ANNO SEPTIMO

GULIELMI IV. REGIS.

****

Cap. vii.

An Act to extend the Powers and Provisions of an Act passed in the last Session of Parliament, for the more easy and speedy Recovery of Small Debts within the Borough of *Leicester*, to several other Towns, Parishes, and Places in the County of *Leicester*. [21st *April* 1837.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for the more easy and speedy Recovery of Small Debts within the Borough of* Leicester *in the County of* Leicester, certain Persons therein named were appointed Commissioners for the Recovery of Small Debts within the said Borough of *Leicester*, and the said Commissioners and their Successors were thereby constituted a Court of Justice by the Name of "The Court of Requests for the Borough of *Leicester*," and were empowered to meet and hold the said Court, and to determine all such Actions and Causes as are in the said Act mentioned: And whereas the Execution of the said Act has already been of great Benefit to the Inhabitants of the said Borough and others: And whereas it would be a great Benefit to the Inhabitants of the several Towns, Parishes, and Places mentioned and specified in the Schedule hereunto annexed,

6 W. 4. c. 23.

which are all in the Neighbourhood of the said Borough of *Leicester* and within the said County of *Leicester*, and would tend much to the Protection and Support of useful Credit within the same, if the Provisions of the said recited Act were extended to the said several Towns, Parishes, and Places; but 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,

Recited Act extended to this Act and to the Places mentioned in the Schedule annexed.

That from and after the passing of this Act the said Act passed in the last Session of Parliament, intituled *An Act for the more easy and speedy Recovery of Small Debts within the Borough of* Leicester *in the County of* Leicester, and the Jurisdiction of the Court thereby constituted, with all and singular the Powers, Authorities, Directions, Punishments, Penalties, Forfeitures, Provisoes, Matters, and Things contained in the said recited Act, shall extend and are hereby extended to, and shall take effect, operate, and be put in execution with respect to, all and singular the Towns, Parishes, and Places mentioned and specified in the Schedule to this Act annexed or hereunder written, and all Persons whomsoever being Householders, or residing, inhabiting, or being within the said Towns, Parishes, and Places respectively, or keeping or using any House, Warehouse, Wharf, Quay, Accounting-house, Chambers, Lodging, Office, Shop, Shed, Stall, or Stand, or in any Manner howsoever employed, whether as menial Servants or otherwise, or working or obtaining or seeking a Livelihood, or trading or dealing within, or using or frequenting the Markets of, or otherwise resorting to, the said Towns, Parishes, and Places respectively, and to all other Persons whomsoever, in such and the same Manner, and as fully and effectually, to all Intents and Purposes whatsoever, as if it had been enacted by the said recited Act that the said Towns, Parishes, and Places respectively should be deemed to be Part of the said Borough of *Leicester* for the Purposes of the said Act, and the Jurisdiction of the said Court thereby constituted had been thereby expressly extended to and made to include the same Towns, Parishes, and Places respectively, and such Persons as aforesaid, and as if the said Powers, Authorities, Directions, Punishments, Penalties, Forfeitures, Provisoes, Clauses, Matters, and Things contained in the said recited Act and every of them (save and except as the same are hereby altered), were herein repeated and re-enacted wih respect and in relation to the said Towns, Parishes, and Places respectively, and such Persons as aforesaid.

Oath to be taken.

II. Provided always, and be it further enacted, That no Person whomsoever (except such Persons or Person as before the passing of this Act shall have actually taken and subscribed the Oath or Affirmation mentioned in the said recited Act) shall be capable of acting as a Commissioner in the Execution of the said recited Act or 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

'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 for the more easy and speedy Recovery of Small Debts within the 'Borough of Leicester in the County of Leicester, and of an Act passed in 'the Seventh Year of the Reign of His said Majesty, intituled [*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 'Acts, 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 mé 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, and the said Oath or Affirmation shall be taken and subscribed in lieu and substitution of the Oath or Affirmation prescribed by the said recited Act, and such last-mentioned Oath or Affirmation shall not hereafter be taken or subscribed; any thing in the said recited Act to the contrary notwithstanding.

Limiting Costs of Service of Summons.

III. And be it further enacted, That when the usual Place or Places of Abode of any Debtor or Debtors to be hereafter summoned by virtue of the said recited Act or this Act shall exceed the Distance of Seven Miles from the Place for holding the Court which such Debtor or Debtors shall be summoned to attend, then and in every such Case the Costs to be payable by the Defendant or Defendants for the Service of such Summons shall be limited to the Sum of One Shilling and Sixpence; and in case the Fee payable to the Serjeant or Serjeants of the said Court by virtue of the said recited Act or this Act for the Service of such Summons shall exceed the said Sum of One Shilling and Sixpence, the Amount over and above that Sum shall be borne and defrayed by the Plaintiff or Plaintiffs, and not by such Defendant or Defendants.

Defendants resident in extended Jurisdiction to be committed to County Gaol.

IV. Provided always, and be it further enacted, That when the Place of Abode of any Defendant or Defendants shall be within any of the Towns, Parishes, or Places mentioned and specified in the Schedule to this Act annexed, and not within the said Borough of *Leicester*, and such Defendant or Defendants shall be in Custody on any Process issued under or by virtue of the said recited Act or this Act, or shall be ordered to stand committed under or by virtue of the said recited Act or this Act, such Defendant or Defendants respectively shall not be conveyed to the Common Gaol of the said Borough for safe Custody, but shall be respectively committed and conveyed to the Common Gaol of the said County of *Leicester*.

V. And

Gaoler, &c. to receive Prisoners committed.

V. And be it further enacted, That the Governor or Keeper for the Time being of the Common Gaol for the said County of *Leicester* shall and he is hereby required to receive and take into his Custody respectively all and every Person and Persons whose then present or last Place or Places of Abode is or was or are or were within any of the Towns, Parishes, or Places mentioned and specified in the Schedule to this Act annexed, and not within the said Borough of *Leicester*, and who shall be committed or ordered to stand committed under or by virtue of the said recited Act or this Act; and in case the Governor or Keeper of the said Gaol shall neglect or refuse to receive into his Custody any of such 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 by the Clerk of the said Court, or signed in Court by Three at least of the said Commissioners, such Governor or 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 any 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, and recovered, shall be applied in like Manner as the several Fines and Penalties imposed by the said recited Act are directed to be applied; and in case sufficient Distress shall not be found it shall be lawful for such Justice or Justices to commit such Offender or Offenders to the Gaol or House of Correction for the said Borough, there to remain 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.

For paying the Expences of this Act.

VI. 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 be lawful for the said Commissioners named in the said Act and their Successors, or any Five of them, at any of their 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 Five or more of them shall think fit, and they or any Five or more of them are hereby empowered from Time to Time, by any Writing under their Hands and Seals, to enter into and execute such 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 Purpose of paying the Expences of obtaining the said recited Act and this Act, and the Interest in respect thereof, and also for additionally providing from Time to Time for the necessary Expences in carrying the said recited Act and this Act into execution, and for other necessary and proper Purposes, it shall be lawful for the Clerk of the said Court to deduct and retain, by and out of the Monies to be recovered for the Plaintiff or Plaintiffs in any Suit or Action to be commenced in the said Court (over and above the respective Sums which in and by the said recited Act he is empowered to deduct and retain), any Sum or Sums of Money not exceeding Sixpence when the Amount of such Debt recovered shall amount to the Sum of Five Shillings and not amount to the Sum of Twenty Shillings, and such 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 or in payment of such Sum or Sums of Money as may be borrowed (and the Interest thereof) for the Purpose of defraying the Expences incidental to and attending the preparing and passing the said recited Act and 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.

Saving of Rights.

VII. 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*, or to the County Court of the said County of *Leicester*, the Court for the Hundreds of *East Goscote* and *West Goscote* in the said County of *Leicester*, known by the Name of the *Mountsorrel* Court, or any Courts Baron, Court Leet, or other Courts within the aforesaid extended Jurisdiction of the said Court constituted by the said recited Act, but 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.

This Act to cease on passing of any General Act.

VIII. 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 several Towns, Parishes, and Places herein-before mentioned or referred to, every Clause, Matter, and

Thing in this Act contained, which shall extend or be construed to extend to give to the Commissioners appointed by virtue of the said recited Act and this Act any such local or separate Jurisdiction, shall cease and determine.

Public Act.

IX. 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.

The

The SCHEDULE to which the foregoing Act refers.

Aylestone.
Arnesby.
Ashby-Magna.
Blaby.
Belgrave.
Bushby.
Bruntingthorpe.
Barkby.
Barkby-Thorpe.
Beeby.
Braunstone.
Braunstone-Frith.
Burton-Overy.
Billesdon.
Broughton-Astley.
Countesthorpe.
Cosby.
Croft.
Dunton-Bassett.
Desford.
Evington.
Enderby.
Foston.
Fleckney.
Glenn-Magna.
Glen-Parva.
Gaulby.
Glenfield.
Glenfield-Frith.
Groby.
Houghton-on-the-Hill.
Hungarton.
Humberstone.
Huncote.
Illston-on-the-Hill.
Ingarsby.
Knighton.
Kirby-Muxloe.
Kilby.
Kirby-Frith.
Kibworth-Beauchamp.
Kibworth-Harcourt.
Littlethorpe.
Lubbesthorpe.
Leicester-Abbey.
Leicester-Forest.
Leicester-Frith.
Leir.
Narborough.
New-Parks.
Newtown-Unthank.
Newtown-Harcourt.
King's Norton.
Old Hays.
Oadby.
Peatling-Magna.
Prime-thorpe.
Queniborough.
Rathby.
Saddington.
Shearsby.
Scraptoft.
Stoughton.
Stretton-Magna.
Stretton-Parva.
Smeeton-Westerby.
Thurmaston-North-end.
Thurmaston-South-end.
Thurlaston.
Thurnby.
Wigston-Magna.
Whetstone.
Willoughby-Waterless.
Wistow.

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