ANNO SEXTO

GULIELMI IV. REGIS.

Cap. xiii.

An Act for the more easy and speedy Recovery of Small Debts within the *Prestbury* Division of the Hundred of *Macclesfield* in the County of *Chester*. [22d *April* 1836.]

WHEREAS the several Townships of *Macclesfield*, *Sutton*, *Hurdsfield*, *Tytherington*, *Bollington*, *Rainow*, *Kettleshulme*, *Macclesfield Forest*, *Wildboarclough*, *Mottram Andrew*, *Pointon*, *Worth*, *Woodford*, *Adlington*, *Butley-cum-Newton*, *Prestbury*, *Bollin Fee*, *Pownall Fee*, *Chorley*, *Fulshaw*, *Over Alderley*, *Nether Alderley*, *Birtles*, *Capesthorne*, *Chelford*, *Eaton*, *Fallibroome*, *Gawsworth*, *Bosley*, *Henbury*, *Lyme Handley*, *Marton*, *North Rode*, *Somerford Booths*, *Siddington*, *Snelson*, *Upton*, *Old Withington*, *Lower Withington*, *Wincle*, and *Great Warford*, all in the *Prestbury* Division of the Hundred of *Macclesfield* in the County of *Chester*, are very populous, and in some of those Townships there are many very considerable Manufactories, which employ great Numbers of People, who, along with divers other Persons residing or trading within the said Townships, contract small Debts, which in the whole amount yearly to a very 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 the Right Honourable the Earl of *Derby* and his Ancestors for Time immemorial have, as Hereditary Grand Stewards of the Liberty of the Hundred of *Macclesfield* and the Manor and Forest of

Macclesfield, held at the Court House in *Macclesfield* aforesaid certain Courts of Record, called the Courts for the Liberty of the Hundred of *Macclesfield* and the Manor and Forest of *Macclesfield*, wherein Pleas of Debt to any Amount have been accustomed to be held, in the Jurisdiction of which Courts, or one of them, the said Townships are comprised; and the said Earl of *Derby* and his said Ancestors have heretofore appointed One practising Barrister as his Deputy Steward, to preside over the said Courts of Record upon the Trial of Causes, and One practising Attorney as his Clerk of the said last-mentioned Courts: And whereas the Expence of recovering Small Debts within the said Courts is very expensive: And whereas it would be a great Benefit to the Inhabitants of the said Townships, 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 Townships were provided; 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, That *Thomas Allen* senior, *James Allen*, *Thomas Airey*, *George Ainsworth*, *Matthew Arnold*, *Jonathan Arnold*, *George Ashness*, the Reverend *William Brownlow*, *Thomas Brocklehurst* Banker, *Joseph Hudson Beswick*, *Joseph Brooke*, *Finney Bowers*, *William Barnett*, *John Barnett*, *Charles Brinsley*, *Thomas Broderick*, *Thomas Brocklehurst*, *Peter Bullock*, *John Barton*, *George Barton*, *Thomas Brunt*, *James Brookes*, *Thomas Bradbelt* junior, *Matthew Barber*, *Thomas Bullock*, *Charles Boothby*, the Reverend *John Burnett*, the Reverend *Samuel Bowen*, *Charles Barber* (*Wilmslow*), *Richard Burgess*, the Reverend *William Cruttenden Cruttenden*, *James Cockson*, *Thomas Clulow*, *William Carr*, *John Cooke*, *Joseph Corbishley*, *Charles Corbishley*, *Thomas Cooke*, *Joseph Cooke*, *Jeremiah Clarke*, *William Clayton*, *David Shaw Clayton*, *William Bindley Dickinson*, *Joseph Duncalf*, *William Dunkerley*, *Richard Dewhust*, *James Downing*, *Peter Deane*, *John Davenport*, the Honourable *Thomas Americus Erskine*, *Thomas Evans*, *John Fleet*, *John Frost*, *James Frost*, *Samuel Foden*, *George Goodwin*, *William Green*, *Richard Gee*, *Ralph Goodwin*, *Rowland Gould*, *Samuel Gregg*, *John Green*, *John Upton Gaskell*, *Matthew Gaskell*, *Robert Hyde Gregg*, *Thomas Gee*, *Philip Holland*, *Richard Hammond*, *William Higginbotham*, *William Brocklehurst Hankinson*, *Thomas Hobson*, *Edward Hall*, *Uriah Hall*, *William Hopes*, *Lazarus Hardern*, *Joseph Holland*, *John Hibel*, *Thomas Hatton*, *David Jackson*, *James Jackson*, *Ferdinando Jackson*, *Thomas Jackson*, *Samuel Jesper*, *William Kelsall*, *Thomas Lean*, *Samuel Lowndes*, *James Lowe*, *Peter Lowe*, *Frederick Lallimand*, *Thomas Mayson*, *Matthew Mason*, *William May*, *Peter Morgan*, *William Millett*, *John Mellor* junior, *Christopher Mort*, *John Mason*, *Edmund Massey*, *James Mitchell*, the Reverend *Francis Stonehewer Newbold*, *David Newton*, *John Norbury*, *Thomas Norbury*, *Joseph Nightingale*, *Thomas Oliver*, *Henry Orme*, *David Oldham*, *William Potts*, *Samuel Pickering*, *George Poole*, *Richard Pearse*, *Samuel Potts*, *John Pott*, *Joseph Pott*, *Francis Roger Parker*, *James White Powell*, *Daniel Powell*, *Christopher Shaw Roe*, *John Ryle*, *Thomas Roylance*, *John Rowbotham*, *William Bradbury Robinson*, *James Rathbone*, *Peter Royle*, *Thomas Swanwick* M.D., *Thomas Swanwick*, *John Powell Swanwick*, *Thomas Stringer*, *James Sinnister*, *Jabez Slater*, *John Sidebottam*, *Noah Snape*, *John Starkey*, *James Swinnerton*, *James Sargent*, *Armitshead Sedgwick*, *William Sherratt*, *John Stansfield*, *Joseph Denby Sainter*,

Commissioners.

Sainter, Martin Swindells senior, *Martin Swindells* junior, *Joseph Swanwick, Isaac Smith, James Smith, William Smith, Samuel Sharrocks, Jeremiah Shatwell, William Taylor, Joshua Thorley, Samuel Thorp, Josiah Fox Taylor, William Thorley, George Wright, Thomas Wagstaff, Ralph Woodward, John Woodward* senior, *David Woodward, John Woodward* junior, *Henry Wardle, Thomas Wardle, Richard Wych, Anthony Wildgoose, Richard Wright, William Wright, Thomas Itchenor Watts, David Willett, John Wright* Silk Manufacturer, *Henry Warland, Richard Wood, Charles Wood* junior, *Josiah Walkley, Ralph Warrington, John Earle, Joseph Whittaker, John Barlow, Peter Taylor, Thomas Howard, Robert Simpson, Thomas Earlam,* Reverend *Edward Stanley,* and Reverend *Isaac Bell,* shall be and are hereby appointed the Commissioners for the Recovery of Small Debts within the said several Townships of *Macclesfield, Sutton, Hurdsfield, Tytherington, Bollington, Rainow, Kettleshulme, Macclesfield Forest, Wildboarclough, Mottram Andrew, Pointon, Worth, Woodford, Adlington, Butley-cum-Newton, Prestbury, Bollin Fee, Pownall Fee, Chorley, Fulshaw, Over Alderley, Nether Alderley, Birtles, Capesthorne, Chelford, Eaton, Fallibroome, Gawsworth, Bosley, Henbury, Lyme Handley, Marton, North Rode, Somerford Booths, Siddington, Snelson, Upton, Old Withington, Lower Withington, Wincle,* and *Great Warford,* in the said County of *Chester;* and the said Commissioners and their Successors are hereby constituted a Court of Justice by the Name of "The Court of Requests for the several Townships of *Macclesfield, Sutton, Hurdsfield, Tytherington, Bollington, Rainow, Kettleshulme, Macclesfield Forest, Wildboarclough, Mottram Andrew, Pointon, Worth, Woodford, Adlington, Butley-cum-Newton, Prestbury, Bollin Fee, Pownall Fee, Chorley, Fulshaw, Over Alderley, Nether Alderley, Birtles, Capesthorne, Chelford, Eaton, Fallibroome, Gawsworth, Bosley, Henbury, Lyme Handley, Marton, North Rode, Somerford Booths, Siddington, Snelson, Upton, Old Withington, Lower Withington, Wincle,* and *Great Warford,* in the County of *Chester;*" and the said Commissioners are hereby empowered and required to meet and hold the said Court on *Wednesday* once in every Three 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 Township of *Macclesfield* aforesaid, to be from Time to Time appointed, as Occasion may require, by the major Part of the said Commissioners at any of their Meetings to be holden by virtue of this Act; and the First Meeting of the said Commissioners shall be holden on some *Wednesday* within Two Calendar Months next after the passing of this Act. Meetings.

II. And be it further enacted, That it shall and may be lawful for the said Hereditary Grand Steward to nominate and appoint a practising Barrister at Law who shall have been called to the Bar, and who shall be actually in Practice as a Barrister, as Assistant to the said Commissioners; and such Barrister when so appointed shall be and be deemed to be one of the said Commissioners, notwithstanding he shall not possess the Qualification by Estate or otherwise herein mentioned, and such Barrister shall be the Chairman to the said Commissioners, and be required to attend at every Meeting of the said Commissioners to be holden in pursuance of this Act; and in case any such Barrister so nominated and appointed, or any Barrister to be nominated and appointed by virtue of this Act to be Chairman to the said Commissioners, shall die, refuse or neglect to act, A Barrister may be appointed as Assistant to the Commissioners.

act, or be incapable of acting as such Chairman, or shall be removed from such Office of Chairman, then and in every such Case it shall and may be lawful for the said Hereditary Grand Steward to nominate and appoint some other practising Barrister at Law as Assistant to the said Commissioners, and so *toties quoties;* and every Barrister so appointed shall have the like Powers and Authorities for carrying this Act into execution as the Barrister in whose Room or Stead he shall be so nominated or appointed: Provided always, that it shall be lawful for the said Hereditary Grand Steward, or for the said Commissioners at any Meeting to be specially convened for that Purpose, to displace or remove any such Barrister who shall, in the Opinion of the said Hereditary Grand Steward or the said Commissioners, misconduct himself as Assistant to the said Commissioners, or become incapable of discharging his Duties.

In case of the Death or Removal of the Barrister, if another is not appointed within 21 Days, the Commissioners may appoint, and in the meantime may act.

III. And be it further enacted, That in case any such Barrister shall die, or shall resign, or be removed or displaced from his said Office, or become incapable of discharging the Duties thereof, and the said Hereditary Grand Steward shall neglect or refuse to appoint another Assistant as aforesaid for the Space of Twenty-one Days after such Resignation, Death, or Removal shall have been notified to him, the said Commissioners shall proceed with all due Diligence to appoint another such Barrister in his Stead; and in the meantime and until such new Appointment shall take place, or in case the said Barrister shall at any Time be prevented by Illness from attending the said Court, or shall be unavoidably absent at the Assizes, Quarter Sessions, or otherwise, in the Exercise of his Profession, then and in every such Case the said Court shall be holden by the said Commissioners, and the Commissioner present who stands first in the List shall be Chairman, and have the decisive or casting Vote in case of an Equality of Votes in any Matter that shall come before the said Commissioners.

Commissioners to appoint a Barrister as Assistant when the Appointment devolves on them.

IV. And be it further enacted, That whenever the Appointment of Barrister, as Assistant to the Commissioners, shall devolve upon the said Commissioners in manner aforesaid, they are hereby required, at some Meeting to be for that Purpose convened in manner herein mentioned, to proceed to nominate and appoint to that Office a practising Barrister at Law who shall have been called to the Bar, and who shall be actually in Practice as a Barrister, as Assistant to the said Commissioners; and such Barrister when so appointed shall be and be deemed to be one of the said Commissioners in such and the like Manner as if he had been appointed by the said Hereditary Grand Steward.

Proceedings in case of the Absence of Assisting Barrister.

V. Provided always, and be it further enacted, That the said Commissioners shall not act in the Execution of this Act without being satisfied by special Inquiry and Report of the unavoidable or other Absence from Home or Illness of such Barrister; and in case of the Absence of such Barrister, the Commissioners shall and they are hereby required to allow the Defendant or Defendants in any Cause of Action for more than the Sum of Forty Shillings to postpone the Trial of such Cause or Action until the next Day of Attendance of such Barrister, if such Defendant or Defendants shall wish so to do; and in case such Trial shall be so postponed, the Clerk to the said Commissioners shall and is hereby required to give Two Days Notice in Writing both to the several Plaintiffs and

Defendants, or left at their respective last or usual Places of Abode, of the next appointed Day of Attendance of such Barrister; and an Entry or Entries of all such Proceedings shall be made and preserved in the Proceedings of the said Court of Requests.

Commissioners to hear Causes, and to give Judgment.

VI. And be it further enacted, That the Commissioners of the said Court, or the major Part of them, not being less than Five, who shall be present at their Meetings to be holden in pursuance of this Act, (of whom the said Barrister shall be always one, except in case of the Death or Incapacity to act of the said Barrister, as herein-before mentioned,) are hereby authorized and empowered to hear and determine such Actions and Causes as are herein-after mentioned, and to give such Judgments, and to make such Orders and Decrees therein, and to award such Execution thereon, with Costs, against the Body or Bodies or against the Goods and Chattels of all and every the Person or Persons against whom they shall give any such Judgment or make any Order and Decree, as to them shall seem just in Law and Equity; and in case of an Equality of Votes on any Action, Cause, or Question before the said Commissioners, then and in every such Case, where the said Barrister shall be present, the said Barrister shall have the decisive or casting Vote, although such Barrister shall have voted before; and in case the said Barrister shall not be present, the Commissioner present who stands first in the List of Names of the said Commissioners (which List the said Commissioners shall and they are required to hang or cause to be hung up in the Court or Place where the Commissioners meet) shall have the decisive or casting Vote in the Absence of the Barrister to be nominated and appointed in manner by this Act directed as a Commissioner for the Purposes of this Act.

Appointment of Clerk.

VII. And be it further enacted, That the said Hereditary Grand Steward shall in like Manner appoint the Clerk to the said Commissioners, who shall be removeable therefrom in such and the like Manner as the said Barrister holds his Office of Assistant to the said Commissioners.

Time of hearing Causes.

VIII. 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.

IX. And be it further enacted, That when any of the said Commissioners of the said Court, 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 surviving or remaining Commissioners 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 or Commissioners 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 Fifty, 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, refusing or ceasing to act as hereinbefore mentioned, as will make up the Number of One hundred Commissioners at the least; 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 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, Fourteen Days at least before such Meeting shall be holden; and every Commissioner so elected shall have the like Powers and Authorities for carrying this Act into execution, and shall be subject and liable to the same Rules, Regulations, and Restrictions, as fully and effectually, to all Intents and Purposes whatsoever, as if he had been particularly named herein as a Commissioner.

Commissioners to take an Oath.

X. 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, Moravians, or Separatists*, 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 Year of the Reign of King *William* the Fourth, intituled *An Act* [*here insert the Title of this Act*], without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever; and also that I am a Householder within the Jurisdiction of the 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 Five hundred Pounds, above all Charges or Incumbrances whatsoever. [*Or when this Oath is administered to the Assistant Barrister omit the words*, "and also that I am a Householder," *&c. to the End of the Sentence.*] So help me GOD.'

[*Or being a Quaker, Moravian, or Separatist, 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 here 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

or Rolls, or Book, shall be carefully kept amongst the Records of the said Court.

Qualification of Commissioners.

XI. And be it further enacted, That no Person, except the Assistant Barrister aforesaid, 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 a Personal Estate of the Value of Five hundred Pounds, above all Charges and Incumbrances whatsoever; and if any Person not being qualified as aforesaid shall presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence (over and above any Punishment that he may be subject 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 in point of Property 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.

Commissioners required to qualify within a certain Period.

XII. And be it further enacted, That if any Commissioner named or 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 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 or act as last aforesaid; and if any Person so neglecting or refusing to qualify or act 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

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.

Appointment of Officers.

XIII. 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 a Meeting to be for that Purpose convened in manner hereinafter mentioned, to nominate and appoint during his and their good Behaviour, a fit and proper Person or Persons for Sergeant or 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 Sergeant, Crier, and Officer shall be subject to the Pains and Penalties, and Powers of Removal, and to the Rules and Regulations, herein expressed; and when and as often as it shall happen that the Office or Offices of Sergeant or Crier or of any other Officer or Officers (except the said Barrister and Clerk) shall become vacant either through Death or Resignation, or Suspension, Dismissal, Removal, or Incapacity, then and in every 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 Sergeant or Crier or other Officer or Officers of the said Court, during his and their good Behaviour, to be in like Manner subject to the Pains and Penalties, and Powers of Removal, and to the Rules and Regulations, herein mentioned and expressed; 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 such Chairman, 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.

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

XIV. 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 Fourteen Days at least before such Meeting shall be holden.

Disqualification of Commissioners.

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

Power for the Clerk to appoint a Deputy.

XVI. And be it further enacted, That it shall and may be lawful to and for the 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, and any such 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 the said 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.

Clerk or his Deputy to issue Summonses, and enter Proceedings in 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 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.

Duty of Clerk and Deputy and of Sergeants.

XVIII. And be it further enacted, That if any Clerk or Deputy, Sergeant, Crier, or other Officer, shall be guilty of any Misbehaviour, either by Neglect or Breach of Duty, or in taking greater Fees than are by this Act allowed to be taken, or otherwise in the Discharge of their respective Offices, upon Complaint and due Proof thereof made upon Oath in open Court, the said Commissioners of the said Court then sitting shall and they are hereby directed to inquire into the Nature of the said Complaint; and if it shall appear to be well founded, then such Commissioners or the major Part of them so sitting in Court as aforesaid are hereby directed and required to cause the whole Number of Commissioners of the said Court residing within the Jurisdiction thereof to be summoned to meet at a convenient Time and Place, which Meeting shall be holden not sooner than Fourteen Days nor more than Thirty Days next after such Summons; and the said Commissioners at such Meeting, or the major Part of them present, shall and may examine and consider the Merits of such Complaint, and if it shall appear to the Commissioners of the said Court or the major Part of them that such Clerk or Deputy, Sergeant or Crier, or other Officer, hath or have been guilty of such Misbehaviour or Breach of Duty as aforesaid in his or their Office or Offices, then and in every such Case it shall and may be lawful to and for the said Commissioners of the said Court, or the major Part of them, to suspend, dismiss, or remove such Clerk or Deputy, Sergeant, Crier, and other Officer, from his or their said Office or Offices.

Officers may be displaced for Misbehaviour.

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

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

Time being, to adjourn such Court to the next Court Day, or to some earlier Day.

Commissioners, &c. not to act where interested.

XX. 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 the Clerk or his Deputy, or the Sergeant or other Officer of the said Court for the Time being, shall be a Party to or interested in any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy, 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.

XXI. 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 to be summoned before Commissioners, who may make such Orders between the Parties as they shall think fit.

XXII. And be it further enacted, That from and after the First Meeting of the said Commissioners it shall and may be lawful to and for any Person or Persons, whether such Person or Persons shall reside within the Jurisdiction of the said Court or not, having any Debt or Debts upon any Contract or Agreement, or for or in respect of Wages, Rent, or Arrears of Rent, or otherwise howsoever (save and except as is herein mentioned), not exceeding the Value of Five Pounds, due or owing or belonging to him, her, or them, in his, her, or their own Right, or in the Right of any other Person or Persons, or as Executor, Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due, owing, or payable to him as Collector of any Tolls, or of any Rates or Taxes, or as Clerk, Treasurer, or other Officer to any Commissioners or Trustees, or to any Body or Bodies Politic or Corporate, or to any Club or Friendly Society duly associated and constituted by the Statutes in that Case made

and provided, or in any other Manner whatsoever which the said Commissioners are by this Act enabled to judge and determine, and not expressly prohibited by this Act, by or from any other Person or Persons whomsoever inhabiting and residing within the said several Townships aforesaid or any of them, or keeping or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing or working, or seeking a Livelihood or trading or dealing within the said several Townships, to apply to the Clerk or Clerks of the Court for the Time being or his Deputy, who shall thereupon in due course make out and deliver, or cause to be made out and delivered, to one of the Sergeants of the said Court for the Time being a Summons in Writing under the Hand of the said Clerk or his Deputy, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, and stating the Particulars of such Demand or Cause of Action, together with the Name, Description, and Place of Abode of the Party 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 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 Servant or other Person belonging to him, her, or them, or at the Dwelling House, Place of Abode, or Shop of such Debtor or Debtors, being within the Jurisdiction of the said Court; and upon due Proof of such Summons having been duly served in manner aforesaid, or upon the Appearance of the Debtor or Debtors, the said Commissioners, or any Five or more of them, are hereby empowered and required to make due Inquiry concerning such Demands or Plaints, and make such Orders therein, and pass such Judgment or Judgments thereupon, and award such reasonable Costs of Suit, as to them shall seem right and proper consistent with the Rules and Regulations in this Act contained; and as well the Plaintiff and Plaintiffs as the Debtor or Debtors whom such Order or Orders, Decrees, Judgments, and Proceedings shall respectively concern, shall duly observe, perform, and keep the same respectively; and for the better Discovery of the Truth, and more solemn Determination of the Matters and Causes which shall be depending in the said Court, it shall and may be lawful to and for the Commissioners present in the said Court to administer an Oath or Oaths or Affirmation or Affirmations to any Officer of the said Court, and 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 or either Party, and also to any other Person or Persons whose Evidence shall seem necessary towards the hearing or determining any of the said Causes or Actions, or making an Order or Decree therein, or for any other Purpose requisite for the Execution of this Act.

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

XXIII. 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 left at his, her, or their Dwelling House, Place or Places of Abode, Shop or Shops, shall, for the Purpose of

of proceeding against the Party so summoned, be as good and sufficient as if each of such Partners or Persons were severally or separately summoned as aforesaid.

Witnesses may be summoned.

XXIV. 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 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 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, Moravian, or Separatist, 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 Ten 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.

XXV. 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.

XXVI. And

If the Plaintiff does not appear to prove his Demand, Defendant shall have Costs, &c.

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

What Debts to be decided by the Commissioners.

XXVII. 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 Returns founded on Quantum meruit or Quantum valebat, and in all Causes or Actions of Trespass or Detinue for Goods and Chattels taken or detained.

Clerk not to issue Summons until Deposit is made.

XXVIII. And be it further enacted, That no Clerk of the said Court shall issue any Summons for any Debt exceeding Twenty Shillings 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 exceeding Twenty Shillings and not exceeding Forty Shillings the Sum of Two Shillings, and for every Debt exceeding Forty Shillings and not exceeding Sixty Shillings the Sum of Five Shillings, and for every Debt exceeding Sixty Shillings the Sum of Seven Shillings and Sixpence; and if upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the said Court, or of the Cause for or on account of which the said Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear, either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demand to the Satisfaction of the said Court, but shall become nonsuited, or 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 Five 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 Sum-

Costs may be awarded out of such Deposit.

mons 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 for any Beadle of the said Court to apply to any Justice of the Peace acting for the Borough of *Macclesfield* or for the said County of *Chester*, 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 Beadle 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 or their Goods and Chattels, shall, after final Judgment given in the said Court, be removed out of the Jurisdiction thereof.

Debts due to Persons under Age may be recovered.

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

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

XXX. And be it further enacted, That in case it shall at any Time during the hearing of any Cause in the said Court appear, by the Oath of any Person or Persons, to the Satisfaction of the major Part of the Commissioners present at the Court at which such Cause shall be heard, that such Debtor or Debtors is or are unable, from Sickness or unavoidable Accident, to pay and discharge the Debt or Debts from 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 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.

XXXI. 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 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 Limits and 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 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.

XXXII. 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, nor any Set-off allowed without Notice being given.

XXXIII. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff on the Trial of any such Cause or Action as aforesaid of any Demand or Cause or 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 first-mentioned 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 such Plaintiff or Plaintiffs, by personal Service, or by leaving the same at his, her, or their

Dwelling

Dwelling House, Place of Abode, or Shop, previous to the Day whereon such Matter or Cause shall be heard or tried.

Commissioners may award Execution against the Body or Goods.

XXXIV. And be it further enacted, That in any Cause, Action, or Case in which the Commissioners of the said Court shall have made an Order or Decree for the Payment of Money, it shall and may be lawful to and for the said Commissioners present in Court to award Execution either against the Body or Goods of the Party against whom such Order or Decree shall be made, and thereupon it shall and may be lawful to and for the 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, by way of Capias ad satisfaciendum, or Fieri facias, to one of the Sergeants of the said Court, who, by virtue of such Precept issued upon Execution awarded against the Body of such Party, shall and may and he is hereby empowered to take and convey such Party, to the Common or any other Gaol or Prison of the said County of *Chester*, there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgment, for the Space of Time herein in that Behalf particularly directed; and in case any such Precept shall be issued upon Execution against the Goods and Chattels of such Party, such Sergeant shall and may and he is hereby empowered to levy, by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such Sum or Sums of Money and Costs as shall be ordered, decreed, or adjudged; and if the Party against whose Body or Bodies any such Execution shall be awarded, and Process thereupon issue, shall by absconding, or by secreting or removing his, her, or their Goods or Chattels, or by any other Means, prevent or evade the Service or Effect of any such Execution, then and in every such Case it shall and may be lawful to and for the said Commissioners present in the said Court, upon due Proof thereof made before them by the Oath or Oaths of One or more credible Witness or Witnesses, at their Discretion to award further Execution either against the Body or Goods and Chattels of such Party, and Process shall issue thereupon and be served by one of the Sergeants of the said Court until the Plaintiff or Plaintiffs shall be fully paid and satisfied; and it shall and may be lawful to and for the said Commissioners from Time to Time, in case they shall think fit, for the Ease and Convenience of the Defendant or Defendants, and they are hereby authorized and empowered, to order, decree, or adjudge any Debt or Debts due to the Plaintiff or Plaintiffs to be paid by several Payments or Instalments, and under such Terms and Conditions as may appear reasonable and just to them the said Commissioners, for the Ease of the Defendant or Defendants and the Security of the Plaintiff or Plaintiffs; and it shall and may be lawful to and for the said Commissioners present in Court, in case any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, 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 Directions of the said Commissioners for the Payment of such Instalments in manner aforesaid, for the whole Debt, or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable, and such Debt or such Part thereof,

In case the Parties shall abscond or secrete their Goods, Commissioners may award further Execution.

Commissioners may decree Debts to be paid by Instalments.

thereof, together with such further Costsshall be recovered by the same Ways and and Means as are herein provided for Recovery of Debts and Costs first decreed.

Process not to issue against the Body and Goods at the same Time.

XXXV. And be it further enacted, That it shall not be lawful to or for the Commissioners of the said Court to issue any Process against the Body or Bodies of any Defendant or Defendants in any Case or Cases where the Plaintiff or Plaintiffs entitled to the Benefit of any Order, Judgment, or Decree shall at the same Time have obtained any Warrant or Process against the Goods and Chattels of the same Defendant or Defendants, unless there shall have been a previous Return of Nulla bona thereon by the Sergeant of the said Court.

In case of Insufficiency of Goods, Court may commit Person to Prison.

XXXVI. And be it further enacted, That in case any such Precept shall be directed to be issued upon Execution against the Goods and Chattels of any Party, and it shall appear to the said Court, either upon the Confession of the Party or otherwise, that he hath not sufficient Goods and Chattels whereon to levy such Execution, the said Court shall not be required to issue such Warrant of Distress, but it shall be lawful for the said Court and they are hereby authorized to commit such Person to any Gaol of the said County for the Space of Seven Days.

Commissioners may direct Plaintiff to pay 6*d.* per Day to Debtor during Imprisonment.

XXXVII. And be it further enacted, That in any Case in which any Defendant shall be committed to any Common Gaol or Prison by virtue of this Act for Want of sufficient Goods and Chattels, it shall be lawful for the said Commissioners, if they shall think fit, to direct the Plaintiff to pay the said Defendant any Sum not exceeding Sixpence *per Diem* for his Support and Maintenance during his Imprisonment.

If Defendants remove out of the Jurisdiction of the Court to avoid Execution, a Justice of the Peace may indorse the Precept, &c.

XXXVIII. 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, 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 Division or Place to which such Defendant or Defendants, or his, her, or their Goods and Chattels, shall be removed, 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 upon 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 Court before Sale, Execution to be superseded.

XXXIX. 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.

XL. And be it further enacted, That the Keeper or Keepers for the Time being of the respective Gaols or Prisons within the said County of *Chester* shall and he and they is and are hereby required to receive and take into his and their 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 or Keepers of the said Gaols, or Prisons respectively shall neglect or refuse to receive into his or their Custody any Person or Persons so committed, or shall, before the Expiration of the Time for which any Person or Persons shall be committed to his or their Custody, discharge such Person or Persons out of his or their Custody, 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 Five at least of the said Commissioners, such Keeper and Keepers respectively 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 County of *Chester* 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 or their Confession, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds at the Discretion of the said Justice or Justices; and in case such Sum shall not be immediately paid by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender or Offenders shall be convicted, then and in every such Case such Sum shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any), upon Demand, to such Offender or Offenders, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture, when so paid, levied, or recovered, shall

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 any such Gaol or Prison as aforesaid for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged.

No Privilege to be allowed to Attornies.

XLI. 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 Attorney, Solicitor, or Practiser of the Law to be Advocate.

XLII. And be it further enacted, That no such Attorney, Solicitor, Scrivener, or other Person practising in the Law shall be permitted to appear in the said Court of Requests as an Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant, or any other Person, in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness; and in case any Attorney, Solicitor, or Scrivener shall appear in the said Court of Requests as an Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant, or any other Person, in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness, then and in every such Case such Attorney, Solicitor, or Scrivener so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds on being convicted thereof before any One or more of His Majesty's Justices of the Peace for the said County of *Chester* upon the Oath or Affirmation of One or more credible Witness or Witnesses, which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer, or on his own Confession; and in case such Sum of Money shall not be paid forthwith by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender shall be convicted, then and in every such Case such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) to such Offender, after deducting such Fine or Forfeiture, and the Costs and Charges of such Distress and Sale; and such Fine or Forfeiture, when so paid, 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 a sufficient Distress cannot be found it shall and may be lawful to and for such Justice or Justices to commit such Offender or Offenders to any Common Gaol or Prison in the said County of *Chester* for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged.

XLIII. And

Imprisonment of Debtors limited.

XLIII. 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.

XLIV. And be it 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 the Intent to defraud the Owner thereof; or if, after 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 Grant or Conveyance of any of his Lands or Tenements, Goods or Chattels, or 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, then and in such Case the said Court, at the Instance of the said Plaintiff, shall summon the said Debtor, and in the Summons shall cause to be stated the Offence with which he was 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 against him, then and in either Case it shall and may be lawful to and for the said Court to order and cause the Debtor or Defendant so offending to be committed to any House of Correction for the said County 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.

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

XLV. And be it further enacted, That all and every Person and Persons who shall be taken in Execution under or by virtue of any Process issuing from or out of the said Court of Requests, and who, at the Time of his, her, or their being taken into Custody, or during his, her, or their Imprisonment, shall have more than One Execution against him, her, or them in the said Court, shall be imprisoned 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 or them in the said Court previous to his, her, or their being taken into Custody, or during his, her, or their Imprisonment; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

XLVI. And

Debtors not liable to pay Gaol Fees.

XLVI. 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 the Sum of Twenty Pounds; and it shall and may be lawful to and for Two Justices of the Peace for the said County of *Chester* 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 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 County of *Chester* 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: Provided always, that nothing herein contained shall extend or be construed to extend so as to prevent or restrain any Person or Persons from making Distress, or bringing any Action or Actions whatsoever, for Rent or Arrears thereof, and thereby recovering such Rent, with Costs, although the same shall not exceed the Sum of Five Pounds.

Nothing herein contained to prevent any Person from distraining for Rent.

Statute of Limitations may be pleaded.

XLVII. 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.

XLVIII. And be it further enacted, That the Clerk to the said Commissioners shall and he is hereby required in the Month of *June* 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 Twelve 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 Place in 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 said Court as they shall think fit.

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

XLIX. And be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or 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.

L. 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, or shall render himself or themselves obnoxious to all or any of the rest of the Commissioners present in Court, 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 Two Thirds 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 Fourteen 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.

LI. And be it further enacted, That the several Fees herein-after limited and expressed, and no other, shall be taken by the Assistant Barrister, Clerks, Sergeant, and Crier of the said Court 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 Porty Shillings.
Assistant Barrister's Fees.	*s. d.*	*s. d.*
Upon every Summons issued	0 6	1 0
Upon every Hearing or Trial	0 6	1 0
Upon every Nonsuit	0 6	1 0
Upon every Judgment or Order entered upon every Trial or Nonsuit	0 6	1 0
Upon every Attachment or Execution issued	0 6	1 0
Clerk's Fees.		
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
Swearing any Witness, Plaintiff, or Defendant	0 2	0 4
Entering and drawing up every Judgment, Decree, or Order	0 6	1 0
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
For every Warrant of Commitment for an Insult or Misbehaviour in the Court to the Commissioners, Clerk, or other Officer of the Court, One Shilling.		

Crier's

Crier's and Sergeant's Fees.	On Debts not exceeding Forty Shillings.		On Debts exeeeding Forty Shillings.	
	s.	*d.*	*s.*	*d.*
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 One Shilling.				

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.

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

LII. And be it further enacted, That if any Assistant Barrister, 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.

If Sergeant by Neglect of Duty suffer an Escape, he shall pay the Debt.

LIII. 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 Commissioners of the said Court, or any Five or more of them, upon Complaint, and due Proof thereof made upon Oath or Oaths, 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

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.

LIV. 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.

For the Recovery and Application of Penalties.

LV. 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 County of *Chester*, 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; 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, one Moiety to the Informer, and the other Moiety to the Clerk to the said Commissioners, and shall be by the said Commissioners distributed amongst the Poor of the several Parishes, Townships, and Places within the Jurisdiction of the said Court of Requests; 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 County of *Chester*, 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.

LVI. 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 of the Peace to whom Complaint shall be made of any Offence against this Act to summon before him 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; 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.

LVII. 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 County of *Chester*, [or before
'of the Commissioners for executing an Act passed in the
'Year of the Reign of King *William* the Fourth, intituled *An Act* [*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.

LVIII. 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

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

Proceedings not to be quashed for Want of Form.

LIX. 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.

LX. 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.

Limitation of Actions.

LXI. 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 said County of *Chester*, 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 the Rights of existing Courts.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to do away, destroy, or

or prejudice the Courts for the Liberty of the Hundred and for the Manor and Forest of *Macclesfield* in the said County of *Chester*, or the County Court in and for the same County, or any Courts Baron, Courts Leet, or other Courts within the Jurisdiction of the Court constituted by this Act; but the said Courts respectively shall have the same Powers, Privileges, and Jurisdiction, in and so far as relates to the several Townships aforesaid or any of them, as they respectively had and exercised before the passing of this Act; any thing herein contained to the contrary notwithstanding.

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

LXIII. 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 several Townships in this Act mentioned, 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.

Public Act.

LXIV. 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.

Commencement of Act.

LXV. And be it further enacted, That this Act shall commence and take effect on the First Day of *June* One thousand eight hundred and thirty-six.

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