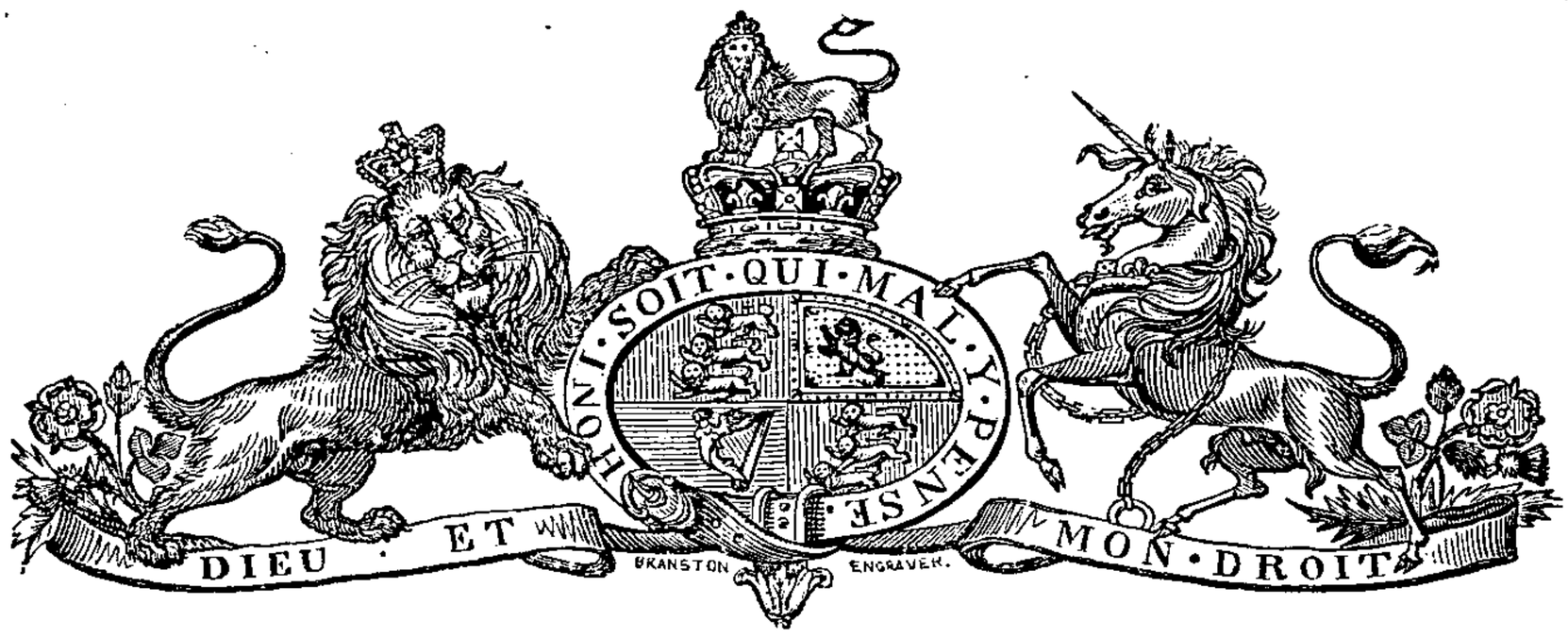


ANNO PRIMO

VICTORIÆ REGINÆ.

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Allexton, Stockerston, Great Easton, Bringhurst, Drayton, Medbourne, Holt, Blaston, Horninghold, Hallaton, East Norton, Tugby, Loddington, Goadby, Keythorpe, Skeffington, Tilton, Halstead, Cranoe, Glooston, Slawston, Knossington, Cold Overton, Somerby, Burrow or *Burrough-on-the-Hill, Stapleford, Leesthorpe, Marfield, Wymondham, Edmonthorpe, Twyford, Little Dalby,* and *Pickwell,* in the County of *Leicester,* are also populous; and also some of the several Parishes, Townships, Hamlets, and Places of *Wakerley, Duddington, Blatherwick, Bulwick, Deen, Deenthorpe, Laxton, Harringworth, Gretton, Great Weldon, Little Weldon, Rockingham, Cottingham, Middleton,* and *Corby,* in the County of *Northampton,* are likewise populous; and the several Parishes, Townships, Hamlets, and Places before mentioned to be situate in the Counties of *Leicester* and *Northampton* are all within the Distance of Eight Miles or thereabouts from the said Market Towns of *Oakham* and *Uppingham,* or One of them: And whereas an extensive Trade is carried on in the said Market Towns of *Oakham* and *Uppingham,* as also in many of the several Parishes, Townships, Hamlets, and Places before mentioned, and Credit in small Sums to a considerable Amount is frequently given by Tradesmen and Shopkeepers, and great Numbers of People residing or trading within all or a great many of the said Parishes, Townships, Hamlets, and Places contract with such Tradesmen and Shopkeepers 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 it would encourage Industry, and be of great Advantage to the Inhabitants of the several Parishes, Townships, Hamlets, or Places before mentioned, 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 Parishes, Townships, Hamlets, and Places were provided, and to be established and held at the Market Towns of *Oakham* and *Uppingham* aforesaid alternately: But inasmuch as the same cannot be effected without the Aid and Authority of Paliament, May it therefore please Your Majesty, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners to be appointed as hereafter directed, and their Successors, are hereby constituted a Court of Justice by the Name of "The *Oakham* and *Uppingham* Court of Requests."

Commissioners constituted a Court of Justice.

Election of Commissioners.

II. And be it further enacted, That it shall and may be lawful to and for all and every of the Parishioners or Inhabitants of the said several and respective Parishes, Hamlets, Townships, and Places who have a Right to assemble and meet for the Election of any of the Officers in their several and respective Vestries, or other Places of Meeting for transacting the public Business of such Parishes, Hamlets, Townships,

ships, and Places, and they are hereby empowered and required, on the Third *Friday* next after the passing of this Act, and also on the First Day of *July* in the Year of our Lord One thousand eight hundred and thirty-nine, and so on the same Day in every succeeding Year, (provided the same shall not fall on a *Sunday*, and if it shall then upon the next Day,) at Ten of the Clock in the Forenoon, in the several and respective Vestries in each of their respective Parishes, Hamlets, or Townships, to nominate and assign in the whole the Number of Three hundred and sixty of or from amongst the most substantial and discreet Persons residing within their respective Parishes, Hamlets, or Townships, who shall be severally possessed of the Qualifications herein-after particularly mentioned, to be Commissioners of the Court of Requests in and for the said Parishes, Hamlets, Townships, and Places for the Purposes herein-after mentioned and expressed, to be appointed by such Parishioners in manner following; (that is to say,) such Parishioners of the Parish of the *Lordshold* in *Oakham* to nominate, assign, and appoint Eighteen of the said Persons; such Parishioners of the Parish of *Deanshold* in *Oakham*, Thirteen of the said Persons; such Parishioners of the Parish of *Uppingham*, Thirty-one; such Parishioners of the Parish of *Manton*, Five; such Parishioners of the Parish of *Ayston*, Three; such Parishioners of the Parish of *Preston*, Six; such Parishioners of the Parish of *Wing*, Four; such Parishioners of the Parish of *Lyndon*, Two; such Parishioners of the Parish of *North Luffenham*, Six; such Parishioners of the Parish of *South Luffenham*, Three; such Parishioners of the Parish of *Pilton*, One; such Parishioners of the Parish of *Morcott*, Four; such Parishioners of the Parish of *Ketton*, Five; such Inhabitants of the Hamlet of *Geeston*, One; such Parishioners of the Parish of *Tinwell*, One; such Inhabitants of the Hamlet of *Ingthorpe*, One; such Parishioners of the Parish of *Saint Peter's Hill Stamford*, One; such Parishioners of the Parish of *Barrowden*, Three; such Parishioners of the Parish of *Tixover*, One; such Parishioners of the Parish of *Seaton*, Three; such Parishioners of the Parish of *Glaston*, Three; such Parishioners of the Parish of *Bisbrooke*, One; such Inhabitants of the Hamlet of *Thorpe-by-Water*, Two; such Parishioners of the Parish of *Liddington*, Five; such Parishioners of the Parish of *Hambleton*, Four; such Parishioners of the Parish of *Stoke Dry*, One; such Parishioners of the Parish of *Ridlington*, Two; such Parishioners of the Parish of *Belton*, Five; such Parishioners of the Parish of *Wardley*, One; such Inhabitants of the Extra-parochial Place of *Leigh Forest* and *Fields*, Two; such Parishioners of the Parish of *Caldecott*, Three; such Inhabitants of the Hamlet of *Barleythorpe*, Two; such Parishioners of the Parish of *Langham*, Four; such Parishioners of the Parish of *Ashwell*, Two; such Parishioners of the Parish of *Whissendine*, Four; such Parishioners of the Parish of *Braunston*, Three; such Parishioners of the Parish of *Brooke*, One; such Parishioners of the Parish of *Egleton*, Two; such Parishioners of the Parish of *Burley*, Two; such Parishioners of the Parish of *Exton*, Five; such Parishioners of the Parish of *Cottesmore*, Five; such Parishioners of the Parish of *Barrow*, Two; such Parishioners of the Parish of *Greetham*, Four; such Parishioners of the Parish of *Stretton*, Three; such Parishioners of the Parish

Parish of *Whitwell*, Two; such Inhabitants of the Hamlet of *Horn*, One; such Parishioners of the Parish of *Empingham*, Five; such Inhabitants of the Hamlet of *Tolthorpe*, One; such Parishioners of the Parish of *Tickencote*, Two; such Parishioners of the Parish of *Teigh*, Two; such Parishioners of the Parish of *Edith Weston*, Four; such Parishioners of the Parish of *Market Overton*, Four; such Parishioners of the Parish of *Normanton*, Three; such Inhabitants of the Hamlet of *Gunthorpe*, One; such Parishioners of the Parish of *Pickworth*, Two; such Parishioners of the Parish of *Great Casterton*, Three; such Parishioners of the Parish of *Little Casterton*, Two; such Parishioners of the Parish of *Ryhall*, Three; such Inhabitants of the Hamlet of *Belmisthorpe*, Two; such Parishioners of the Parish of *Clipsham*, Three; such Parishioners of the Parish of *Essendine*, Two; such Inhabitants of the Extra-parochial Place of *Flitteris*, One; such Parishioners of the Parish of *Martinsthorpe*, One; such Inhabitants of the Extra-parochial Place of *Wytchley Warren*, One; such Inhabitants of the Extra-parochial Place of *Beaumont Chase*, One; such Parishioners of the Parish of *Thistleton*, Three, in the County of *Rutland*; such Parishioners of the Parish of *Launde*, Two; such Parishioners of the Parish of *Withcote*, One; such Parishioners of the Parish of *Owston*, Three; such Parishioners of the Parish of *Allexton*, Two; such Parishioners of the Parish of *Stockerston*, Two; such Parishioners of the Parish of *Great Easton*, Four; such Inhabitants of the Hamlet of *Bringhurst*, One; such Inhabitants of the Hamlet of *Drayton*, One; such Parishioners of the Parish of *Medbourne*, Four; such Parishioners of the Parish of *Holt*, One; such Parishioners of the Parish of *Blaston*, Two; such Parishioners of the Parish of *Horninghold*, Two; such Parishioners of the Parish of *Hallaton*, Five; such Parishioners of the Parish of *East Norton*, Two; such Parishioners of the Parish of *Tugby*, Three; such Parishioners of the Parish of *Loddington*, Two; such Parishioners of the Parish of *Goadby*, One; such Inhabitants of the Hamlet of *Keythorpe*, One; such Parishioners of the Parish of *Skeffington*, Three; such Parishioners of the Parish of *Tilton*, Three; such Inhabitants of the Hamlet of *Halstead*, Two; such Inhabitants of the Hamlet of *Cranoe*, One; such Parishioners of the Parish of *Gloostan*, One; such Parishioners of the Parish of *Slawston*, Two; such Parishioners of the Parish of *Knossington*, Four; such Parishioners of the Parish of *Cold Overton*, Four; such Parishioners of the Parish of *Somerby*, Five; such Parishioners of the Parish of *Burrow* or *Burrough-on-the-Hill*, Two; such Parishioners of the Parish of *Stapleford*, Two; such Parishioners of the Parish of *Leesthorpe*, Two; such Inhabitants of the Hamlet of *Marfield*, One; such Parishioners of the Parish of *Wymondham*, Three; such Parishioners of the Parish of *Edmondthorpe*, Two; such Parishioners of the Parish of *Twyford*, Two; such Parishioners of the Parish of *Little Dalby*, Three; such Inhabitants of the Hamlet of *Pickwell*, Two, in the County of *Leicester*; such Parishioners of the Parish of *Wakerley*, Three; such Parishioners of the Parish of *Duddington*, Three; such Parishioners of the Parish of *Blatherwick*, Two; such Parishioners of the Parish of *Bulwick*, Three; such Parishioners of the Parish of *Deen*, Two; such Inhabitants of the Hamlet of *Deenthorpe*, Two; such Parishioners of the Parish of

Laxton, Two; such Parishioners of the Parish of *Harringworth*, Four; such Parishioners of the Parish of *Gretton*, Five; such Parishioners of the Parish of *Great Weldon*, Four; such Inhabitants of the Hamlet of *Little Weldon*, Two; such Parishioners of the Parish of *Rockingham*, Four; such Parishioners of the Parish of *Cottingham*, Four; such Inhabitants of the Hamlet of *Middleton*, Three; and such Parishioners of the Parish of *Corby*, Four, in the County of *Northampton*; and the Church or Chapel Wardens of each of the said respective Parishes, Hamlets, Townships, or Places for the Time being, or One of them, shall, within Two Days after such Nomination and Appointment, cause Two Lists of the several Persons so nominated and appointed, with their Places of Abode, to be made out, and and shall cause one of such Lists, or a true Copy thereof, to be placed or fixed upon the Church Door of their respective Parishes or Hamlets, and the other to be delivered to the Clerk of the Court of the said Commissioners, and he shall cause a Copy of such List to be put and fixed up in the Place or Places where the said Commissioners shall assemble.

Meetings of Commissioners.

III. And be it further enacted, That the said Commissioners shall be and are hereby empowered and required to meet and hold the said Court at *Oakham* aforesaid on *Thursday* once in every Month, 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 Town of *Oakham* aforesaid to be from Time to Time appointed as Occasion may require by the major Part of the said Commissioners present at any of their Meetings to be holden by virtue of this Act; and the said Commissioners are also hereby empowered and required to meet and hold the said Court at *Uppingham* aforesaid on *Tuesday* once in every Month, or oftener if in the Judgment of the said Commissioners it shall seem that there is Occasion, (*Christmas Day* and Fast and Thanksgiving Days by Proclamation excepted, and then on the following Day,) in some convenient Place in the Town of *Uppingham* aforesaid to be from Time to Time as Occasion may require appointed by the said Commissioners or the major Part of them present at any of their Meetings to be holden by virtue of this Act; and the First Meeting of the said Commissioners shall be holden at *Oakham* on the Sixth *Thursday* next after the passing of this Act, and the Second Meeting of the said Commissioners shall be holden at *Uppingham* on the Eighth *Tuesday* next after the passing of this Act, and so on alternately at *Oakham* and *Uppingham* every Month from such *Thursday* and *Tuesday*, unless the said Commissioners shall otherwise determine; and the said Commissioners, or the major Part of them who shall be present (such Number present not being less than Three) at their Meetings to be holden in pursuance of this Act, are hereby authorized and empowered to determine all such Actions and Causes as are herein-after mentioned, and to give such Judgments and make such Orders and Decrees therein, in manner herein-after mentioned, and to award Execution thereupon, with the Costs, (such Costs to be in the Discretion of the said Court as to the Party by or to whom the same shall either wholly or in part be paid,) against the Goods and Chattels or against the Body or Bodies of all and every the Person and

Persons against whom they shall give any such Judgment or make any Order or Decree, as to them shall seem just in Law or Equity, provided such Judgment, Order, and Decree be according to and in conformity with the Laws and Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, and with the Provisions of this Act; and at every such Meeting the Commissioners present shall and may appoint One of the Commissioners as Chairman of such Meeting, and the Chairman, in case of an equal Number of Votes upon any Question, including such Chairman's Vote, shall have the casting or decisive Vote.

Directing the Number of Commissioners to be present.

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

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

V. And be it further enacted, That in case a sufficient Number of the said Commissioners shall not be present to act in the Execution of this Act as is herein directed on any of the Days appointed or to be appointed for holding the said Court, then and in every such Case it shall be lawful for any of the said Commissioners who shall be present, and if no Commissioner be present it shall be lawful for the Clerk or Clerks, or his or their Deputy or Deputies for the Time being, to adjourn the said Court to the next Day of Meeting, or to some earlier Day.

Time of hearing Causes.

VI. 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.

Qualifications of Commissioners.

VII. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and seised or possessed of a Freehold Estate, or Copyhold Estate of Inheritance, 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 One thousand Pounds, above all Charges and Incumbrances whatsoever; and if any Person not being

qualified as aforesaid shall 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 Her Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign or Protection, nor more than One Imparlance, shall be allowed; and in every such Action, Bill, Plaint, or Information the Proof of such Qualification shall be on the Defendant, and it shall be sufficient for the Plaintiff or Prosecutor to prove that the Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Judgments, Orders, Decrees, Acts, and Proceedings of all and every Person and Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Acts of unqualified Commissioners good before Conviction.

VIII. 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,)

Commissioners to take an 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 First Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*], without Favour, Affection, Prejudice, or Malice to any Person or Persons whomsoever; and also that I am a Householder within the Jurisdiction of the Court constituted by the said Act, and that I am possessed of a Freehold Estate, *or* Copyhold Estate of Inheritance, *or* Leasehold Estate for the Term of Sixty Years, of the yearly Value of Forty Pounds, *or* of a Personal Estate of the Value of One thousand Pounds [*as the Case may be*], above all Charges or Incumbrances whatsoever. So help me GOD.'

Oath.

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

IX. And

Commissioners required to qualify within a certain Period.

IX. And be it further enacted, That 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 Forty Days next after he shall have been so elected and chosen, such Commissioner so neglecting or refusing shall from thenceforth be incapable of acting as a Commissioner in the Execution of this Act during the Year for which he shall be so elected and chosen a Commissioner: Provided always, that it shall be lawful for such Person to be elected and chosen to be a Commissioner, subject nevertheless to the several Restrictions aforesaid; and if any Person so neglecting or refusing to qualify as last aforesaid shall 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.

Commissioners, &c. not to act where interested.

X. And be it further enacted, That if any Commissioner or Commissioners of the said Court for the Time being shall be a 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 in the 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 Her Majesty's Courts of Record at *Westminster*, but such Commissioner or Commissioners shall withdraw until the same be finally determined; and if any Clerk or Deputy Clerk, or the Serjeant or other Officer of the said Court for the Time being, shall be a Party to any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy Clerk, Serjeant, 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, duly qualified according to the Provisions of this Act, specially to exercise the Office of Clerk or Deputy Clerk, Serjeant or other Officer respectively in all Things relating to such Cause, Action, or Matter.

No Commissioner to be concerned in the Supply of any Articles for the Use of the Court on Penalty of One hundred Pounds.

XI. And be it further enacted, That no Commissioner of the said Court shall directly or indirectly be concerned or interested in the supplying of any Articles for the Use of the said Court, or in any Repairs, Improvements, Fittings, or Furniture of the same, or in any Contract or Contracts for the supplying any such Articles or performing such Works respectively; and every such Commissioner so directly or indirectly concerned or interested shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered in any of Her Majesty's Courts of Record at *Westminster*, wherein no Essoign or Protection, or more than One Imparlance, shall be allowed.

XII. And

General Meetings.

XII. And be it further enacted, That the Chief Clerk for the Time being shall summon any General Meeting of the said Commissioners to be convened and holden for any of the Purposes of this Act by causing a Notice in Writing or in Print, or partly in Writing and partly in Print, mentioning and specifying the Time and Place and Purposes of such General Meeting, to be left at or sent through the Post Office directed to the usual Residence or Place of Abode of each and every of the said Commissioners respectively, Three clear Days before the Day expressed in such Notice as appointed for holding the said Meeting; and the said Meetings shall consist of at least Twenty-one Commissioners; and that until and unless Twenty-one Commissioners shall be present at such Meeting no Business shall be done; and that as soon as Twenty-one Commissioners shall have assembled, and whilst so many shall be present at such Meeting, or at any Adjournment thereof, all Acts proposed and done by them, or the major Part of them, in and for or about the Execution of this Act, shall be valid to all Intents and Purposes; provided that every such Meeting shall have Power to and may adjourn from Time to Time as often as the Commissioners then present, or the major Part of them, shall think fit, to any future Time to the same or any other Place as they or the said Majority shall or may deem necessary.

For calling Special Meetings.

XIII. Provided always, and be it further enacted, That it shall be lawful for any Five or more of the said Commissioners at any Time, by Notice in Writing signed by them, to require a Special Meeting of the said Commissioners to be called for the Purpose to be mentioned by them in such Notice, which Notice shall be addressed to the Clerk or Clerks of the said Court, or his or their Deputy or Deputies, and to be left for him or them at the Offices of the said Court or Dwellings of the said Clerk or Clerks Fourteen clear Days at least before such intended Meetings; and thereupon the said Clerk or Clerks, or his or their Deputy or Deputies, shall cause such Notice of such intended Meetings to be affixed on the Doors of the said Court Houses or Places of holding the said Court at *Oakham* and *Uppingham* aforesaid Ten clear Days at least previous to such Meetings.

For summoning Commissioners to attend.

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

Not to exclude any other Commissioners from attending.

XV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to exclude any of the said Commissioners for the Time being from sitting in the said Court, although such Commissioner or Commissioners shall not have been summoned, or stand in Rotation to be summoned, but that each and every such Commissioner, if he shall think fit so to do, shall and may sit and hear, and assist in determining, giving Judgments, and making Orders and Decrees in the said Court, and shall have the like Powers and Authorities as any Commissioners so summoned as aforesaid, any thing herein-before contained to the contrary in anywise notwithstanding.

List of Commissioners to be made and kept by Clerk or Clerks.

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

A Common Seal to be made and affixed to all Processes.

XVII. And be it further enacted, That the said Commissioners shall cause to be made a Seal with the Words "*Oakham* and *Uppingham* Court of Requests" engraved thereon, and shall cause to be sealed or stamped therewith all Processes, Orders, and other Proceedings of the said Court; all which said Processes, Orders, and Proceedings, sealed as aforesaid, and having the Name or Names of the Clerk or Clerks of the said Court written or printed thereon, shall be received as Evidence in all Courts whatsoever, without any further Proof; and no such Process, Order, or Proceeding shall be valid, or have any Force or Effect, unless the same shall be so sealed or stamped, and have the Name or Names of the Clerk or Clerks as aforesaid.

Commissioners to enter their Proceedings in a Book.

XVIII. 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; and such Book or Books shall at all Times be open for the Inspection and Examination of

all Parties who may be concerned or interested in the Proceedings of the said Court of Requests.

Commissioners to be a Corporate Body for certain Purposes.

XIX. And be it further enacted, That it shall and may be lawful for the said Commissioners to purchase, rent, or take on Lease any Buildings or Lands for the Purpose of converting them into or erecting thereon or using the same as Court Houses and other Offices; and all such Buildings, Lands, and Hereditaments which shall be purchased, hired, or taken on Lease shall be conveyed, demised, and assured to "The Commissioners of the *Oakham* and *Uppingham* Court of Requests;" and the said Commissioners shall and may and they are hereby empowered to accept, take, and hold, in the Nature of a Body Corporate, all such Buildings, Lands, and Hereditaments; and such Commissioners are hereby authorized and empowered to enter into all Contracts, and make and execute all Deeds, and give and take all Securities relative to the said Court, by and in their said Name and Title of "Commissioners of the *Oakham* and *Uppingham* Court of Requests:" Provided always, that the Buildings and Land to be purchased or taken by the said Commissioners shall not exceed Half an Acre at *Oakham* and the like Quantity at *Uppingham*.

Actions and Suits may be commenced in the Name of the Clerk.

XX. And be it further enacted, That all Actions and Suits to be commenced or instituted by or on behalf of the said Commissioners may lawfully be commenced or instituted and prosecuted in the Name of their Clerk or Clerks for the Time being, or of any One of the said Commissioners, as a nominal Plaintiff or Plaintiffs for or on behalf of the said Commissioners; and all Actions or Suits to be commenced or instituted against the said Commissioners may be commenced, instituted, and prosecuted against their Clerk or Clerks, or against any One of the said Commissioners for the Time being, as the nominal Defendant or Defendants; and no Action or Suit which may be commenced, instituted, or prosecuted by or against the said Commissioners in the Name of their Clerk or Clerks, or of any One of the said Commissioners, shall abate or be discontinued by the Death, Resignation, Suspension, or Removal of such Clerk or Clerks or Commissioner, or by any Act or Default of such Clerk or Clerks or Commissioner done or suffered without the Consent or Direction of the said Commissioners, but such Clerk or Clerks or Commissioner shall be always deemed Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action or Suit: Provided always, that in all Cases in which the Clerk or Clerks of the said Commissioners, or any One of the said Commissioners as aforesaid, shall be the Plaintiff or Plaintiffs or Defendant or Defendants on the Record in any Action or Proceeding in which in effect the said Commissioners shall be suing or be sued, pleading or impleaded in the Name of such Clerk or Clerks or of any such Commissioner as aforesaid, such Clerk or Clerks or such Commissioner, as the Case may be, may and shall, if not otherwise interested, be a good and competent Witness or good and competent Witnesses in any such Action or Proceeding, either for or against the said Commissioner; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action

or

or Proceeding may be lawfully made by such Clerk or Clerks, or by such Commissioner (as the Case may be), notwithstanding he shall be nominal Plaintiff or Plaintiffs or Defendant or Defendants on the Record as aforesaid: Provided always, that no such Clerk or Clerks or Commissioner in whose Name as such nominal Plaintiff or Plaintiffs any Action or Suit shall be commenced or prosecuted by the said Commissioners, or against whom as such nominal Defendant or Defendants any Action shall be commenced or prosecuted, shall by reason thereof be liable to or become chargeable with any Costs, Damages, or Expences, but that every Plaintiff suing the said Commissioners in the Name of their said Clerk or Clerks or any One of the said Commissioners shall, on obtaining Judgment in any such Action or Suit, have the like Remedies for Satisfaction thereof as if the said Commissioners had been made Defendants in such Action or Suit: Provided also, that no Execution in any Action, Suit, or Proceeding against any One of the said Commissioners, or their Clerk for the Time being, shall be issued without Leave first granted by the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, which Leave shall be applied for upon Motion to be made in open Court on Notice to the Person or Persons sought to be charged.

Decrees against the Clerk to have effect against the Commissioners

XXI. And be it further enacted, That all and every Judgment or Judgments, Decree or Decrees, Order or Orders, made or pronounced in any Action, Suit, or Proceeding in any Court of Law or Equity against the Clerk or Clerks for the Time being of the said Commissioners shall have the like Effect and Operation upon and against the Property and Person of the said Commissioners as if all the Commissioners were Parties before the Court to and in such Action, Suit, or Proceeding; and it shall be lawful for any Court in which such Judgment, Decree, or Order shall have been made to cause such Judgment, Decree, or Order to be enforced against all and every or any Commissioner in like Manner as if all the Commissioners were Parties before the Court to or in such Action, Suit, or Proceeding.

What Debts shall be decided by the said Commissioners.

XXII. And be it further enacted, That it shall be lawful 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: Provided also, that the said Commissioners shall decide and determine all such Disputes and Differences according to the Laws and Statutes of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England* for the Time being, except in as far as such Laws and Statutes are varied or altered by this Act.

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

XXIII. 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 said Commissioners 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,

ments, or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come into question, or on the Debt for any Sum being the Balance of an Account on Demand originally exceeding Five Pounds, or to judge, determine, or decide on any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments, or any of them, or by reason of any Cause concerning Testament or Matrimony, or any thing concerning or properly belonging to the Ecclesiastical Court, or for or concerning any Agreement by way of Composition for or by way of Retainer of Tithes.

Commissioners not to determine Disputes between Masters and Servants.

XXIV. And whereas by an Act passed in the Twentieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices*, it is enacted, that all Complaints, Differences, and Disputes which should arise between Masters or Mistresses and Servants in Husbandry who should be hired for One Year or longer, or which should happen or arise between Masters and Mistresses and Artificers, Handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glassmen, Potters, and other Labourers employed for any certain Time, or in any other Manner, should be heard and determined by One or more Justice or Justices of the Peace for the Place where such Master or Mistress should inhabit; and by one other Act made in the Thirty-first Year of the Reign of His said late Majesty, intituled *An Act to amend an Act made in the Third Year of the Reign of King* William *and Queen* Mary, *intituled 'An Act for 'the better Explanation and supplying the Defects of the former Laws 'for the Settlement of the Poor, so far as the same relates to Apprentices 'gaining a Settlement by Indentures; and also to empower Justices of 'the Peace to determine Differences between Masters and Mistresses and 'their Servants in Husbandry touching their Wages, though such 'Servants are hired for less Time than a Year;'* and by one other Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to enlarge the Power of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others;* and by another Act passed in the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to extend the Powers of an Act of the Fourth Year of His present Majesty, for enlarging the Powers of Justices in determining Complaints between Masters and Servants, to Persons engaged in the Manufacture of Silk;* be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Commissioners to hear or determine any such Complaint, Difference, or Dispute, but all such Complaints, Differences, and Disputes shall be heard and determined in such and the like Manner by such Justice or Justices as if this Act had not been passed, any thing herein contained to the contrary thereof in anywise notwithstanding.

Statute of Limitations may be pleaded, as

XXV. And for removing all Doubts whether any Defendant or Defendants may avail himself, herself, or themselves of any Set-off to the Plaintiff's Demand, or whether the Statute of Limitations, or the Discharge

also Bankruptcy or Insolvency, or Debt set off.

Discharge of any Defendant or Defendants by any Bankruptcy and Certificate or the Act for Relief of Insolvent Debtors, may be pleaded in the said Court of Requests; it is hereby further enacted, That all and every Defendant and Defendants in such Court shall be allowed, upon the hearing of the Cause or Causes in which he, she, or they shall be such Defendant or Defendants, to set off any Debt or Demand due to him, her, or them from the Plaintiff or Plaintiffs, or plead or claim the Benefit of any Statute of Limitations, or any Discharge under any Statute of Bankruptcy, or Act for Relief of Insolvent Debtors, now in being or hereafter to be made; and every such Defendant or Defendants so pleading or claiming shall have and receive such and the like Advantage and Relief thereby as such Defendant or Defendants would have been entitled to in case he, she, or they had been sued for the same Debt or other Cause of Action in any of Her Majesty's Courts at *Westminster*, or any other Court, and had there pleaded such Set-off or such respective Statutes in bar to the Action or Suit: Provided always, that no such Defence shall be admitted on the Hearing or Trial of any Cause between the Parties unless Notice thereof in Writing shall have been given to the Clerk or Clerks of the said Court, or left at the Office of such Clerk or Clerks, Two Days at least previous to the hearing of the said Cause.

Infants may be sued for Debts contracted for Necessaries.

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

XXVI. And be it further enacted, That in every Case where a Debt not exceeding Five Pounds shall be contracted for Necessaries by any Person under the Age of Twenty-one Years, being such a Person as if of full Age would be liable to be sued under this Act, it shall be lawful for the Person or Persons to whom such Debt shall be due to sue for and recover such Debt in the said Court of Requests in the same Manner as if the Person by whom the Debt shall be contracted were of full Age; and that in every Case where any Wages or other Debt or Debts whatsoever, not exceeding the Sum of Five Pounds, over which the said Court shall have Jurisdiction by this Act, shall be due to any Person under the Age of Twenty-one Years, it shall be lawful for such Person to sue for and recover such Debt or Debts in the said Court of Requests in the same Manner as if he or she were of full Age; and the said Commissioners are hereby fully authorized and required in such Case to take cognizance of and proceed concerning such Debt in the same Manner, and shall have such and the same Powers in regard thereto, as if the Plaintiff and Defendant were of full Age.

Actions not to be split for the Purpose of bringing them before the Courts, but the Courts may decree in such Actions so split if the Plaintiff will receive the Money in full of all De-

XXVII. 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 have 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

hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of Her 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.

mands in such Actions.

XXVIII. Provided always, and be it further enacted, That no Orders, Decrees, Judgments, or other Proceedings made or taken by the said Commissioners in pursuance of this Act, shall be removed or removeable into any other Court by Certiorari or other wise howsoever.

Orders, &c. not to be removed.

XXIX. 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 Her Majesty's Courts of Record at *Westminster*, or of any other Court whatsoever, 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 Privilege to be allowed to Attornies.

XXX. And be it further enacted, That all Actions and Proceedings which before the passing of this Act might have been brought in any of Her Majesty's Courts at *Westminster* or otherwise may still, notwithstanding this Act and the Powers hereby granted, be brought and determined in either of the said Courts at *Westminster* or otherwise, at the Election of the Party suing or proceeding, in the same Manner as if this Act had not been passed.

Actions may still be brought in the Courts at Westminster.

XXXI. And be it further enacted, That from and after the first Meeting of the said Commissioners it shall be lawful for any Person or Persons, whether such Person or Persons shall reside within the Jurisdiction of the said Court or elsewhere, and for all Corporations, who now have or hereafter shall have any Causes of Action in respect of which the Commissioners by this Act shall have Jurisdiction, whether contracted in any of the Parishes, Townships, Hamlets, or Places aforesaid, or elsewhere, owing or due to or claimed or demanded by such Person or Persons, Corporation or Corporations, in his, her, or their own Right, or in the Right of any other Person or Persons to whom he, she, or they shall be Executor or Administrator, Guardian, Assignee,

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

Assignee, or Trustee, or due and owing to him as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners, or to any Club or Friendly Society duly associated and constituted by the Statutes in such Case now or hereafter to be made and provided (except as aforesaid), and for which Debt or Demand he, she, or they shall claim any Sum of Money from any Person or Persons whomsoever residing within any of the said several Parishes, Townships, Hamlets, or Places aforesaid, or any of them, or keeping any House, Warehouse, Wharf, Quay, Accounting-house, Chambers, Lodging, Office, Shop, Shed, Stall, or Stand, or other Place of dealing or working, or habitually employed working or seeking a Livelihood within the said several Parishes, Townships, Hamlets, or Places, or any of them, to apply to any Clerk of the said Court for the Time being, or his or their Deputy or Deputies, who shall make out and deliver to One of the Serjeants or Officers of the said Court for the Time being a Summons, written or printed, or partly written and partly printed, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, with the Name of the Party or Body demanding the same, and with the Particulars of the Debt or Demand, 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 Serjeant or Officer shall in due Course serve or cause such Summons to be served on such Debtor or Debtors personally, being within the Jurisdiction of the said Court, Six clear Days at the least previous to and exclusive of the Day appointed in the said Summons for the hearing thereof, but inclusive of the Day of the Service of such Summons; and upon due Proof made of such Summons having been duly served as aforesaid, or upon the Appearance of the Debtor or Debtors, the said Commissioners present in Court (such Number present not being less than by this Act directed) are hereby empowered and required to make due Inquiry concerning such Demands or Plaints, and make such Orders and Decrees therein, and pass final Sentence or Judgment thereupon, and award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience; and as well the Plaintiff or Plaintiffs as the Debtor or Debtors whom such Order or Orders, Decree or Decrees, Judgments and Proceedings respectively, shall concern, shall duly perform, observe, and keep the same; and for the better Discovery of the Truth, and more solemn Determination of the Matters and Causes which shall be depending in the said Court, it shall be lawful for the said Commissioners present in the said Court to administer an Oath or Oaths, Affirmation or Affirmations to any Officer of the said Court, or to all or any of the Parties, or his, her, or their Agent or other Person appearing on his, her, or their Behalf, whom they the said Commissioners shall think proper to examine touching the Matters then in question, and also to such Witness or Witnesses as shall be produced by each Party, and also to any other Person or Persons whose Evidence shall seem necessary towards the hearing or determining of any of the said Actions or Causes, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act: Provided always, that the Debtor or Debtors shall be summoned to the Court nearest to his or her own Residence.

Clerks not to issue Summonses until Deposit is made.

XXXII. And be it further enacted, That no Clerk of the said Court shall issue any Summons for any Debt unless the Plaintiff shall at the Time of issuing out such Summons deposit with the Clerk or Clerks of the said Court for every Debt not exceeding Twenty Shillings the Sum of Two Shillings and Sixpence, and for every Debt exceeding Twenty Shillings and not exceeding Sixty Shillings the Sum of Three Shillings and Sixpence, and for every Debt exceeding Sixty Shillings the Sum of Five Shillings; and if upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the said Court, or of the Cause for or on account of which the said Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demand to the Satisfaction of the said Court, but shall become nonsuited, or Judgment shall be pronounced against him, her, or them by the said Court, then and in every such Case it shall and may be lawful to and for the said Commissioners present in Court 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 or Clerks after the Sum or Sums awarded to the Defendant or Defendants shall have been paid, or if the Plaintiff or Plaintiffs shall, on the Return Day of any such Summons, appear and make Proof of his, her, or their Demands to the Satisfaction of the said Court, then and in every such Case such Overplus or Sum or Sums of Money deposited with the said Clerk or Clerks as aforesaid shall be by the said Clerk or Clerks 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 Serjeant of the said Court to apply to any Justice of the Peace acting for the County or Place where such Person shall live, reside, or be found, and upon Proof being made upon Oath (which Oath such Justice is hereby authorized and required to administer) of the Precept of Execution having issued against 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 Serjeant or other Officer shall have the like Powers and Authorities to execute the said Precept as are herein-after provided in case any Defendant or Defendants, or his, her, or their Goods and Chattels, shall, after final Judgment given in the said Court, be removed or be found out of the Jurisdiction thereof.

No Evidence to be given by Plaintiff of

XXXIII. And be it further enacted, That the Summons shall state the full Particulars of and Evidence by which the Plaintiff intends

any Matter not stated in Summons.

tends to support the Demand, and that no Particulars or Evidence shall be entered into and no Evidence shall be given by the Plaintiff, on the Trial of any such Cause or Action as aforesaid, of any Demand or Cause of Action except such as shall be stated in the said Summons hereby directed to be given, nor shall any Particulars or Evidence be admitted on the Behalf of the Defendant or Defendants on the Trial of such Cause or Action of any Demand he, she, or they may have on the Plaintiff or Plaintiffs in the Nature of a Set-off to lessen or discharge himself, herself, or themselves from the said first-mentioned Demand or Cause of Action, unless Notice thereof in Writing, stating the Particulars of such Set-off, and the Evidence upon which the same is supported, shall have been given to the Clerk or Clerks of the said Court or his Deputy Two clear Days at the least previous to the Day whereon such Matter or Cause shall be heard or tried, and such Notice shall forthwith be communicated by such Clerk or Clerks, or his or their Deputy or Deputies, to the Plaintiff or Plaintiffs.

Causes may be adjourned.

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

If Debtors do not appear, Commissioners may proceed.

XXXV. 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 and Decree or Judgment therein, and to award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience, except it shall appear to the Commissioners that the Debtor or Debtors is or are unable to attend from some reasonable Cause.

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

XXXVI. And be it further enacted, That if on the hearing of any Cause in the said Court it shall appear, by the Oath of any Person or Persons, or otherwise, to the Satisfaction of the major Part of the Commissioners then present, that the Defendant or Defendants is or are unable from Sickness or unavoidable Accident to attend or to pay and discharge the Debt or Debts for which he, she, or they shall have been summoned, it shall and may be lawful to and for the major Part of the said Commissioners so assembled to suspend or supersede the Proceedings in such Cause until it shall, upon like Proof as aforesaid, appear to the Court that such Defendant or Defendants shall be able

to

to attend or to pay such Debt or Debts, and then to proceed again in manner aforesaid, any thing herein contained to the contrary notwithstanding.

Witnesses may be summoned.

XXXVII. 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 any Clerk or Deputy Clerk of such Court, and to be served by a Serjeant or other Officer of the same personally, or by leaving such Subpœna or Subpœnas, Summons or Summonses, at the last or usual Place or Places of Abode of such Person or Persons, to appear as a Witness or Witnesses to give Evidence in the said Court in or concerning the Suit or Cause there depending; and in case any Person or Persons, after having been so subpœnaed or summoned to give Evidence as aforesaid, and paid or tendered his, her, or their reasonable Expences to attend and give his, her, or their Evidence at the Time and Place in such Subpœna or Subpœnas or Summons or Summonses mentioned, on behalf of any such Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Subpœnas, Summons or Summonses, due Proof having been made of the Service thereof, and no sufficient Cause for his, her, or their Absence or Nonappearance being shown to the Satisfaction of the said Court, and on Oath or Affirmation being made before the Commissioners there sitting by the Party or Parties at whose Instance and on whose Behalf such Subpœna or Subpœnas, Summons or Summonses issued, that the Person or Persons served therewith was or were a Witness or Witnesses by such Party or Parties judged necessary for the Proof of his, her, or their Cause or Causes, Action or Actions, Complaint or Complaints, Defence or Defences, or if any such Witness or Witnesses shall appear, but shall refuse to be examined upon Oath or (in case of a Quaker, 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 every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings; 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.

No Practiser of the Courts to be Advocate.

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

Commissioners may

XXXIX. And be it further enacted, That in any Action, Cause, or Question in which the Commissioners of the said Court shall have made

award Execution against the Goods.

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

For regulating the Sale of Goods taken in Execution.

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

Costs of Distresses.

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

57 G. 3. c. 93.

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

XLII. And be it further enacted, That it shall not be lawful for the said Commissioners to issue any Process against the Body or Bodies of any Defendant or Defendants except in such Cases as are herein mentioned; and in no Case shall any such Process issue unless the Plaintiff or Plaintiffs entitled to the Benefit of any Order, Judgment, or Decree shall have obtained a Warrant or Process against the Goods and Chattels of the same Defendant or Defendants, and all proper Means shall have been taken to execute the same, and there shall have been a previous Return of Nulla bona thereon by one of the Serjeants of the said Court, or unless the Goods sold under the Execution shall not be sufficient to defray the Sum and Sums of Money and Costs so ordered, decreed, and adjudged, in which Case any Process against the Body or Bodies of any such Defendant or Defendants shall be issued only for the Deficiency: Provided always, that in case it shall appear to the said Court, either upon the Confession of the Party or otherwise, that any Defendant or Defendants hath

hath or have not sufficient Goods and Chattels whereon to levy such Execution, the said Court shall not be required to issue any Warrant or Process against the Goods and Chattels of such Defendant or Defendants, but it shall be lawful for the said Court and they are hereby authorized to commit such Defendant or Defendants to any Gaol or Bridewell or Prison now being or which may hereafter be in the County or Counties in which such Defendant or Defendants shall live or reside, there to remain for the Space of Time herein in that Behalf particularly directed: Provided always, that Six Days Notice shall be given to each and every Surety before Execution is issued, and each such Surety shall have an Opportunity of showing Cause why Execution shall not issue against him, her, or them, within One Calendar Month after the Receipt of such Notice.

Commissioners may order Debts to be paid by Instalments.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, in case they shall think fit, for the Ease and Convenience of the Defendant or Defendants, and they are hereby authorized and empowered, to order, decree, or adjudge any Debt due to the Plaintiff or Plaintiffs to be paid by several Payments or Instalments, and under such Terms and Conditions as may appear reasonable and just to them the said Commissioners for the Ease of the Defendant or Defendants, and the Security of the Plaintiff or Plaintiffs; and it shall be lawful for the said Commissioners present in Court, in case any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, and directed shall afterwards be made, and they are hereby authorized and empowered, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure, to award Execution against the Defendant or Defendants, or against any other Person or Persons who may have given Security to the said Plaintiff or Plaintiffs, under the Direction of the said Commissioners, for the Payment of such Instalments in manner aforesaid, for the whole Debt, or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable; and such Debt, or such Part thereof, and such further Costs, shall be recovered by the same Ways and Means as are herein provided for the Recovery of the Debt and Costs first decreed.

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

XLIV. And be it further enacted, That in all Cases where a final Decree or Judgment for any Sum or Sums of Money shall have been obtained in the said Court, and the Goods and Chattels of any Defendant or Defendants shall be out of the Jurisdiction of the said Court, it shall and may be lawful to and for any Serjeant of the said Court to apply to any Justice of the Peace acting for the County, Division, or Place whereto or wherein the Goods or Chattels of any Defendant or Defendants shall be removed or be found, and upon Proof being made upon Oath (which Oath such Justice of the Peace is hereby authorized and required to administer) of the Precept of Execution having issued against the Effects of the Defendant or Defendants, and that the 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 any such Justice of the Peace shall act, such Justice of the

Peace is hereby authorized and required to sign or indorse his Name on the Back of the said Precept of Execution; and thereupon the Serjeant 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 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.

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

XLV. 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 any 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 and 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 any 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 any Clerk as a Compensation for his Trouble in receiving the same, and in entering an Acknowledgment and Satisfaction in full for such Sum and Sums of Money and Costs, then and in every such Case the Execution shall be superseded, and the Body or Goods and Chattels of the said Party or Parties shall be discharged and set at liberty.

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

XLVI. And be it further enacted, That in case it shall be proved by the Oaths of Two credible Witnesses, and the said Commissioners shall be satisfied, that the Party against whose Goods any such Execution as aforesaid shall have been awarded shall have secreted or removed his or her Goods or Chattels, or any of them, in order to prevent or evade such Execution, or for the Purpose of avoiding the Payment of the Debt or Demand in respect of which such Execution shall have been issued, it shall be lawful for the said Commissioners to award Execution against the Body or Bodies of the Party or Parties against whom such Order or Decree shall be made, for the whole or so much of such Sum or Sums of Money and Costs so ordered, decreed, or adjudged as shall then remain unsatisfied; and thereupon it shall be lawful for the Clerk or Clerks of the said Court, or his or their Deputy, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal to one of the Serjeants or Officers of the said Court, who shall and may and is hereby empowered to take such Party or Parties, who shall remain in Custody until he, she, or they shall perform and obey such Order, Decree, or Judgment, or for the Space of Time herein in that Behalf particularly directed.

XLVII. And

Gaoler, &c. to receive Prisoners committed.

XLVII. And be it further enacted, That the Keeper or Keepers for the Time being of any Gaol, Bridewell, or Prison now being or which may hereafter be in the Counties of *Rutland*, *Leicester*, and *Northampton* (as the Case may be) shall and he is 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 Gaol, Bridewell, or Prison 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 Three at least of the said Commissioners, such Keeper or Keepers so offending in any of the said Cases, and being thereof convicted before any One or more of Her Majesty's Justices of the Peace for the County or Place in which such Person or Persons shall live or reside upon the Oath or Affirmation of One or more Witness or Witnesses, which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer, or upon his Confession, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the said Justice or Justices; and in case such Sum shall not be immediately paid by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender or Offenders shall be convicted, then and in every such Case such Sum shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any), upon Demand, to such Offender or Offenders, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture, when so paid, levied, and recovered, shall be applied in like Manner as the several other Fines and Penalties are by this Act generally directed to be applied.

Limitation of the Time of Imprisonment of Debtors.

XLVIII. 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, 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.

To be imprisoned the limited Time on each Execution.

XLIX. Provided always, and be it further enacted, That all and every Person and Persons who shall be taken in Execution under or by virtue of any Process issuing from or out of the said Court, and who at the Time of being taken into Custody, or during his, her, or their Imprisonment, shall have more than One Execution against him, her, or them in the said Court, shall be imprisoned during the Time by this Act limited for and in respect of each and every such Execution; (that is to say,) after the limited Time shall be expired on the First Execution the Imprisonment on the Second Execution shall commence, and after the limited Time shall be expired on the Second Execution

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 so issued against him, her, or them in the said Court previously to his, her, or their being taken into Custody, or during his, her, or their Imprisonment, any Law, Statute, or Usage to the contrary notwithstanding: Provided always, that no Person shall remain in Prison under and by virtue of the Provisions of this Act for any longer Time than Twenty-one Days at any one Time.

Debtors not liable to pay Gaol Fees.

L. And be it further enacted, That each and every Person committed to Prison by virtue of this Act shall on the Expiration of his or her Time of Imprisonment be discharged and set at liberty without paying any Sum or Sums of Money, Fee or Fees, or other Reward or Gratuity whatsoever, to the Keeper or Keepers, Turnkey or Turnkeys of any Gaol or Prison, or others, by way of Gaol Fees or Discharge Fees, or on any other Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of the said Gaol or Prison, or any other Person whomsoever, shall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatsoever, upon Discharge of any such Person or Persons so committed to his or their Charge or Custody as aforesaid, or shall keep or detain any such Person or Persons a Prisoner or Prisoners after the Time by this Act limited for his, her, or their Imprisonment, every such Keeper, Turnkey, and other Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and it shall be lawful for any Two Justices of the Peace for the said County of *Rutland*, *Leicester*, or *Northampton* (as the Case may be) 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 the 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, or either of them, 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 Forfeiture 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 be lawful for such Justices to commit such Offender or Offenders to any Common Gaol or Prison in and for the County or Place in which the Offender or Offenders shall live or reside, there to remain 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 directed to be applied and distributed.

Allowance to Defendant for Support in Prison.

LI. 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 and they are hereby required to direct the Plaintiff to pay the said Defendant any Sum not exceeding Sixpence *per* Day for his Support and Maintenance during his Imprisonment.

Appointment of Officers.

LII. And be it further enacted, That it shall be lawful for the said Commissioners, or the major Part of them, assembled and voting at the First Meeting to be held under the Provisions of this Act, of which Meeting a Notice shall be given by public Advertisement Seven clear Days before such First Meeting, or at a Meeting to be for that Purpose convened in manner herein-after mentioned, to nominate and appoint, during his and their good Behaviour, a fit and proper Person or Persons, being a Barrister or Barristers, Attorney or Attornies of one of Her Majesty's Superior Courts at *Westminster*, to be Clerk or Clerks to the said Commissioners, and also to nominate and appoint such and so many Serjeants, Criers, and other Officers as may appear to the said Commissioners, or the major Part of them then present, to be requisite for carrying any of the Purposes of this Act into execution; and every such Clerk, Serjeant, 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 Clerk, Serjeant, or Crier, or of any other Officer or Officers, shall become vacant either through Death or Resignation, Suspension, Incapacity, Dismissal, or Removal, 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 qualified as aforesaid to be Clerk, Serjeant, or Crier, or other Officer or Officers of the said Court, during his or their good Behaviour, being 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 the Chairman of such Meeting, and the Production thereof shall in all Cases be deemed sufficient Evidence of the Nomination and Appointment to the Office therein mentioned, without further or other Proof whatsoever; provided that every Person to be so appointed Clerk as aforesaid shall be a Barrister or Solicitor or Attorney of one of Her Majesty's Superior Courts at *Westminster*.

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

LIII. Provided always, and be it further enacted, That no Person or Persons who shall be a Pawnbroker or Pawnbrokers, or who shall keep any Victualling House, Alehouse, or any public House of Entertainment, or who shall sell any Wine, Cyder, Beer, spirituous or other strong Liquors by Retail, shall be capable of holding any Place

Place of Profit belonging to the said Court; and no Person nominated a Commissioner shall be capable of acting as a Commissioner during the Time he shall remain Clerk of the said Court.

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

LIV. 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 affixed on the outer Doors of the Court Houses or Places of holding the said Court at *Oakham* and *Uppingham* aforesaid Ten clear Days at least before any such Meetings shall be held.

Duty of Clerks and Serjeants.

LV. And be it further enacted, That the Clerk or Clerks of the said Court, or his or their Deputy or Deputies, shall do and perform all such Acts, Matters, and Things as are herein mentioned, and as he or they shall be directed or appointed by the said Commissioners to do and perform; and the several Serjeants 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.

Officers may be displaced for Misbehaviour.

LVI. And be it further enacted, That if any Clerk or Deputy, Serjeant, Crier, or other Officer, shall be guilty of any Misbehaviour, either by any 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, Serjeant, or Crier, or other Officer, have or hath 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, Serjeant, Crier, and other Officer, from his or their said Office or Offices.

Power for the Clerk to appoint a Deputy.

LVII. And be it further enacted, That it shall be lawful for any Clerk of the said Court of Requests from Time to Time, in case of Sickness, or for other sufficient Cause, to nominate One or more competent Person or Person, being a Barrister, Solicitor, or Attorney, or Barristers, Solicitors, or Attornies, to act for him in the Office of

Clerk of the said Court of Requests, which Deputy, in the unavoidable Absence of the said Clerk, shall have the same Authority as if such 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 or Clerks 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 or Clerks by virtue of this Act, and shall enter and register or cause to be entered and registered in a proper Book or 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 to issue Summonses and enter Proceedings in the Book.

LVIII. And be it further enacted, That the several Fees to be taken by the Clerks, Serjeants, and other Officers of the said Court shall not exceed the Sums herein-after limited and expressed 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,)

Fees to be taken.

Clerk's Fees.	On Debts not exceeding Forty Shillings.		On Debts exceeding Forty Shillings.	
	s.	*d.*	*s.*	*d.*
For entering every Cause - - -	0	4	0	9
Issuing every Summons or Subpœna -	0	4	0	9
Every Hearing or Trial - - -	0	6	1	0
Adjournment of any Cause - -	0	3	0	4
Giving Notice of Set-off - - -	0	3	0	6
Swearing any Witness, Plaintiff, or Defendant	0	3	0	4
Entering and drawing up every Judgment, Decree, or Order - - -	0	6	1	0
Copy of every Order or Judgment - -	0	3	0	4
Every Nonsuit - - - -	0	6	1	0
Paying Money into Court, and entering same in Books - - - -	0	3	0	4
Every Search, including Payment of Money out of Court, and entering same - -	0	3	0	6
Every Receipt for Payment of Money into and out of Court - - - -	0	3	0	6
Issuing every Attachment, Precept, Order, or Execution - - - -	1	0	1	6
Entering Acknowledgment of Satisfaction in full - - - - -	0	6	1	0
For every Warrant of Commitment for an Insult or Misbehaviour in the Court to the Commissioners, Clerks, or other Officers of the Court - - - -	1	0	1	0
Crier's and Serjeant's Fees.				
For calling every Plaintiff or Defendant -	0	2	0	3
For serving every Summons, Order, or Subpœna within One Mile of the Court Houses	0	4	0	6

It

	On Debts not exceeding Forty Shillings.	On Debts exceeding Forty Shillings.
	s. *d.*	*s.* *d.*
If above One Mile, then extra for every Mile from the Court Houses, not exceeding Seven Miles - - - - -	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 Houses, not exceeding Seven Miles - - - - -	0 2	0 3
If an Assistant Serjeant 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 Houses, not exceeding Seven Miles - - - - -	0 2	0 3
For carrying every Plaintiff, Defendant, or Delinquent to Prison (including all Expences and Assistants), for every Mile, not exceeding Seven Miles - - -	1 0	1 0

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

The Amount of Fees, &c. to be painted on Boards, and affixed in the Court.

LIX. And be it further enacted, That the said Commissioners shall and they are hereby required to paint or cause to be painted on Boards, in distinct and legible Letters and Figures, a Table of all the Fees or Sums of Money to be from Time to Time taken by the Officers of the said Court in pursuance of this Act, and also a Copy of the Rules and Regulations as may be fixed on or determined by the said Commissioners for the better carrying this Act into execution; and the said Commissioners shall and they are hereby required to hang up or place the same respectively in some conspicuous Part of the Courts or Places where they shall hold their Meetings, and to continue and renew the same when and as often as they shall become obliterated or defaced; and no other Fees or Sums of Money shall be taken except what shall appear on such Board, and during such Time only as the same shall appear thereon unobliterated and undefaced.

Clerk and Treasurer not to be the same Person.

LX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed a Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, a Clerk in the said Court for the Purposes of this Act; and if any Person shall accept both the Offices of the Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk,

or

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

All the Funds and Fees to be received by the Treasurer, and applied to the Purposes of the Court.

LXI. And be it further enacted, That as well all and every the said Fees payable by virtue of this Act as also all other Sums of Money receivable on account of the said Court shall be received by the Treasurer for the Time being of the said Court of Requests, and shall form one general Fund, to be applied and disposed of in the Manner herein mentioned; (that is to say,) first, in payment of all and every the Salary or Salaries payable to the different Officers of the said Court in the Manner herein directed; and next, in payment and satisfaction of the Expences attending the Court House and Offices, and insuring and keeping the same in repair, and in defraying and paying all Rent, Taxes, and other Charges and Expences attending the same, so far as the Fund herein provided shall be insufficient to pay the said Expences and Charges, and for such other Purposes for carrying into execution this Act, or relating to the said Court, or for the Accommodation of the Commissioners thereof, or the Convenience of the Suitors of the same, in such Manner as the said Commissioners, or the major Part of them, present at any Meeting to be called as herein is directed, shall from Time to Time deem advisable, necessary, and proper; and if after such several Payments it shall appear to the said Commissioners that the Treasurer shall have in his Hands a Balance exceeding Two hundred Pounds arising from such Fees and Income as before mentioned, then so much and such Part of the said Balance as the said Commissioners shall direct shall be invested in Government Securities in the Names of Trustees, according to the Directions in this Act contained as to the Investment of the Money of the Suitors of the said Court remaining in the Hands of the said Treasurer after the Period of Seven Years.

For Payment of Salaries to the different Officers of the Court.

LXII. And be it further enacted, That the said Commissioners shall from Time to Time appoint some fit and proper Person to be the Treasurer of the said Court of Requests, and such Treasurer shall from Time to Time, quarterly or oftener, if the same shall be directed by the said Commissioners, or any Three or more of them sitting in Court, pay to each and every of the Clerks, Criers, and other Officers of the said Court such respective annual Sums of Money as the said Commissioners, at any General Meeting to be called in the Manner herein directed for calling General Meetings, shall direct and appoint, and he shall make such Payments respectively at such Times and Manner as the said Commissioners, or any Three or more of them sitting in Court, shall from Time to Time direct or appoint.

An Account of the Number of Causes and Amount of Fees, &c. to be made up annually.

LXIII. Provided always, and be it further enacted, That from and after the passing of this Act an Account in Writing of the Number of Causes, and of all the Fees and Emoluments whatsoever received by the Clerks, Criers, and other Officers of the said Court respectively, and also an Account of the Cash paid into Court and taken out of the same by the Suitors, and also an Account of all other Sums of Money received and paid by the Treasurer of the said Court, or belonging thereto, shall yearly and every Year, and within Fourteen Days from the First Day of *May*, be made up to the preceding Day inclusive in each Year; and such Account so made up in each Year, when so examined and balanced as herein mentioned, shall be filed by the said Commissioners, and affixed in the Court Houses or Places where the said Court of Requests is usually holden, and shall also be printed; and if it shall appear that the Amount of the Fees taken or received upon an Average of the Three preceding Years shall considerably exceed the Salaries payable to the Clerks, Criers, and other Officers of the said Court, and the Charges and Expences of the Court as herein-before mentioned, and to be allowed by the said Commissioners, or the major Part of them present at a General Meeting to be held and summoned for such Purpose, then the said Commissioners at such General Meeting to be held and summoned as herein mentioned, or the major Part of them, or in case of their Refusal or Neglect for any Two Justices of the Peace acting for the Counties of *Rutland*, *Leicester*, and *Northampton*, or either of them, on the Application of any Party residing within the Jurisdiction of the said Court, shall order and direct the said Fees and Emoluments, or such of them as they shall deem expedient, to be abolished, or lessened and reduced, so as from Time to Time to bring in or produce yearly such Sum and Sums of Money as may in their Judgment be sufficient for the several Charges, Payments, and Allowances as aforesaid, or as near thereto as may be; and if at any Time after such Reduction or Abolition the Business of the said Court shall decline so as not to bring in or produce sufficient Money for Payment of such respective Salaries, Charges, Payments, and Allowances, then it shall be lawful for the Majority of the said Commissioners, at any Meeting to be called as before mentioned, to reduce the Salaries of the respective Officers of the said Court, or to increase or restore the Fees again, so as that they shall not nor do at any Time, on any Account or Pretence, exceed the Fees set forth and allowed to be hereby taken: Provided always, that Seven Days Notice of any Application to any Justices of the Peace for the Purpose of reducing or abolishing the said Fees or Emoluments, or any of them, shall be given to the said Commissioners.

Accounts to be audited.

LXIV. And be it further enacted, That the said Commissioners shall not at any Time permit any just Claim or Demand upon them, as such Commissioners, to remain unpaid for a longer Period than Three Calendar Months; and the said Commissioners shall and they are hereby required, when and as soon as the herein-before mentioned Account shall have been made out, to cause the said Account to be publicly affixed in the said Court until the End of the Month of *January*; and such Account, so far as relates to the Payments and Receipts in respect of the said Court, together with the Vouchers relating thereto, shall be by the said Commissioners laid before Two

or

or more of Her Majesty's Justices of the Peace acting for the said Counties of *Rutland*, *Leicester*, and *Northampton*, or any of them, not interested in the Premises, to be by them examined and balanced, and the same shall be examined and balanced on or before the last Day of *February*; and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be inserted in some One Newspaper printed or usually circulated within the said Counties; and no Charge or Item in any such Account shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by such Justices, nor until such Account thereof shall have been published in such Newspaper as aforesaid: Provided always, that Seven Days Notice of the Time of examining and balancing the said Accounts shall be given by the said Commissioners by publicly affixing the said Notice in the Court House; and all Persons residing within the Jurisdiction of the said Commissioners shall have Liberty to object to the said Accounts, or any Items or Charges therein, before the said Justices.

Accounts and other Documents to be inspected.

LXV. And be it further enacted, That the Accounts herein-before mentioned or referred to, and all Judgments, Acts, Orders, Directions, Regulations, and Proceedings of the said Commissioners relative to the Execution of the several Powers and Authorities vested in them by this Act, and all Books, Papers, and Writings belonging to the said Commissioners, shall at all seasonable Times, and when the same shall not be actually wanted for making up or entering such Accounts, or using such other Documents respectively, or for any other the Purposes of this Act, be open to the Inspection of all Persons interested in the Proceedings of the said Court of Requests, which Persons may also have Copies or Extracts of such Accounts or Documents, paying for each Inspection the Sum of One Shilling, and for all Copies or Extracts thereof after the Rate of Sixpence for every One hundred Words; and in case the Officer or Person in whose Custody or Power such Accounts or Documents may be shall refuse to permit or shall not permit any such Persons as aforesaid to inspect the same, or to have Copies or Extracts as aforesaid, such Officer or Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied, recovered, and applied in the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

Fees not to be altered, except passed at a General Meeting, and confirmed by a subsequent one.

LXVI. Provided always, and it is hereby enacted, That such Alteration for the Abolition or Reduction of the said Fees, or any of them, by the said Commissioners, shall be made only at a General Meeting of the Commissioners to be called together and holden as herein is mentioned; and no such Alteration shall take place or be had unless and until the Resolution or Resolutions, Order or Orders, passed or made at any such General Meeting resolving or ordering the same shall have been confirmed at a subsequent General Meeting of the said Commissioners to be held at such Place and at such Time after the Expiration of One Calendar Month from the Time of holding such First General Meeting at which any such Resolutions or Orders shall have passed or been made as shall be then and there fixed,

fixed, and of which Second General Meeting a like Notice, and containing the Purpose thereof, shall be given as is herein mentioned for calling a General Meeting.

The Fees to be paid to the several Officers, who shall account to the Treasurer.

LXVII. And be it further enacted, That as well the said Fees before mentioned as also all Monies which shall be paid into Court on account of any of the Suitors thereof shall be received by such of the Clerks, Serjeants, Criers, and other Officers to be appointed by virtue hereof as the said Commissioners, or the major Part of them present at any public Meeting to be called as herein mentioned, shall from Time to Time direct and appoint to receive the same; and the said Fees are hereby declared to be and belong to them the said Commissioners, and shall be applied and disposed of by them in the Manner herein directed; and the said Clerks, Criers, and other Officers are hereby required and directed to pay to the Treasurer of the said Commissioners to be appointed under and by virtue of this Act, monthly or oftener, as they may be required by any Three or more of the said Commissioners, so much and such Part of the Sum and Sums of Money as they may have received for any such Fees or Payments as are herein-before mentioned.

Commissioners to take Bonds from the different Officers, in the Name of the Treasurer, that they shall duly account.

LXVIII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may and are hereby required to take such Security of all and every the Clerks, Serjeants, and other Officers to be elected and chosen, by Bond or otherwise, to be given to the Treasurer for the Time being, in such respective Sum and Sums of Money as the said Commissioners, or any Seven or more of them, at any Meeting to be called in the Manner herein directed, shall direct, for the accounting and due Payment to the Treasurer by such several Clerk or Clerks, Serjeant or Serjeants, or other Officers respectively, of all Monies which shall come to his or their respective Hands, and for the Delivery of all Books, Papers, and Writings in their and each of their respective Hands, Custody, and Power to such Person and Persons as they the said Commissioners, or any Seven or more of them, shall appoint to receive the same; provided that nothing herein contained shall extend or be construed to extend to make the said Treasurer personally liable for the due accounting of any such Clerk, Serjeants, or other Officer by whom such Bonds shall be given as last aforesaid.

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

LXIX. And be it further enacted, That if any Clerk, or his Deputy, Serjeant, 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.

Serjeant neglecting his Duty to pay the Debt.

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

List to be made out of unclaimed Suitors Money.

LXXI. And be it further enacted, That the Clerk for the Timebein of the said Court shall and he is hereby required, in the Month of *January* in each Year after the passing of this Act, to make out and lay before the said Commissioners, at some Meeting to be held in the said Month of *January* in each Year, a correct List of all Sums of Money which shall have been paid into Court and received by him under the Provisions of this Act, down to and including the last Day of *December* in the preceding Year, and which shall have remained unclaimed in such preceding Year; and such List shall contain the Names of the several Parties by whom such Sums of Money respectively were so paid into Court, and also the Names of the Parties for whom or on whose Account the same were so paid in; and such List shall be written or printed, and be and remain hung up in some conspicuous Part of each of the Places where the said Commissioners meet for the Transaction of Business.

Commissioners to make Rules respecting Suitors Money.

LXXII. And be it further enacted, That the said Commissioners, at any of their Meetings to be holden by virtue of this Act, shall and may and they are hereby empowered to make, ordain, and constitute such Rules and Regulations as to them shall seem meet for securing the Balances and other Sums of Money belonging to the Suitors of the said Court in the Hands of any Officers of the said Court, and for the due accounting for and Application of all such Balances and other Sums of Money, and also for auditing the Accounts by the said Commissioners at least once in every Year, and oftener if they shall deem it necessary; and also to make Rules, Orders, and Regulations for

the better Management, Conduct, and Practice of the said Court, and also for the Government and Direction of the several and respective Clerks (including the Chief Clerk or Clerks, and all other Officers and Persons) employed in and about the said Court, and also as to the keeping the Accounts and the Entries of the several Proceedings of the said Court, and all other Matters relating thereto; and from Time to Time, at any Meeting or Meetings to be convened in the Manner as herein-before mentioned, to vary, alter, extend, amend, or annul the said Rules, Orders, and Regulations relating to or in any Manner concerning the several Matters aforesaid, or of any or either of them: Provided always, that such Rules, Orders, and Regulations shall not be contrary to the Laws for the Time being in force for that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, and the Provisions of this Act.

Commissioners misbehaving may be struck out of the List.

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

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

LXXIV. And be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse any of the Commissioners of the said Court, or any of the Officers of the said Court for the Time being, during his or their Sitting or Attendance in Court, or shall interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall and may be lawful to and for the Serjeant or Serjeants of the said Court, with or without the Assistance of any

any other Person or Persons, by the Order of the Commissioners of the said Court, to take such Offender or Offenders into Custody, and such Offender or Offenders shall forfeit and pay any Sum not exceeding Ten Pounds for each and every such Offence.

For punishing Persons guilty of Perjury.

LXXV. 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.

LXXVI. 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 County or Place where such Offence shall be committed, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant under the Hand and Seal of such Justice or Justices; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Clerk or Clerks of the said Commissioners, to be by him or them paid over and applied in the same Manner as is herein-after provided with respect to the Sum and Sums of Money herein-after directed to be retained by and out of the Monies to be recovered for the Plaintiff or Plaintiffs in any Suit or Action to be commenced in the said Court; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction then it shall 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, her, 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

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 County or Place where such Offender or Offenders shall live or reside, 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 Recovey of Penalties.

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

Form of Conviction.

LXXVIII. 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,)

'County of } BE it remembered, That on this Day
'to wit. } of in the Year of
'the Reign of Her Majesty Queen *Victoria*, *A. B.* is convicted
'before of Her Majesty's Justices of the
'Peace for the County of [*as the Case may be*],
'[*or* before of the Commissioners for executing an
'Act passed in the First Year of the Reign of Her Majesty Queen
'*Victoria*, intituled [*here insert the Title of this Act*], of having
'[*state the Offence*]; and I [*or* we] the said do
'adjudge him [her, *or* them] the said to forfeit and
'pay for the same the Sum of for 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 afore-
'said.'

Distress not to be unlawful for Want of Form.

LXXIX. 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

account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall or may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LXXX. 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 Her 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.

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

For paying Expences of Act.

LXXXII. And be it further enacted, That all the Money raised or subscribed or to be raised or subscribed for the Purposes of this Act shall in the first place, and in preference to all other Payments whatsoever, be laid out and applied in paying and discharging all the Fees, Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or preparatory or relating thereto, and in the next place, for the Purpose of purchasing, renting, or taking on Lease any Buildings, Lands, or Hereditaments for converting them into or erecting thereon or using the same as a Court House or Court Houses and other Offices.

For paying off any Money borrowed for the Purposes of this Act.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, at any General Meeting or Meetings at which not less than Nine Commissioners shall be present, to borrow and take up at Interest such Sum or Sums of Money as they shall think fit, due Notice of which Intention, and of the Sum of Money intended to be borrowed, having been given by public Advertisement Seven clear Days before such Meeting or Meetings; and they are hereby em-

powered from Time to Time, by any Writing under their Hands and Seals, to enter into and execute such Security or Securities as may be required by any Person or Persons for the several Sums of Money as shall be so borrowed, with Interest for the same; and the Time or Times of such Sum or Sums being so borrowed shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks of the said Court; and for raising a Fund for paying off such Sum or Sums of Money as shall or may be borrowed for the Purposes aforesaid, and the Interest in respect thereof, and also for providing from Time to Time for the necessary Expences of Fire, Coals, Candles, and cleaning the Court House or Places of Meeting of the said Commissioners, and for other necessary and proper Purposes, it shall be lawful for the Clerk or Clerks of the said Court to deduct and retain by and out of the Monies to be recovered for the Plaintiff or Plaintiffs in any Suit or Action to be commenced in the said Court any Sum or Sums of Money not exceeding Sixpence when the Amount of such Debt recovered shall not amount to the Sum of One Pound; and any Sum or Sums not exceeding One Shilling when the Amount of such Debt recovered shall amount to the Sum of One Pound and not exceed the Sum of Two Pounds; and any Sum or Sums not exceeding One Shilling and Sixpence when the Amount of such Debt recovered shall amount to the Sum of Two Pounds and not exceed the Sum of Three Pounds; and any Sum or Sums not exceeding the Sum of Two Shillings when the Amount of such Debt recovered shall amount to the Sum of Three Pounds and not exceed the Sum of Four Pounds; and any Sum or Sums not exceeding the Sum of Two Shillings and Sixpence when the Amount of such Debt recovered shall amount to or exceed the Sum of Four Pounds; and such respective Sum and Sums of Money shall be payable and paid in all Cases by such Plaintiff or Plaintiffs after Suit or Action commenced, whether the Amount of such Debts or Debts shall be paid into or levied under the Process of the Court, or shall be paid, secured, or settled by the Defendant or Defendants unto or with the Plaintiff or Plaintiffs; which Sum or Sums so to be raised as aforesaid the Clerk or Clerks of the said Court is and are hereby required to keep an Account of and pay over from Time to Time to the Treasurer of the said Court, for the Purpose of applying the same as herein-after mentioned; and the same shall be applied in the first place in liquidation of or in paying off such Sum or Sums of Money as may be borrowed (and the Interest thereof) for the Purpose of defraying the Expences incident to and attending the preparing, obtaining, and passing this Act, or the purchasing, renting, or taking on Lease any Buildings, Lands, or Hereditaments for the Purpose of converting them into or erecting thereon or using the same as a Court House or Court Houses and other Offices; and the Remainder of such Sum or Sums to be from Time to Time raised shall be applied by the said Commissioners, at any General Meeting or any Special Meeting assembled for that Purpose, for the incidental Expences attending such Court as aforesaid.

Saving of Rights.

LXXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, change, take away, prejudice, or annul any of the Rights, Privileges, Franchises, Courts, and Jurisdictions belonging to Her most Excellent Majesty

Majesty in Right of Her Duchy of *Lancaster*, or to any of the several County Courts in and for the said several Counties of *Rutland*, *Leicester*, and *Northampton*, and to the Sheriffs of the said respective Counties of *Rutland*, *Leicester*, and *Northampton*, or any Courts Baron, Courts Leet, or any other Courts within the Jurisdiction of the said Court of Requests constituted by this Act, but that the same Courts respectively shall be, remain, and continue in as full and ample Power, Jurisdiction, and Authority as if this Act had not been passed, any thing herein contained to the contrary notwithstanding.

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

LXXXV. 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 Parishes, Townships, and Places 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 said Commissioners hereby appointed any such local or separate Jurisdiction shall cease and determine.

Property belonging to the Commissioners to be transferred according to the Provision of the General Act.

LXXXVI. And be it further enacted, That in case any such General Act as last aforesaid shall be passed the Commissioners for the Time being acting in the Execution of this Act shall, with all convenient Speed after the passing thereof, cause any Messuages, Lands, Tenements, or Hereditaments which may at that Time be the Property of the said Commissioners to be sold to any Person or Persons whomsoever, by public Auction or private Contract, for the best Price in Money that can be reasonably had or gotten for the same; and the Money arising from such Sale, together with any Money, or Securities for Money, or other Property or Effects of any Description whatever, then in the Hands or under the Control of the said Commissioners, shall be applied by the said Commissioners in paying and discharging all Claims and Demands to which such Money or Securities may be liable in the Hands of the said Commissioners; and the Surplus thereof shall, at or before the Expiration of Six Calendar Months from the passing of such Act, be by the said Commissioners paid or transferred to such Persons and in such Manner as in and by any such Act shall be directed or specified; and in case any such Messuages, Lands, or Hereditaments shall not have been sold within the said Six Calendar Months, then the same shall, at the Expiration of that Period, cease to be the Property of the said Commissioners, and shall belong to and absolutely vest in the Person or Persons who, under or by virtue of any such General Act as aforesaid, shall be entitled to the same or to the Proceeds arising from the Sale thereof.

Repeal of Act during the present Session.

LXXXVII. And be it further enacted, That this Act may be altered or repealed during the present Session of Parliament, either by any Act passed for the express Purpose of altering or repealing the same, or by any Act of which the Provisions shall be inconsistent with the Provisions herein contained.

LXXXVIII. And

Rules for the Interpretation of the Act.

LXXXVIII. And be it further enacted, That throughout this Act wherever the Word "Clerk," in reference to the Chief Clerk or Clerks of the said Court, shall be used, the same shall be construed to include both the Persons appointed to and acting in the Office of Clerk to the said Court; and where any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Males as well as Females; and where the Plural Number shall be used, the same shall in like Manner be construed to mean the Singular Number.

Public Act.

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

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