being qualified as aforesaid shall presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence (over and above any Punishment that he may be subject or liable to for wilful and corrupt Perjury) forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more

than One Imparlance, shall be allowed; and in every such Action, Bill, Plaint, or Information the Proof of such Qualification shall be on the Defendant, and it shall be sufficient for the Plaintiff or Prosecutor to prove that the Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Judgments, Orders, Decrees, Acts, and Proceedings of all 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 good, valid, and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Acts of the Commissioners good before Conviction.

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

Commissioners required to qualify within a certain Period.

IX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or the major Part of them assembled and voting at the First Meeting to be held under the Provisions of this Act, of which Meeting no Notice shall be necessary, or at a Meeting to be for that Purpose convened in manner herein-after mentioned, to nominate and appoint a fit and proper Person or Persons to be Clerk or Clerks to the said Commissioners, and also such and so many Sergeants, Criers, and other Officers as may appear to the said Commissioners or the major Part of them then present to be requisite for carrying any of the Purposes of this Act into execution; and every such Clerk, Sergeant, Crier, and Officer shall hold his Office during Pleasure; and when and as often as it shall happen that the Office or Offices of Clerk, Sergeant, or Crier, or of any other Officer or Officers, shall become vacant either through Death or Resignation, Dismissal or Removal, then and in every such

Appointment of Officers.

such Case it shall be lawful for the said Commissioners or the major Part of them assembled and voting at a Meeting to be convened for that Purpose within Twenty Days next after such Vacancy shall happen to nominate and appoint another fit and proper Person or Persons to be Clerk, Sergeant, or Crier, or other Officer or Officers of the said Court, during Pleasure; and every such Nomination and Appointment of any Officer or Officers of the said Court of Requests shall be authenticated by Writing under the Hand and Seal of the Chairman of such Meeting, and the Production thereof shall in all Cases be deemed sufficient Evidence of the Nomination and Appointment to the Office therein mentioned without further or other Proof whatsoever; provided that every Person to be so appointed Clerk as aforesaid shall be a Barrister or Solicitor or Attorney of one of His Majesty's Superior Courts at *Westminster*.

Notice to be given of Meetings for appointing Officers, &c.

X. And be it further enacted, That Notice in Writing of the Time and Place of Meeting for every Election of any Officer or Officers of the said Court of Requests, to be signed by at least Five of the said Commissioners, shall be fixed on the outer Door of the Court-house or Place of holding the said Court Ten clear Days at least before such Meeting shall be holden.

For calling Special Meetings.

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

For summoning Commissioners to attend in Rotation.

XII. Provided always, and be it further enacted, That the Sergeant or other Officer of the said Court for the Time being shall and he and they is and are hereby required to summon, on the *Saturday* next before each and every Court Day, by Notice in Writing to be left at the respective last or usual Places of Abode of the Commissioners to be so summoned, Eight of the said Commissioners to attend the said Court as Commissioners on the respective Court Days expressed in such Notice or Notices; and the first Eight Commissioners to be summoned shall be the Eight Commissioners whose Names shall be the first upon the List herein-after directed to be hung up in the Court-house or Place of holding the said Court, and the next Eight Commissioners to be so summoned shall be the Four Commissioners whose Names shall stand next on such List and the Four last Commissioners who were summoned to attend the last preceding Court, and so in like Manner Eight Commissioners shall be summoned for each ensuing Court, in like Order and Rotation, until such List shall be gone through, and then such List shall be gone through again in like Order.

Rotation not to exclude any

XIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to exclude any of the

the said Commissioners for the Time being from sitting in the said several Courts, although such Commissioner or Commissioners shall not have been summoned or stand in rotation to be summoned, but that each and every such Commissioner, if he shall think fit so to do, shall and may sit and hear, and assist in determining, giving Judgment, and making Orders and Decrees in the said several Courts, and shall have the like Powers and Authorities as any Commissioner so summoned as aforesaid, any thing herein-before contained to the contrary in anywise notwithstanding.

other Commissioners from attending.

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

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

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

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

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

Power for the Clerk to appoint a Deputy.

Clerk to issue Summonses, and enter Proceedings in the Book.

XVII. And be it further enacted, That the Clerk of the said Court or his Deputy or Deputies shall do and perform all such Acts, Matters, and Things as they shall be directed or appointed by the said Commissioners to

Duty of Clerks and Sergeants.

to do and perform; and the several Sergeants of the said Court shall serve all Summonses and Subpœnas, and execute such Warrants, Orders, and Precepts, and do and perform all such Acts, Matters, and Things as may be required to be done and performed by them respectively by virtue of this Act.

Commissioners, &c. not to act where interested.

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

Commissioners to enter their Proceedings in a Book.

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

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

XX. And be it further enacted, That from and after the First Meeting of the said Commissioners it shall be lawful for any Person or Persons, whether such Person or Persons shall reside within the Jurisdiction of the said Court or elsewhere, and for all Bodies Politic or Corporate, who now have or hereafter shall have any Debt or Debts, Demand or Demands, upon any Contract or Agreement, or for or in respect of Wages or Rent or otherwise howsoever, (which the said Commissioners are by this Act enabled to determine, and except such as they are expressly prohibited from determining,) whether contracted in the said Borough of *Leicester* or elsewhere, owing or due to or claimed or demanded by such Person or Persons, Bodies Politic or Corporate, in his, her, or their own Right, or in the Right of any other Person or

Persons to whom he, she, or they shall be Executor or Administrator, Guardian or Trustee, or due and owing to him as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners, or to any Club or Friendly Society duly associated and constituted by the Statutes in such Case made and provided, or in any other Manner whatever (except as aforesaid), and for which Debt or Demand he, she, or they shall claim any Sum of Money from any Person or Persons whomsoever residing, inhabiting, or being within the said Borough of *Leicester*, or keeping or using any House, Warehouse, Wharf, Quay, Accounting-house, Chambers, Lodging, Office, Shop, Shed, Stall, or Stand, or employed, working or seeking a Livelihood, or trading or dealing within or using or frequenting the Markets, or otherwise resorting to the same Borough, to apply to the Clerk of the said Court for the Time being or his Deputy, who shall make out and deliver to One of the Sergeants or Officers of the said Court for the Time being a Summons, written or printed, or partly written and partly printed, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, with the Name of the Party or Body demanding the same, and requiring such Debtor or Debtors to appear, at a certain Time and Place to be mentioned in such Summons, before the Commissioners of the said Court, to answer such Demand or Demands; and such Sergeant or Officer shall in due Course serve or cause such Summons to be served on such Debtor or Debtors either personally, or by leaving the same with his, her, or their Wife, Servant, or other Person belonging to him, her, or them, at the Wharf, Quay, Lodging, Place of Abode, Warehouse, Accounting-house, Chambers, Office, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working or resort of such Debtor or Debtors, being within the Jurisdiction of the said Court, Three clear Days at the least previous to and exclusive of the Day appointed on the said Summons for the Hearing thereof; and upon due Proof made of such Summons having been duly served as aforesaid, or upon the Appearance of the Debtor or Debtors, 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 Inquiry concerning such Demands, and make such Orders and Decrees therein, and pass such final Sentence or Judgment thereupon, and award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience; and as well the Plaintiff or Plaintiffs as the Debtor or Debtors whom such Order or Orders, Decree or Decrees, Judgments and Proceedings respectively shall concern, shall duly perform, observe, and keep the same; and for the better Discovery of the Truth, and more solemn Determination of the Matters and Causes which shall be depending in the said Court, it shall be lawful for the said Commissioners present in the said Court to administer an Oath or Oaths, Affirmation or Affirmations, to any Officer of the said Court, or to all or any of the Parties, or his, her, or their Agent or other Person appearing on his, her, or their Behalf, 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 the hearing or determining of any of the said Actions or Causes, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

Where Debt is due from Two or more Partners, summoning One of them shall be sufficient.

XXI. And be it further enacted, That where any Debt or Damages shall be due and owing by or demanded from Two or more Persons jointly by reason or on account of such Persons being Partners in Trade, or otherwise jointly concerned, Service of such Summons as aforesaid on any One of such Partners or Persons, or Delivery thereof at his or their last or usual Place or Places of Abode, Wharf, Quay, Warehouse, Lodging, Accounting-house, Chambers, Office, 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 severally or separately summoned as aforesaid.

Witnesses may be summoned.

XXII. And be it further enacted, That it shall and may be lawful from Time to Time and at all Times hereafter to and for any Plaintiff or Plaintiffs, Defendant or Defendants, in any Suit or Cause to be depending in the said Court, to cause any Person or Persons residing within the Jurisdiction of the said Court to be warned or summoned to such Court, either by serving a Subpœna or Subpœnas, Summons or Summonses, to be issued by the Clerk or Deputy Clerk of such Court, and to be served by a Sergeant or other Officer of the same personally, or by leaving such Subpœna or Subpœnas, Summons or Summonses, at the last or usual Place or Places of Abode of such Person or Persons, to appear as a Witness or Witnesses to give Evidence in the said Court in or concerning the Suit or Cause there depending; and in case any Person or Persons, after having been so subpœnaed or summoned to give Evidence as aforesaid, and paid or tendered his, her, or their reasonable Expences, to attend and give his, her, or their Evidence at the Time and Place in such Subpœna or Subpœnas or Summons or Summonses mentioned, on behalf of any such Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Subpœnas, Summons or Summonses, due Proof having been made of the Service thereof, and no sufficient Cause for his, her, or their Absence or Nonappearance being shown to the Satisfaction of the said Court, and on Oath or Affirmation being made before the Commissioners there sitting by the Party or Parties at whose Instance and on whose Behalf such Subpœna or Subpœnas, Summons or Summonses issued, that the Person or Persons served therewith was or were a Witness or Witnesses by such Party or Parties judged necessary for the Proof of his, her, or their Cause or Causes, Action or Actions, Complaint or Complaints, Defence or Defences, or if any such Witness or Witnesses shall appear, but shall refuse to be examined upon Oath, or, in case of a Quaker or Quakers, upon solemn Affirmation, and to give Evidence as aforesaid before such Commissioners, according to the true Intent of this Act, then and in every such Case it shall and may be lawful to and for the said Commissioners to impose any Fine not exceeding Five Pounds on every Person so offending; which Fine shall be recoverable by such Means as Forfeitures are by this Act generally directed to be recovered, and shall be paid to the Party or Parties at whose Instance or Request such Subpœna or Subpœnas, Summons or Summonses, shall have been issued.

Penalty on Witnesses not attending if summoned.

If Debtors do not appear, Commissioners may proceed.

XXIII. And be it further enacted, That if any Debtor or Debtors who shall have been duly summoned as aforesaid shall not appear, either in Person, or by his, her, or their Agent or some other Person on his, her, or their Behalf, before the said Court at the Time and Place mentioned

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

What Debts to be decided by the Commissioners.

XXIV. And be it further enacted, That it shall be lawful to and for the said Commissioners, and they are hereby empowered and enabled, to decide and determine all Disputes and Differences between Party and Party for any Sum not exceeding Five Pounds in all Actions or Causes of Debt, and in all Causes of Assumpsit and Insimul computasset, and in all Causes or Actions of Trover and Conversion, and in all Causes or Actions founded on Quantum meruit or Quantum valebat, and in all Causes or Actions Trespass or Detinue, for Goods or Chattels taken or detained.

Clerk not to issue Summons until Deposit is made.

XXV. And be it further enacted, That no Clerk of the said Court shall issue any Summons for any Debt unless the Plaintiff shall, at the Time of issuing out such Summons, deposit with the Clerk or Clerks of the said Court for every Debt not exceeding Twenty Shillings the Sum of Two Shillings and Sixpence, and for every Debt exceeding Twenty Shillings and not exceeding Sixty Shillings the Sum of Three Shillings and Sixpence, and for every Debt exceeding Sixty Shillings the Sum of Five Shillings; and if, upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the said Court, or of the Cause for or on account of which the said Summons shall have been issued, the Plaintiff 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 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, or any Three of them, 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: Provided also, that in case such Plaintiff or Plaintiffs, at the Time of such Judgment of the said Commissioners, or at any Time afterwards, or his, her, or their Goods and Chattels, shall be out of the Jurisdiction of the said Court, then it shall be lawful

lawful for any Sergeant of the said Court to apply to any Justice of the Peace acting for the County of *Leicester*, and upon Proof being made upon Oath (which Oath such Justice is hereby authorized and required to administer) of the Precept of Execution having issued against such Person or Persons or Effects (as the Case may be), such Justice of the Peace is hereby authorized and required to sign and indorse the said Precept of Execution, and thereupon the said Sergeant or other Officer shall have the like Powers and Authorities to execute the said Precept as are herein-after provided in case any Defendant or Defendants, or his, her, or their Goods and Chattels, shall, after final Judgment given in the said Court, be removed or be found out of the Jurisdiction thereof.

Cause may be adjourned.

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

Infants may be sued for Debts contracted for Necessaries.

Power to Infants to sue in the Court of Requests for Debts.

XXVII. And be it further enacted, That in every Case where a Debt not exceeding Five Pounds shall be contracted for Necessaries by any Person under the Age of Twenty-one Years, and residing or inhabiting or employed as Clerk, Officer, Book-keeper, Journeyman, Shopman, or Labourer, or otherwise seeking or obtaining a Livelihood within the Borough or *Leicester*, it shall be lawful for the Person or Persons to whom such Debt shall be due to sue for and recover such Debt in the said Court of Requests in the same Manner as if the Person by whom the Debt shall be contracted were of full Age; and that in every Case where any Wages or other Debt or Debts not exceeding the Sum of Five Pounds shall be due to any menial Servant or other Person under the Age of Twenty-one Years, it shall be lawful for such Servant or other Person to sue for and recover such Debt or Debts in the said Court of Requests in the same Manner as if he or she were of full Age; and the said Commissioners are hereby fully authorized and required in such Case to take cognizance of and proceed concerning such Debt in the same Manner, and shall have such and the same Powers in regard thereto, as if the Plaintiff and Defendant were of full Age.

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

XXVIII. 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 or otherwise to the Satisfaction of the major Part of the Commissioners present at the Court at which such Cause shall be heard, that such Debtor or Debtors is or are unable, from Sickness or unavoidable Accident, to pay and discharge the Debt or Debts for which he, she, or they shall be 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

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;

This Act not to extend to certain Debts.

XXIX. 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 Commissioners of the said Court to determine the Right or Title to any Lands, Tenements, or Hereditaments, or Real Estates whatsoever, or to judge, determine, or decide on any Debt where the Title of the Freehold, or Lease for Years, not being a Lease by Parol, of any Lands, Tenements, or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come into question, nor to judge, determine, or decide on any Debt that shall arise by reason of the Occupation of any Lands, Tenements, or Hereditaments situate elsewhere than within the Jurisdiction of the said Court, or to judge, determine, or decide on any Debt that shall arise by reason of any Cause concerning Testament or Matrimony, or by reason of any Bye Law, or for or concerning any Agreement by way of Composition for or by way of Retainer of Tithes, or for any Matter properly sueable in the Ecclesiastical Court, nor to any Debt for any Money or Thing won at or by means of any Horse-race, Cock-match, Wager, or any Kind of Gaming or Play, nor to any Debt barred by any Statute of Limitations which there has not been a Contract, Acknowledgment, Undertaking, or Promise in Writing to pay within Six Years before the taking out of the Summons, although the same respectively shall not exceed Five Pounds.

Actions not to be split for the Purpose of bringing them before the Court; but the Court may decree in such Action so split, if the Plaintiff will receive the Money in full of all Demands in such Action.

XXX. And be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Plaintiff to split or divide any Cause or Action for the Recovery of any Debt, where the whole Sum that shall appear to be due and owing shall exceed the Sum of Five Pounds, in order that the same may be made the Ground of any Two or more Causes or Actions, for the Purpose of bringing such Causes or Actions within the Jurisdiction of the said Court; and in case it shall appear to the said Commissioners that any Plaintiff shall have so split or divided his or her Cause or Action as aforesaid, then and in every such Case the said Commissioners shall and they are hereby required to dismiss with Costs every such Cause or Action so split or divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such Manner as he or she may lawfully proceed: Provided always, that in case any Plaintiff who shall have so split or divided such his or her Cause or Action shall be willing to accept such Sum of Money as the said Court is in and by this Act enabled to adjudge, decree, and pronounce, in full of the whole of his or her Demand in such Cause or Action so split or divided, then and in every such Case the said Commissioners shall and may adjudge, decree, and pronounce, on such Plaintiff proving his or her Cause or Case to the Satisfaction of the said Commissioners, such Sum to the Plaintiff, not exceeding the Sum of Five Pounds, as to the said Commissioners shall seem just and reasonable; and such Sum shall, in the Judgment or Decree to be pronounced by the said Commissioners, be declared to be and shall be in full Discharge of all Demands from the Defendant to the Plaintiff in such Cause or Case so split or divided.

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

XXXI. 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 Cause of Action except such as shall be stated in the said Summons hereby directed to be given, nor shall any Evidence be admitted on the Behalf of the Defendant or Defendants, on the Trial of such Cause or Action, of any Demand he, she, or they may have on the Plaintiff or Plaintiffs in the Nature of a Set-off, to lessen or discharge himself, herself, or themselves from the said first-mentioned Demand or Cause of Action, unless Notice thereof in Writing shall have been given to the Clerk of the said Court or his Deputy previous to the Day whereon such Matter or Cause shall be heard or tried, and such Notice shall forthwith be communicated by such Clerk or his Deputy to the Plaintiff or Plaintiffs through the Post Office, or in such other Manner as to him shall seem fit and proper.

This Act not to prevent any Distress or Action for Rent.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent or restrain any Person or Persons from making Distress or bringing any Action or Actions whatsoever for Rent, and thereby recovering such Rent, with Costs, although the same Rent shall not amount to the Sum of Five Pounds.

Commissioners may award Execution against the Goods.

XXXIII. And be it further enacted, That in any Action, Cause, or Question in which the Commissioners of the said Court shall have made an Order or Decree for the Payment of Money, it shall be lawful for the said Commissioners present in Court immediately, or in case of Default or Failure of Payment thereof at the Times and in the Manner thereby directed, to award Execution against the Goods and Chattels of the Party against whom such Order or Decree shall be made, and thereupon it shall be lawful for the Clerk of the said Court or his Deputy, at the Request of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal by way of Fieri facias to one of the Sergeants or other Officers of the said Court, who, by virtue of such Precept issued upon Execution awarded against the Goods and Chattels of such Party, shall and may and is hereby empowered to levy by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such Sum and Sums of Money and Costs as shall be so ordered, decreed, or adjudged.

For regulating the Sale of Goods taken in Execution.

XXXIV. Provided always, and be it further enacted, That no Sale of any Goods which shall be taken under or by virtue of any Precept or Execution to be issued in manner aforesaid shall take place or be made until after the Expiration of Five Days at least next following the Day on which such Goods shall have been so taken, and in the meantime and until any such Sale shall be made the Goods taken by virtue of any Precept as aforesaid shall be deposited by the Sergeant or other Officer taking or levying the same in some fit and convenient Place or Places: Provided also, that it shall be lawful for the said Commissioners from Time to Time, and when and as often as they shall think proper, to nominate and appoint such and so many sworn Brokers and Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under or by virtue of this Act, as shall appear to the said Commissioners to be necessary or proper.

XXXV. Pro-

Costs of Distress.

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

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

XXXVI. And be it further enacted, That if the Sergeant or Officer of the Court to whom such Precept shall have been issued shall certify and make a Return thereon in Writing under his Hand that the said Party or Parties against the Goods of whom Execution shall have been awarded hath or have no Goods or Chattels, or not sufficient Goods or Chattels whereon or whereby such Levy can be made, then and in every such Case it shall be lawful for the said Commissioners to award Execution against the Body or Bodies of the Party or Parties against whom such Order or Decree shall be made for the whole or so much of such Sum or Sums of Money and Costs so ordered, decreed, or adjudged as shall then remain unsatisfied, and thereupon it shall be lawful for the Clerk of the said Court or his Deputy, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal to one of the Sergeants or Officers of the said Court, who shall and may and is hereby empowered to take such Party or Parties, who shall remain in Custody 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.

Proceedings in case Parties shall secrete their Goods or abscond.

XXXVII. And be it further enacted, That if the Party against whose Goods or Body any such Execution shall be awarded, and Process thereupon shall issue, shall, by secreting or removing his or her Goods or Chattels, or by absconding, or by any other Means, prevent or evade the Service or Effect of any such Execution, or in case his or her Goods and Chattels shall be insufficient fully to satisfy such Execution, then and in every such Case it shall be lawful 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 Sergeants or Officers of the said Court in manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied; and it shall be lawful 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 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 be lawful for the said Commissioners present in Court, in case any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, and directed shall afterwards be made, and they are hereby authorized and empowered, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure, to award Execution against the said Defendant or Defendants, or against any other Person or Persons who may have given Security to the said Plaintiff or

Plaintiffs, under the Direction 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.

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

XXXVIII. 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 Defendant or Defendants unless the Plaintiff or Plaintiffs entitled to the Benefit of any Order, Judgment, or Decree shall have obtained a Warrant or Process against the Goods and Chattels of the same Defendant or Defendants, and there shall have been a previous Return of Nulla bona thereon by one of the Sergeants of the said Court, or unless the Goods sold under the Execution shall not be sufficient to defray the Sum and Sums of Money and Costs so ordered, decreed, and adjudged, in which Case any Process against the Body or Bodies of any such Defendant or Defendants shall be issued only for the Deficiency: Provided alway, that in case it shall appear to the said Court, either upon the Confession of the Party or otherwise, that any Defendant or Defendants hath or have not sufficient Goods and Chattels whereon to levy such Execution, the said Court shall not be required to issue any Warrant or Process against the Goods and Chattels of such Defendant or Defendants, but it shall be lawful for the said Court and they are hereby authorized to commit such Defendant or Defendants to any Gaol of the said Borough for the Space of Time herein in that Behalf particularly directed.

If Defendant is out of the Jurisdiction of the Court, a Justice of the Peace may indorse the Precept, &c.

XXXIX. And be it further enacted, That in all Cases where a final Decree or Judgment for any Sum or Sums of Money shall have been obtained in the said Court, and the Body or Bodies, Goods and Chattels of any Defendant or Defendants shall be out of the Jurisdiction of the Court, it shall and may be lawful to and for any Sergeant of the said Court to apply to any Justice of the Peace acting for the County, Division, or Place whereto or wherein any Defendant or Defendants, or his, her, or their Goods and Chattels, shall be removed or be found, and upon Proof being made upon Oath, which Oath such Justice is hereby authorized and required to administer, of the Precept of Execution having issued against the Person or Persons or Effects, as the Case may be, of the Defendant or Defendants, and that the Person or Persons, Goods and Chattels of such Defendant or Defendants, is or are not to be found within the Jurisdiction of the said Court, but is or are believed to be within the County or District where such Justice of the Peace shall act, such Justice of the Peace is hereby authorized and required to sign or indorse his Name on the Back of the said Precept of Execution, and thereupon the Sergeant or other Officer of the said Court shall be and he and they is and are hereby authorized and empowered to take and seize the Person and Persons or Effects of the Defendant or Defendants, wheresoever the same shall be found within the County or District for which such Justice of the Peace who shall have so signed or indorsed the said Precept of Execution as aforesaid shall act, and to deal therewith in like Manner as if the same had been taken or seized within the Jurisdiction of the said Court, and

all Constables and other Peace Officers shall and they are hereby required to be aiding and assisting within their respective Districts in the Execution of the said Precept so indorsed as aforesaid.

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

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

Gaoler, &c. to receive Prisoners committed.

XLI. And be it further enacted, That the Keeper for the Time being of the Common Gaol for the said Borough of *Leicester* shall and he is hereby required to receive and take into his Custody respectively all and every Person and Persons who shall be committed or ordered to stand committed under or by virtue of this Act; and in case the Keeper of the said Gaol shall neglect or refuse to receive into his 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 Custody, discharge such Person or Persons out of his Custody, or wilfully suffer such Person or Persons to go at large without a Warrant or Order for that Purpose in Writing, signed in Court by Three at least of the said Commissioners, such Keeper so offending in any of the said Cases, and being thereof convicted before any One or more of His Majesty's Justices of the Peace for the said Borough of *Leicester*, upon the Oath or Affirmation of One or more Witness or Witnesses, which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer, or upon his Confession, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the said Justice or Justices; and in case such Sum shall not be immediately paid by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender or Offenders shall be convicted, then and in every such Case such Sum shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any), upon Demand, to such Offender or Offenders, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture, when so paid, levied, or recovered, shall be applied in like Manner as the several other Fines and Penalties are by this Act generally directed to be applied; and in case sufficient Distress

shall not be found it shall and may be lawful to and for such Justice or Justices to commit such Offender or Offenders to the Gaol or House of Correction for the said Borough for any Time not exceeding Two Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged.

No Privilege to be allowed to Attornies.

XLII. 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 whatever, but all such Attornies, Solicitors, and other Officers shall be subject to the several Processes, Orders, Judgments, and Executions of the said Court of Requests, in the same Manner as any other Person or Persons is and are subject to the same.

No Practiser of the Law to appear in the Court as Advacate.

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

Limitation of the Term of Imprisonment of Debtors.

XLIV. And be it further enacted, That no Person or Persons shall be committed to any Gaol or Prison by Order of the said Court for any Debt or Debts, or kept or continued in Custody on any Pretence whatsoever (except in the Cases herein provided) for any longer Space of Time than Seven Days from the Time of his, her, or their Commitment, and the Keeper and Keepers of every such Gaol or Prison is and are hereby directed and required to discharge such Persons accordingly.

Imprisonment for Fraud.

XLV. And be it further enacted, That no Person shall be imprisoned by the Order of the said Court on account of any Debt due by him (except as aforesaid), unless upon the Hearing of the Cause it shall appear that the Debtor shall have, under false Colour or Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtained Credit from the Plaintiff in that Action for any Goods and Chattels with Intent to defraud the Owner thereof, or unless, after the Action or Summons shall have been commenced in or have issued from the said Court against any such Debtor, the said Debtor or Defendant shall make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Money, Securities for Money, Goods and Chattels, or other Personal Property, or shall have removed or concealed the same with Intent to defraud the Plaintiff, and then and in such Cases or any of them the said Court, at the Instance of the Plaintiff, shall summon the said Debtor, and in the Summons shall cause to be stated the Offence with which he is charged, requiring him to appear before the said Court in the like Manner and within a like Period as upon the Summons at the Commencement of the Action to which the Offence complained of relates; and if it shall appear to the said Court that the said Debtor or Defendant is guilty of the Offence complained of against him, then and in such Case it shall and may be lawful for the said Court to order and cause the Debtor or Defendant so

offending to be committed to any Gaol or House of Correction for the said Borough for any Time not exceeding Thirty Days nor less than Ten Days, and that without impairing or destroying the Claim or Right of any Creditor to recover any Debt owing by any such Debtor.

To be imprisoned the limited Time for the First Execution, and afterwards the limited Time for the Second, &c.

XLVI. Provided always nevertheless, 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, and who at the Time of being taken into Custody, or during his, her, or their Imprisonment, shall have more than One Execution against him, her, or them in the said Court, shall be imprisoned during the Time by this Act limited for and in respect of each and every such Execution; (that is to say,) after the limited Time shall be expired on the First Execution the Imprisonment on the Second Execution shall commence, and after the limited Time shall be expired on the Second Execution the Imprisonment on the Third Execution shall commence, and so on until he, she, or they shall have been imprisoned the Time by this Act limited for and in respect of each and every separate Execution to be issued against him, her, or them in the said Court previously 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.

Debtors not liable to pay Gaol Fees.

XLVII. And be it further enacted, That each and every Person in Prison by virtue of this Act shall, on the Expiration of his or her Time of Imprisonment, be discharged and set at liberty without paying any Sum or Sums of Money, Fee or Fees, or other Reward or Gratuity whatsoever, to the Keeper or Keepers, Turnkey or Turnkeys of any Gaol or Prison, or others, by way of Gaol Fees or Discharge Fees, or on any other Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of the said Gaol or Prison, or any other Person whomsoever, shall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatsoever, upon 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 any Sum not exceeding Twenty Pounds, and it shall and may be lawful to and for any Two Justices of the Peace for the said Borough of *Leicester* 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 all the Witnesses on each Side, and to examine into the Matter of Fact, and upon due Proof made thereof by the Oath or Affirmation of One or more credible Witness or Witnesses, which Oath or Affirmation such Justices are hereby authorized and required to administer, or by the voluntary Confession of the Party accused, to give Judgment or Sentence for such Penalty or Forfeiture as aforesaid, and in case such Penalty or Forfeiture shall not be forthwith paid to issue a Warrant under their Hands and Seals for levying such Penalties or Forfeitures by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering

rendering the Overplus (if any), after deducting such Penalty or Forfeiture and the Costs and Charges of such Distress and Sale, to the Owner or Owners thereof; and in case sufficient Distress shall not be found it shall and may be lawful to and for such Justices to commit such Offender or Offenders to any Common Gaol or Prison in or for the said Borough of *Leicester* for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid; and 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 or Clerks to the said Commissioners, and the same shall be applied in like Manner as the several other Fines and Penalties are by this Act generally directed to be applied and distributed.

Statute of Limitations may be pleaded.

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

A List to be made out of unclaimed Money.

XLIX. And be it further enacted, That the Clerk to the said Commissioners shall and he is hereby required, in the Month of *January* in every Year, to make out and lay before the said Commissioners a correct List of all Sums of Money which shall have been paid into Court, and which shall have remained unclaimed for the Space of Six Calendar Months, or for any longer Period, next before the making out such List; and the said List shall also contain the Names of the Parties having paid such Sum or Sums of Money, and also the Names of the Parties for whom or on whose Account the same was or were so paid into Court; and such List shall be and remain hung up in some conspicuous Part of the said Court; and any Sums which may have remained unclaimed for the Space of Seven Years shall be applied by the said Commissioners, at a Meeting to be specially called for the Purpose, to such charitable Institutions within the Jurisdiction of the Court as they shall think fit.

Commissioners to make Rules respecting Suitors Money.

L. And be it enacted, That the said Commissioners, at any of their Meetings to be holden by virtue of this Act, shall and may and they are hereby empowered to make, ordain, and constitute such Rules and Regulations as to them shall seem meet for securing the Balances and other Sums of Money belonging to the Suitors of the said Court in the Hands of any Officers of the said Court, and for the due accounting for and Application of all such Balances and other Sums of Money, and also for auditing the Accounts, at least once in every Year, and oftener if they shall deem it necessary, and also to make Rules and Orders for regulating the Practice of the said Court, so that the same be not inconsistent with the Provisions of this Act.

LI. And

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

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

Commissioners misbehaving, may be struck out of the List.

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

Fees to be taken.

LIII. And be it further enacted, That the Fees to be taken by the Clerks, Sergeants, and other Officers of the said Court shall from Time to Time be fixed and regulated by the said Commissioners of the said Court; but that until any Order to the contrary shall be made by the said

said Commissioners the several Fees herein-after limited and expressed shall be taken by the Clerks, Sergeant, and Crier of the said Courts of Requests, for the several and respective Services in the Execution of this Act for the Recovery of all Sums not exceeding Five Pounds; (that is to say,)

	On Debts not exceeding Forty Shillings.		On Debts exceeding Forty Shillings.	
Clerk's Fees.	*s.*	*d.*	*s.*	*d.*
For entering every Cause - - - -	0	4	0	9
Issuing every Summons or Subpœna - - -	0	4	0	9
Every Hearing or Trial - - - -	0	6	1	0
Adjournment of any Cause - - - -	0	3	0	4
Giving Notice of Set-off - - - -	0	3	0	6
Swearing any Witness, Plaintiff, or Defendant - -	0	3	0	4
Entering and drawing up every Judgment, Decree, or Order - - - - - -	0	6	1	0
Copy of every Order or Judgment - - -	0	3	0	4
Every Nonsuit - - - - - -	0	6	1	0
Paying Money into Court, and entering same in Books -	0	3	0	4
Every Search, including Payment of Money out of Court, and entering same - - - - -	0	3	0	6
Issuing every Attachment, Precept, Order, or Execution -	1	0	1	6
Entering Acknowledgment of Satisfaction in full -	0	6	1	0
For every Warrant of Commitment for an Insult or Misbehaviour in the Court to the Commissioners, Clerk, or other Officer of the Court - - - -	1	0	1	0
Criers and Sergeants Fees.				
For calling every Plaintiff or Defendant - - - -	0	2	0	3
For serving every Summons, Order, or Subpœna within One Mile of the Court-house - - - -	0	4	0	6
If above One Mile, then extra for every Mile from the Court-house - - - -	0	2	0	3
For the Execution of any Warrant, Precept, or Attachment against the Goods or Body - - -	1	0	1	6
If above One Mile, then extra for every Mile from the Court-house - - - -	0	2	0	3
If an Assistant Sergeant should be necessary in the Judgment of the Commissioners, then for Assistant - -	0	6	1	0
If above One Mile, then extra for every Mile from the Court-house - - - -	0	2	0	3
For carrying every Plaintiff, Defendant, or Delinquent to Prison (including all Expences and Assistants), for every Mile - - - - -	1	0	1	0

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

LIV. And

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

LIV. And be it further enacted, That if any Clerk or his Deputy, Sergeant or Crier, or any other Officer employed by the said Commissioners in putting this Act or any of the Powers thereof into execution, shall exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are appointed and allowed to them respectively by virtue of this Act, for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act into execution, every such Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, forfeit and pay any Sum not exceeding Ten Pounds; which Fine or Penalty shall and may be recoverable, and when received or recovered shall be paid, applied, and distributed, by such Means and in like Manner as Forfeitures or Penalties are in and by this Act generally directed to be recovered, paid, applied, and distributed.

Sergeant neglecting his Duty to pay the Debt.

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

For punishing Persons guilty of Perjury.

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

Offices of Clerk and Treasurer not to be held by

LVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed a Clerk in the Execution of this Act, or the Partner of any such

the same Person.

such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, a Clerk in the said Court for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign or Protection shall be allowed.

For the Recovery and Application of Penalties.

LVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not hereby otherwise particularly directed,) shall, upon Proof of the Offences respectively before any Justice or Justices of the Peace for the said Borough of *Leicester*, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice or Justices; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid to the Treasurer for the said Borough of *Leicester*, and placed to the Account of the Borough Fund; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise, as to him or them shall seem right and proper; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath not nor

have Goods and Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol or Prison of the said Borough of *Leicester*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Ten Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

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

Form of Conviction.

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

'BE it remembered, That on this Day of in the Year of the Reign of *A. B.* 'is convicted before of His Majesty's Justices of the Peace 'for the Borough of *Leicester* [*or* before of the Commissioners 'for executing an Act passed in the Year of the Reign of 'King *William* the Fourth, intituled [*here insert the Title of this Act*], of 'having [*state the Offence*], and I [*or* we] the said do 'adjudge him [her *or* them] the said to forfeit and pay 'for the same the Sum of such Offence being contrary 'to the Provisions of the said Act. Given under my Hand and Seal [*or* 'our Hands and Seals] the Day and Year aforesaid.'

Distress not to be unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form.

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

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

LXIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action shall have been commenced; and in case no such Tender shall have been made it shall and may be lawful to and for the Defendant or Defendants in such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

For paying Expences of Act.

LXIV. And be it further enacted, That for the Purpose of defraying the Expences incident to and attending the preparing, obtaining, and passing of this Act, it shall and may be lawful to and for the said Commissioners or any Five of them, at their First or any subsequent Meeting or Meetings, in such Manner as they shall think proper, to borrow and take up at Interest such Sum or Sums of Money as they or any such Five or more of them shall think fit, and they or any such Five or more of them are hereby empowered from Time to Time, by any Writing under their Hands and Seals, to enter into and execute such Security or Securities as may be required by any Person or Persons for the several Sums of Money as shall be so borrowed, with Interest for the same, and the Time or Times of such Sum or Sums being so borrowed shall be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Court; and for raising a Fund for paying off such Sum or Sums of Money as shall or may be borrowed for the Purposes aforesaid, and the Interest in respect thereof, and also for providing from Time to Time for the necessary Expences of Fire, Coals, Candles, and cleaning the Court-house or Place of Meeting of the said Commissioners, and for other necessary and proper Purposes, it shall and may be lawful to and for the Clerk of the said Court to deduct and retain, by and out of the Monies to be recovered for the Plaintiff or Plaintiffs in any Suit or Action to be commenced in the said Court, any Sum or Sums of Money not exceeding Sixpence when the Amount of such Debt recovered shall amount to the Sum of One Pound, and any Sum or Sums not exceeding One Shilling when the Amount of such Debt recovered shall amount to the Sum of Two Pounds, and any Sum or Sums not exceeding One Shilling and Six-

pence when the Amount of such Debt recovered shall amount to the Sum of Three Pounds, and any Sum or Sums not exceeding the Sum of Two Shillings when the Amount of such Debt recovered shall amount to the Sum of Four Pounds; and such respective Sum and Sums of Money shall be payable and paid in all Cases by such Plaintiff or Plaintiffs after Suit or Action commenced, whether the Amount of such Debt or Debts shall be paid into or levied under the Process of the Court, or shall be paid, secured, or settled by the Defendant or Defendants unto or with the Plaintiff or Plaintiffs; which Sum or Sums so to be raised as aforesaid the Clerk of the said Court is hereby required to keep an Account of, and pay over from Time to Time to any Five or more of the said Commissioners assembled in Court, for the Purpose of applying the same as herein-after mentioned; and that such Five or more Commissioners shall, in the first place, apply the same in liquidation of or in paying off such Sum or Sums of Money as may be borrowed (and the Interest thereof) for the Purpose of defraying the Expences incident to and attending the preparing, obtaining, and passing this Act, and the Remainder of such Sum or Sums to be from Time to Time raised shall be applied by any Five or more of the said Commissioners assembled for that Purpose, or by the Clerk of the said Court, for the incidental Expences attending such Court as aforesaid.

Limitation of Actions.

LXV. Provided always, and be it further enacted, That no such Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Leicester*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared thereto, or if upon a Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall have his, her, or their Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law; and the Defendant or Defendants in such Action or Suit, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon.

Saving of Rights.

LXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, change, take away, prejudice, or annul any of the Rights, Privileges, Franchises, Courts, and Jurisdictions belonging to His most Excellent Majesty in right of His Duchy of *Lancaster*, or to the Mayor, Aldermen, and Burgesses of the Borough of *Leicester*, but that the same shall be, remain, and continue in as full and ample Power, Jurisdiction, and Authority as if this Act had not been passed, any thing herein contained to the contrary notwithstanding.

LXVII. Pro-

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

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

Borough of Leicester defined.

2 & 3 W. 4. c. 64.

LXVIII. And be it further enacted, That the Metes and Bounds of the said Borough of *Leicester* for the Purposes of this Act shall be the same as the Limits thereof settled and described in an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in* England *and* Wales, *so far as respects the Election of Members to serve in Parliament*, and that every Place and Precinct which shall be included within such Metes and Bounds shall be deemed to be Part of the said Borough for all the Purposes of this Act.

Public Act.

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

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