ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. lxv.

An Act to amend and render more effectual certain Acts of the Twenty-third Year of the Reign of His Majesty King *George* the Second and the Nineteenth Year of His Majesty King *George* the Third, for the more speedy Recovery of Small Debts within the *Tower Hamlets.*

[1st *June* 1832.]

WHEREAS an Act was passed in the Twenty-third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more easy and speedy Recovery of* 23 G. 2. c. 30. *Small Debts within the* Tower Hamlets: And whereas an Act was passed in the Nineteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for explaining, amending, and* 19 G. 3. c. 68. *rendering more effectual an Act passed in the Twenty-third Year of the Reign of His Majesty King* George *the Second, for the more easy and speedy Recovery of Small Debts within the* Tower Hamlets; which said Acts have been found useful and beneficial, but the same are in some respects defective and insufficient fully to answer the good Purposes thereby intended: And whereas an Act has been proposed to be made and passed, applicable to the whole Kingdom or great Part thereof, for the better Recovery of Small Debts; but inasmuch as in

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the meantime, and until such general Act shall pass, it would be a great Benefit to the Inhabitants of the *Tower Hamlets*, and tend much to the Support and Protection of useful Credit within the same, if the Powers of the said Court of Requests were extended to the Recovery of Debts not exceeding Five Pounds, except such Debts to which it is herein-after expressly declared that this Act shall not extend, and subject to such Power as is herein-after contained; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts of the Twenty-third Year of the Reign of His Majesty King *George* the Second and of the Nineteenth Year of His Majesty King *George* the Third, and all the Enactments, Powers, and Provisions therein respectively contained, shall, so far as the same or any of them are not repealed, altered, or otherwise provided for, be in full Force and Effect, and shall extend and be applicable to all Matters and all and every Person and Persons to whom this Act doth or shall extend or be applicable, in such and the same Manner and as fully and effectually as if the same were repeated and re-enacted in and by this Act.

Extending Provisions of former Acts to this Act.

For altering the Number of Commissioners to be chosen by several of the Parishes.

II. And whereas since the passing of the said first-recited Act the Number of Inhabitants in several of the Parishes, Liberties, Precincts, Hamlets, and other Places thereby empowered and required to return such Commissioners as therein mentioned to make up the whole Number of Two hundred and forty Commissioners, for the Purposes therein mentioned and expressed, have, by Erection of Docks upon the Site thereof and otherwise, been very much decreased, and such Inhabitants have removed into other Parishes, Liberties, Precincts, and Hamlets, and thereby the Number of Inhabitants of the same have in like Manner greatly increased; and it is therefore expedient to alter the Number of Commissioners to be nominated, assigned, and appointed pursuant to such first-recited Act by such Inhabitants of the several Parishes, Liberties, Precincts, Hamlets, and other Places respectively; be it further enacted, That so much and such Parts of the said first-recited Act as empowers and directs the Number of Commissioners to be returned by the Parishioners of *Saint Leonard Shoreditch*, by the Parishioners of *Saint Matthew Bethnal Green*, by the Parishioners of *Saint John Wapping*, by the Parishioners of *Saint Botolph-without-Aldgate*, commonly called the Liberty of *East Smithfield*, by the Parishioners or Inhabitants of the Hamlet of *Mile End Old Town*, by the Parishioners or Inhabitants of the Hamlet of *Poplar* and *Blackwall*, now the Parish of *All Saints Poplar*, and by the Inhabitants of the Precinct of *Saint Katherine's*, be and the same is hereby repealed.

For the Appointment of Commissioners.

III. And be it further enacted, That it shall be lawful for such Parishioners or Inhabitants of the several and respective Parishes, Liberties, Precincts, Hamlets, and Places last mentioned, as have a Right to assemble and meet for the Choice of Officers in their

several and respective Vestries or other Places of Meeting for transacting the public Business of such last-mentioned Parishes, Liberties, Precincts, Hamlets, or Places, and they or the greater Number of them so assembled as aforesaid are hereby respectively empowered and required, on the Second *Tuesday* next after the passing of this Act, and on the *Tuesday* next after the Feast of *Easter* in the Year of our Lord One thousand eight hundred and thirty-three, and on every *Tuesday* next after the Feast of *Easter* in every succeeding Year, in the Manner by the said first-recited Act directed, to nominate, assign, and appoint in the whole the Number of Eighty-two of the most substantial and discreet Persons residing within their respective Parishes, Liberties, Precincts, Hamlets, and Places, who shall each be seised of Lands, Tenements, or Hereditaments of the Value of Fifty Pounds *per Annum*, clear of all Incumbrances, or possessed of a Personal Estate of the Value of One thousand Pounds or more, clear of all Incumbrances, to be, together with the Persons appointed or to be appointed under the said first-recited Act, and not hereby repealed, Commissioners for the Purposes therein and herein-after expressed; that is to say, such Parishioners of the Parish of *Saint Leonard Shoreditch* to nominate, assign, and appoint Twenty-five of the said Persons; such Parishioners of the Parish of *Saint Matthew Bethnal Green*, Thirteen; such Parishioners of the Parish of *Saint John Wapping*, Ten; such Parishioners of the Parish of *Saint Botolph-without-Aldgate*, commonly called the Liberty of *East Smithfield*, Eight; such Parishioners or Inhabitants of the Hamlet of *Mile End Old Town*, Thirteen; such Parishioners of the Parish of *All Saints Poplar*, Twelve; such Inhabitants of the Precinct of *Saint Katharine's*, One; and the Churchwardens of each of the said respective Parishes or Hamlets, and the Overseers of the Poor of each of the respective Liberties, Precincts, or Places aforesaid, for the Time being, or One of them, shall, in the Manner in the said first-recited Act appointed, make out such Lists of the several Persons so respectively nominated, assigned, and appointed as aforesaid, and cause One thereof to be stuck upon such Church Door, and give such Notice to the Commissioners of their being so appointed as aforesaid, and to do all and every such other Acts, Matters, and Things as are thereby required to be done on the Nomination and Appointment of the Commissioners thereby directed to be nominated, assigned, and appointed as therein mentioned.

Commissioners appointed by former Acts and this Act to put them in execution.

IV. And be it further enacted, That all and every the Commissioners who now are or hereafter shall be nominated, appointed, and assigned at the Times and in the Manner directed by the said first-recited Act and by this Act, are and shall be Commissioners for putting the said recited Acts and this Act into execution, and that as fully and effectually to all Intents and Purposes as if the Regulations, Powers, and Authorities contained in the said Two recited Acts were herein and hereby repeated and re-enacted; and such Commissioners are hereby constituted a Court of Justice, by the Name of "The Court of Requests for the *Tower Hamlets*;" and that they the said Commissioners now and hereafter to be from Time to Time nominated, appointed, and assigned as aforesaid, or any Three or more of them, shall and may from Time to Time have full Power and

Three Commissioners may determine Debts under 40*s.*;

and Five when under 5*l.*

and Authority to hear, examine, and determine all Matters in controversy coming before them between Party and Party, where the Debt or Demand shall not exceed Forty Shillings; and that the said Commissioners to be from Time to Time nominated, appointed, and assigned as aforesaid, or any Five or more of them, shall and may, from Time to Time, have full Power and Authority to hear, examine, and determine all Matters in Controversy coming before them between Party and Party, where the Debt or Demand shall not exceed the Sum of Five Pounds.

Certain Persons disqualified from being Commissioners.

V. Provided always, and be it further enacted, That no Person acting or authorized by Law to act as an Attorney or Solicitor in any of His Majesty's Courts of Record at *Westminster*, or in any other Court whatsoever, during the Time that such Person shall act or practice as such Attorney or Solicitor, nor any Victualler or Publican, nor any Collector of any Parochial Rates for which any Allowance or Remuneration is paid to such Collector of Parochial Rates, nor any Sheriff's Officer, Police Officer, Bailiff, or Bailiff's Follower, shall be capable of acting as a Commissioner in the Execution of this or the said Two recited Acts; and if any Commissioner of the said Court shall at any Time after he shall be chosen such Commissioner as aforesaid remove out of the Jurisdiction of the said Court he shall be no longer capable to act as such Commissioner.

Commissioners not to act unless qualified, nor until they have taken an Oath.

VI. And be it further enacted, That no Commissioner to be appointed and assigned as aforesaid shall be capable of acting as a Commissioner in the Execution of any of the Powers and Authorities given by this Act or by either of the before-mentioned Acts of the Twenty-third Year of the Reign of King *George* the Second and the Nineteenth Year of the Reign of King *George* the Third, after the Second *Tuesday* next after the passing of this Act, unless he shall be a Householder within the Parish, District, Liberty, or Place for which he shall act or be chosen, and unless he shall be seised of Lands, Tenements, or Hereditaments of the Value of Fifty Pounds *per Annum*, clear of all Incumbrances, or possessed of a Personal Estate of the Value of One thousand Pounds or more, clear of all Incumbrances, nor until he shall have taken an Oath to the Effect following; (that is to say,)

Commissioners Oath.

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I am now seised for my own Use and Benefit of Lands, Tenements, or Hereditaments of the Value of Fifty Pounds *per Annum*, clear of all Incumbrances, *or* that I am possessed of a Personal Estate of the Value of One thousand Pounds, clear of all Incumbrances whatsoever, and that I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as a Commissioner of the Court of Requests in and for the *Tower Hamlets*, comformably to the Directions, true Intent, and Meaning of an Act passed in the Twenty-third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more easy and speedy Recovery of Small Debts within the* Tower Hamlets, and of an Act passed in the Nineteenth Year of the Reign of His

Majesty

'Majesty King *George* the Third, for explaining, amending, and 'rendering more effectual the said first-mentioned Act, and of an 'Act of Parliament passed in the Second Year of the Reign of King '*William* the Fourth, intituled [*here insert the Title of this Act*], or 'comformably to the Directions, true Intent, and Meaning of such 'or so much of the same Three Acts of Parliament as now are or is 'in force, and that without Favour or Affection, Prejudice or Malice.

'So help me GOD.'

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

Which Oath or Affirmation shall be in lieu and stead of the Oath mentioned and prescribed to be taken by a Commissioner in the said recited Act of the Twenty-third Year of the Reign of His Majesty King *George* the Second, and which Oath or Affirmation herein contained or substituted the Clerks of the said Court for the Time being, or One of them, are or is hereby empowered and required to administer at any Meeting of the said Commissioners; and they the said Commissioners shall and they are hereby required, after taking the said Oath or making such Affirmation, to sign or subscribe their respective Names in a Book or Books to be provided for that Purpose, with the said Oath or Affirmation written or printed thereon; and such Book or Books shall be carefully kept among the Records of the said Court.

Penalty for acting, not being qualified.

VII. And be it further enacted, That if any Person not being so qualified as aforesaid, or not having taken or subscribed such Oath as aforesaid, or being by the said recited Acts or this Act rendered incapable of acting as a Commissioner of the said Court, shall, from and after the said Second *Tuesday* next after the passing of this Act, or after he shall have become disqualified, as the Case may be, act as a Commissioner in the Execution of the said recited Acts or this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of the said recited Acts and this Act: Provided nevertheless, that all Proceedings of any Person acting as a Commissioner in the Execution of the said recited Acts and this Act, although not duly qualified as aforesaid, previous to his being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

No Commissioner to be concerned in the Supply of any Articles for the Use of the Court.

VIII. 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 that every such Person shall

for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

What Debts shall be decided by the said Commissioners.

IX. 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.

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

X. Provided always, and be it further enacted, That nothing in the said recited Acts or 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, or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come into question, or on any 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 situate elsewhere than within the Jurisdiction of the said Court of Requests, 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 act where interested.

XI. And be it further enacted, That if any Commissioner or Commissioners of the said Court for the Time being shall be a Party or Parties to or concerned or interested in any Cause, Action, or Matter depending in the said Court, no such Commissioner or Commissioners shall be capable of acting as a Commissioner or Commissioners on the hearing or determining of such Cause, Action, or Matter, or in making any Order, Decree, or Judgment therein; but such Commissioner or Commissioners, after being heard in such Cause, Action, or Matter, shall withdraw until the same is finally determined; and if any Clerk or his Deputy, or other Officer of the said Court, for the Time being, shall be a Party to or interested in any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy, or other Officer shall not exercise his said Office 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 to exercise the Office of such Clerk or Deputy or other Officer respectively in all Things relating to such Cause, Action, or Matter.

Debtors to be summoned before Commissioners, who may

XII. And be it further enacted, That it shall be lawful for any Person or Persons, whether residing within the said *Tower Hamlets* or elsewhere, all Bodies Politic or Corporate, and Fraternities or Brotherhoods, whether Corporate or not Corporate, who now have or

hereafter shall have any such Debt or Debts, Demand or Demands as is herein-before specified or mentioned, or any other Debt or Debts, Demand or Demands, owing or due to or claimed or demanded by such Person or Persons, Bodies Politic or Corporate, and Fraternities or Brotherhoods, whether Corporate or not Corporate, in his, her, or their own Right, or in the Right of any other Person or Persons to whom he, she, or they shall be Executor, Administrator, Guardian, or Trustee, or due and owing to him as Collector of any Rates or Taxes, or as Clerk or other Officer to any Commissioners, or to any Club or Friendly Society duly associated and constituted by the Statutes in that Case made and provided, or in any other Manner whatsoever, (which the said Commissioners are by this Act enabled to judge and determine, and not expressly prohibited by this Act,) and for which Debt or Demand he, she, or they shall claim any Sum of Money not exceeding Five Pounds from any Person or Persons whomsoever residing or inhabiting within the said *Tower Hamlets*, or keeping any House, Warehouse, Shop, Shed, Stall, or Stand, or seeking a Livelihood, or trading or dealing, within the same *Tower Hamlets*, to cause such Debtor or Debtors, Person or Persons, from whom such Debt or Demand, Debts or Demands, shall be due or owing or claimed or demanded, and so residing, inhabiting or keeping any House, Warehouse, Shop, Shed, Stall, or Stand, or seeking a Livelihood, or trading or dealing as aforesaid, to be warned or summoned by a printed or written Summons stating the Cause of Action, either personally served, or left at the Dwelling House, Lodging, or Place of Abode, Warehouse, Shop, Shed, Stall, or Stand, or any other Place of dealing of such Debtor or Debtors or Person or Persons as aforesaid, within the Jurisdiction of the said Court, Two clear Days at the least previous to and exclusive of the Day appointed in the said Summons for the hearing thereof, to appear before the Commissioners of the said Court to be held at or in the Court House of the said *Tower Hamlets* situate or being in *Osborn Street, Whitechapel*, within the said Hamlets, or in some convenient Part thereof, or some other Place near or adjoining thereto; and that after such Summons as aforesaid the said Commissioners or any Three or more of them in case the Debt or Demand shall not exceed Forty Shillings, and if the same shall be above Forty Shillings and shall not exceed the Sum of Five Pounds, the said Commissioners or any Five or more of them, shall have full Power and Authority, by virtue of this Act, from Time to Time to make or cause to be made such Order or Orders, Decrees, Judgments, and Proceedings, between such Party or Parties, Plaintiff or Plaintiffs, and his, her, or their Debtor or Debtors, or other Person or Persons, Defendant or Defendants, touching such Debts or Demands, and to award such reasonable Costs of Suit, as they shall find to stand with Equity and good Conscience, and thereby may order and direct the Payment of any such Debt or Demand to be made either in One Sum at once, or by Instalments at stated Periods, as they shall see Cause, and deem just and reasonable; all which Order or Orders, Decrees, Judgments, and Proceedings so to be made shall be registered in a Book or Books to be kept for that Purpose by the Clerk or Clerks of the said Court; and as well the Party Plaintiff or Parties Plaintiffs, as the Debtor or Defendant, Debtors or Defendants, whom such Order or Orders, Decrees, Judgments, and Proceedings shall respectively concern, shall observe, perform,

make such Orders between the Parties as they shall think just,

Orders and Proceedings to be registered, and not to be removable by Certiorari or otherwise.

perform, and keep the same respectively in all points; and no such Orders, Decrees, Judgments, or Proceedings shall be removed or removable into any other Court by Certiorari or otherwise howsoever.

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

XIII. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff on the Trial of any such Cause or Action as aforesaid of any Demand or Cause of Action, except such as is stated in the said Summons hereby directed to be given, nor shall any Evidence be admitted on 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, or lessen or discharge himself, herself, or themselves from such Demand or Cause of Action, unless Notice thereof in Writing shall have been given to the said Plaintiff or Plaintiffs by personal Service, or by leaving it with some Inmate or Servant at his, her, or their Dwelling House, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or Place of dealing, trading, or working, One Day previous to the Day when such Matter or Cause shall be heard or tried, at which Time the Plaintiff and Defendant respectively may be Witnesses in support of their own Cause.

For regulating the Sittings of the Court.

XIV. And for the better regulating the Sittings of the said Court, be it further enacted, That the said Commissioners shall not hold the said Court, or hear and determine any Case or Cases, Cause or Causes, by virtue of the said recited Acts or either of them, or of this Act, but between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon; and that nothing in the said recited Acts or 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 Order or Summons 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 Three of the Clock in the Afternoon.

Commissioners to enter their Proceedings in a Book.

XV. 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 the said first-recited Acts or 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 any One of the Clerks of the said Court at 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.

If Debtor does not appear, Commissioners may proceed.

XVI. And be it further enacted, That if any Debtor 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

mentioned in the said Summons, (such Time not being earlier than Two Days after the Service of such Summons,) then and in every such Case it shall be lawful for the said Commissioners assembled in the said Court to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgment therein as to them shall seem just and equitable, and to appoint some certain Time and Place, according to their Discretion, for such Debtor or Debtors to show Cause before the said Commissioners against such Order, Decree, or Judgment so pronounced *ex parte* as aforesaid, at which Time and Place, or at any subsequent Court or Courts, it shall be lawful for the said Commissioners, whether such Debtor or Debtors shall then appear and show Cause, or not, upon Proof upon Oath made that a Copy of such Order, Decree, or Judgment had been given to such Debtor or Debtors, or left with his, her, or their Servant, or other Person belonging to him, her, or them, or at the Dwelling House, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working of such Debtor or Debtors, being within the Jurisdiction of the said Court, (Two Days at the least before the final Order, Decree, or Judgment shall be made or pronounced,) to make and pronounce such final Order, Judgment, or Decree therein, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

Actions not to be split for the Purpose of bringing them before the Court.

XVII. And be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Plaintiff or Plaintiffs to split or divide any Cause or Action for the Recovery of any Debt or Demand, 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 Two or more Causes or Actions, for the Purpose of bringing such Cause or Action within the Jurisdiction of the said Court; and in case it shall appear to the said Commissioners that any Plaintiff or Plaintiffs shall have so split or divided his, her, or their Cause or Action as aforesaid, then and in every such Case the said Commissioners shall and they are hereby required to dismiss every such Cause or Action so split and divided, but such Dismissal shall not hinder or prevent such Plaintiff or Plaintiffs from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or she may lawfully proceed; but in case any Plaintiff or Plaintiffs who shall so split or divide such his, her, or their 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, her, or their 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 or Plaintiffs proving his, her, or their Cause or Case to the Satisfaction of the said Commissioners, such Sum to the Plaintiff or Plaintiffs, 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 Debts

or Demands due from the Defendant or Defendants to the Plaintiff or Plaintiffs in such Cause or Case so split and divided.

Officers of the Court to summon Witnesses.

XVIII. And be it further enacted, That it shall be lawful for any Plaintiff or Plaintiffs, Defendant or Defendants, in any Suit or Cause hereafter depending in the said Court of Requests, to cause any Person or Persons, as well residing within the Jurisdiction of the said Court, or elsewhere within the District of the Bills of Mortality, to be warned or summoned, as often as shall appear necessary, by any one of the Officers of the said Court, either by serving such Summons personally, or by leaving the same at the last or usual Place or respective 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 any such Suit or Cause; and in case any such Person or Persons so to be summoned to give Evidence as aforesaid shall refuse or neglect to appear at the Time and Place to which he, she, or they shall be so summoned, or appearing upon any such Summons shall refuse to be examined upon Oath, or, in case of a Quaker or Quakers, on solemn Affirmation, (which Oath or Affirmation the said Commissioners, or any Three or more of them, are hereby authorized to administer,) and to give Evidence as aforesaid before such Commissioners, according to the true Intent and Meaning of this Act, and Oath or Affirmation being made before the said Commissioners by the Party or Parties on whose Behalf such Witness was summoned, that the Evidence of such Person was necessary to his, her, or their Cause or Causes, Defence or Defences, then and in either of the said Cases every such Person so neglecting or refusing shall forfeit for every such Offence any Sum not exceeding Forty Shillings, to be awarded by the said Commissioners or any Three or more of them, unless a reasonable Excuse be offered to and allowed by the said Commissioners; and if the Person or Persons so offending shall not forthwith pay into the said Court the Penalty or Forfeiture so imposed upon him, her, or them, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to order and cause such Person or Persons to be apprehended by any of the Officers of the said Court, and committed to the Gaol or Prison commonly called the House of Correction, or to the Common Gaol of the County of *Middlesex*, there to remain for any Time not exceeding One Calendar Month, unless such Penalty or Forfeiture shall be sooner paid; and every such Penalty or Forfeiture as last mentioned, which shall be received by virtue of this Act, shall thereupon, after deducting the reasonable Costs and Charges of apprehending and taking such Person or Persons so neglecting or refusing, be paid over into the Hands of the Churchwardens or Overseers of the Poor of the Parish wherein the Person or Persons respectively paying the same shall, at the Time of his, her, or their Neglect or Refusal to appear or give Evidence as aforesaid, inhabit, dwell, or seek a Livelihood, and shall be applied towards the Support and Maintenance of the Poor of the said Parish.

Witnesses not appearing or refusing to give Evidence to forfeit Forty Shillings, and in default of Payment to be committed.

Application of such Penalties.

Clerk not to issue Summons until

XIX. And be it further enacted, That no Clerk of the said Court shall issue any Summons for any Debt exceeding Twenty Shillings, unless

unless the Plaintiff shall at the Time of issuing out such Summons deposit with the Clerk or Clerks of the said Court for every Debt exceeding Twenty Shillings and not exceeding Forty Shillings the Sum of Two Shillings, and for every Debt exceeding Forty Shillings and not exceeding Sixty Shillings the Sum of Five Shillings, and for every Debt exceeding Sixty Shillings the Sum of Seven Shillings and Sixpence; and if upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the said Court, or of the Cause for or on account of which the said Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear, either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demand to the Satisfaction of the said Court, but shall become non-suited, or Judgment shall be pronounced against him, her, or them by the said Court, then and in every such Case it shall and may be lawful to and for the said Commissioners present in Court, or any Three of them, and they are hereby required, to award to the Defendant or Defendants a Part or the Whole of such Deposit Money, by way of Costs and Satisfaction for his, her, or their Trouble and Attendance, together with such further Sum as they the said Commissioners in their Discretion shall think fit, and to order and compel the Plaintiff or Plaintiffs to pay such further Sum by such Ways and Means as any Debt or Debts ordered or decreed by the said Court can or may be recovered; and if there shall be any Overplus remaining in the Hands of the said Clerk 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 so 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 Beadle of the said Court to apply to any Justice of the Peace acting for the Division, Liberty, or Place wherein such Plaintiff or Plaintiffs, or his, her, or their Goods and Chattels may be, 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, and that such Person or Persons, Goods or Chattels, are believed to be within the Division, Liberty, or Place where such Justice of the Peace has Authority to act, such Justice of the Peace is hereby authorized and required to sign and indorse, in the Manner herein-after directed, the said Precept of Execution, and thereupon the said Beadle or other Officer shall have the like Powers and Authorities to execute the said Precept as are herein-after provided in case any Defendant or Defendants, or his or their Goods and Chattels, shall, after final Judgment given in the said Court, be removed out of the Jurisdiction thereof. deposit is made.

XX. And

Persons giving false Evidence to be punished for Perjury.

XX. And be it further enacted, That in case any Person or Persons shall make Oath, or, being of the People called *Quakers*, shall make Affirmation, or give Evidence in any Case depending in the said Court of Requests, whereby he, she, or they shall commit any wilful or corrupt Perjury, or be guilty of wilful and false affirming, and thereof be duly convicted according to Law, then every such Person or Persons shall incur and suffer the like Pains and Penalties as any other Person or Persons convicted of Perjury according to the Laws and Statutes of this Realm.

Debts due to Persons under Age may be recovered.

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

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

XXII. And for the more effectual Establishment of the Dignity and Consequence of the said Court, and to protect the Commissioners or any of the Officers of the said Court from Insult, be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the said Commissioners or any of the Officers of the said Court for the Time being during his or their Sitting or Attendance in the said Court, or shall interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall be lawful to and for the Beadle or Beadles of the said Court, with or without the Assistance of any other Person or Persons, by the Order of the said Commissioners, to take such Offender or Offenders into Custody; and the said Commissioners shall then examine into such Insult, Abuse, or Misbehaviour, either from their own View or Knowledge of what passed, or by the Oath or Oaths of One or more credible Witness or Witnesses; and upon such Insult, Abuse, or Misbehaviour being duly proved as aforesaid, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to impose a Fine not exceeding Five Pounds for each and every such Offence on each and every such Offender or Offenders; and in case such Fine shall not be forthwith paid, such Fine shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the said Commissioners, rendering the Overplus, if any, after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the said Fine, when so paid, levied, or recovered, shall be paid to and distributed by the Commissioners in such Shares and Proportions and in such Manner amongst the Poor of the several Parishes and Places within the

the Jurisdiction of the said Court, as they the said Commissioners shall think fit and proper; and in case sufficient Distress shall not be found, it shall and may be lawful for any Three or more of the said Commissioners to commit such Offender or Offenders to the Common Gaol or House of Correction of the County of *Middlesex* for any Time not exceeding Two Calendar Months.

Actions may still be brought in the Courts at Westminster.

XXIII. And be it further enacted, That all Actions and Proceedings which before the passing of this Act might have been brought in any of His 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.

XXIV. And whereas by an Act passed in the Twentieth Year of the Reign of His 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 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 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.

20 G. 2. c. 19.

31 G. 2. c. 11.

4 G. 4. c. 34.

10 G. 4. c. 52.

Commissioners not to determine Disputes between Masters and Servants.

Statute of Limitations may be pleaded, as also Bankruptcy or Insolvency, or Debt set off.

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 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 His 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.

Clerk to indorse Debts and Costs on the Precept, and if paid to him before Sale, Execution to be superseded.

XXVI. And be it further enacted, That upon each and every Precept to be issued upon Execution awarded against the Body or Goods and Chattels of any Person or Persons whomsoever, the Clerk of the said Court for the Time being shall indorse or cause to be indorsed the Sum or Sums of Money and the Costs so ordered, decreed, and adjudged; and if the Party or Parties against whom such Execution shall be awarded respectively shall before any actual Sale of the Goods and Chattels, or before he, she, or they is or are apprehended, or before the Expiration of the Term of his, her, or their Imprisonment as herein mentioned, pay or cause to be paid or tendered unto the Clerk for the Time being of the said Court such Sum or Sums of Money and Costs, then and in every such Case the Execution shall be superseded, and the Body or Goods and Chattels of the said Party or Parties shall be discharged and set at liberty.

Postponing the issuing of Execution against the Body until after an Execution against the Goods.

XXVII. And be it further enacted, That in any Cause, Action, or Case where the said Commissioners shall have made an Order or Decree for the Payment of Money, it shall be lawful for the said Commissioners, in case of Default or Failure of such Payment at the Times and in the Manner thereby directed, to award Execution in the first instance against the Goods of the Party or Parties against whom such Order or Decree shall be made; and thereupon it shall be lawful for the Clerk or Clerks or other proper Officer or Officers of the said Court, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his or their Hand or Hands to One of the Beadles of the said Court, and such Beadle shall and may and is hereby empowered to levy, by Sale of the said Goods and Chattels of such Party, such Sum or Sums of Money and Costs as shall be so ordered, decreed, or adjudged; and if the said Beadle to whom such Precept shall have been issued shall certify and make a Return thereon in Writing under his Hand that the said Party or Parties against the Goods of whom Execution shall have been awarded hath or have no Goods or Chattels, or not sufficient

cient Goods or Chattels whereon or whereby such Levy can be made, then and in every such Case it shall be lawful for the said Commissioners to award Execution against the Body or Bodies of the Party or Parties against whom such Order or Decree shall be made, for the whole or so much of such Sum or Sums of Money and Costs so ordered, decreed, or adjudged, as shall then remain unsatisfied; and thereupon it shall be lawful for the proper Officer or Officers of the said Court, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand to One of the Beadles of the said Court, who shall and may and is hereby empowered to take such Party, who shall remain in Custody until he, she, or they shall perform and obey such Order, Decree, or Judgment, for the Space of Time herein in that Behalf particularly directed; and if the Party or Parties against whose Body or Bodies, or against whose Goods and Chattels, any such Execution shall be awarded, and Process thereupon shall issue, by absconding, or by secreting or removing his, her, or their Goods or Chattels, or any Part thereof, or by any other means, prevent or evade the Service or Effect of any such Execution, or shall not have sufficient Goods or Chattels wherewith to satisfy such Execution, it shall be lawful for the said Commissioners present in the said Court, upon due Proof thereof made before them by the Oath or Oaths of One or more credible Witness or Witnesses, at their Discretion to award further Execution either against the Body or Goods and Chattels of such Party, and Process shall issue thereupon, and be served by One of the Beadles of the said Court in manner aforesaid, from Time to Time until the Plaintiff or Plaintiffs shall be fully paid and satisfied.

For regulating the Sale of Goods taken in Execution.

XXVIII. Provided always, and be it further enacted, That no Sale of any Goods which shall be taken under or by virtue of any Precept or Execution to be issued in manner aforesaid shall take place or be made until after the Expiration of Eight 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 Beadle or other Officer taking or levying the same in some fit and convenient Place, or shall be by him disposed of and dealt with in such Manner as by the general Rules, Orders, and Regulations to be from Time to Time made by the said Commissioners, or the major Part of them, present at any General Meeting of them, touching or concerning the Deposit or Sale of Goods taken as aforesaid, shall be directed and appointed: Provided also, that it shall and may be lawful to and for the said Commissioners, or the major Part of them, present at any General Meeting to be called as herein mentioned, from Time to Time and when and as often as they shall think proper, to nominate and appoint such and so many sworn Brokers or Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under or by virtue of this Act, and also to hire or provide such Place or Places for the depositing or keeping such Goods in safe Custody until the Sale thereof shall be made as herein-before directed, as shall appear to the said Commissioners, or such major Part of them, to be necessary or proper; and the said Commissioners, or the major Part of them, present at any Meeting as aforesaid, are hereby authorized and empowered to make, fix, and determine

determine a Scale or Table of Fees to be paid or allowed to such Brokers and Appraisers, in proportion to the Amount of the Sums or Sum of Money to be made or levied under Executions issued as aforesaid, as to them shall seem just and reasonable; and such Fees shall be accordingly allowed and paid to the said Brokers and Appraisers respectively out of and from the Produce of any such Goods, Chattels, or Effects taken in Execution under or by virtue of this Act as aforesaid.

Time of Imprisonment of Debtors limited.

XXIX. And be it further enacted, That no Person or Persons whomsoever, who shall be committed by Order of the said Court of Requests, shall be kept or continued in Custody on any Pretence whatsoever, except in the Cases herein-after otherwise provided for, for any longer Space or Spaces of Time, from the Time of his, her, or their Commitment to Prison, than is or are next herein-after limited in that Behalf; (that is to say,) where the Debt, exclusive of Costs, does not exceed Ten Shillings, then he, she, or they shall be kept or continued in Custody for not more than Ten Days, and where the Debt, exclusive of Costs, does not exceed Forty Shillings, then not more than Twenty Days, and where the Debt, exclusive of Costs, shall exceed Forty Shillings, then not more than Forty Days, from the Time of such, his, her, or their Commitment; and all Gaolers and Keepers of Prisons are hereby directed and required to discharge such Persons accordingly, without paying any Fees to any such Gaolers, Keepers, or Turnkeys.

Time of Imprisonment to extend to each Execution.

XXX. And be it further enacted, That from and after the passing of this Act all and every Person and Persons who shall be taken in Execution under or by virtue of any Process issuing from or out of the said Court of Requests, and who at the Time of 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, he, she, or they shall be imprisoned the further limited Time of Ten Days, provided the Debt, exclusive of Costs, shall not exceed Forty Shillings, and Twenty Days, provided the Debt, exclusive of Costs, shall exceed Forty Shillings, for and in respect of each and every second and other Execution; (that is to say,) after the limited Time is expired on the first Execution, the said Imprisonment of Ten Days or Twenty Days, as the Case may be, shall commence on the second Execution, and after the limited Time is expired on the second Execution, such Imprisonment as aforesaid shall commence on the third Execution, and so on until he, she, or they shall have been imprisoned the respective limited Times as aforesaid for and in respect of each and every separate Execution to be issued against him, her, or them in the said Court, previous to his, her, or their being taken into Custody, or during his, her, or their Imprisonment, any Law, Statute, or Usage to the contrary notwithstanding.

When Debts are due from Partners, summoning One of them shall be sufficient.

XXXI. And be it further enacted, That where any Debt or Demand shall be due, owing, or claimed from any Two or more Persons jointly, or by reason or on account of such Persons being Partners in Trade, or otherwise jointly concerned, Service of such Summons and Order as aforesaid on any One of such Partners or Persons, or left at his, her, or their usual Place or Places of Abode, Warehouse, Lodging, Shop, Shed, Stall, Stand, or other Place of dealing,

dealing, trading, or working, shall be as good and sufficient as if each of such Partners or Persons were separately summoned as aforesaid.

So much of recited Act of 19 G. 3. as declares that no Person shall recover Rent unless in Possession 12 Months repealed.

XXXII. And be it further enacted, That so much and such Part of the said second-recited Act as declares that the said Commissioners shall not take cognizance of any Demand for Rent, unless the Person or Persons making such Demand, or under whom he or they shall claim, hath been in the actual Possession of the said Tenements, or in Receipt of the Rent of the same, during the last Twelve Months immediately preceding the Time for which such Rent shall be so demanded, shall be and the same is hereby repealed.

Persons not prevented from recovering Rents by Distress.

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

Extending Powers of the Act of 25 Geo. 3. to this Act.

XXXIV. And whereas an Act was passed in the Twenty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for reducing the Time for Imprisonment of Debtors committed to Prison upon Prosecutions in Courts of Conscience in* London, Middlesex, *and the Borough of* Southwark, *to the same Periods in each Court; and for abolishing Fees paid by those Debtors to Gaolers and others on account of such Imprisonment;* now be it hereby further enacted, That all and every the Directions, Powers, and Provisions contained in the same Act shall relate and extend to this Act, and so far as the same are applicable to the Purposes of this Act shall be observed, exercised, and performed respectively in such and the same Manner as if the same were herein expressly mentioned and repeated, and at large re-enacted.

Mode of proceeding if Defendant move out of the Jurisdiction of the Court after final Judgment.

XXXV. And be it further enacted, That in all Cases where a final Decree or Judgment for any Sum or Sums of Money shall have been obtained in the said Court, it shall and may be lawful to and for any Beadle of the said Court to apply to any Justice of the Peace acting for the Division or Place to which the Defendant or Defendants, or his, her, or their Goods and Chattels, shall be removed, and upon Proof being made upon Oath (which Oath such Justice is hereby authorized and required to administer) of the Precept of Execution having been issued against the Person or Persons, or Effects, as the Case may be, of the Defendant or Defendants, and that the Person or Persons, Goods or 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, Liberty, or Place where such Justice of the Peace shall act or have Authority to act, such Justice of the Peace is hereby authorized and required to sign or indorse on the Back of such Warrant a Memorandum of such Oath having been made before him, and to authorize the

Officer and all other Persons to whom the said Warrant is directed to execute the same within the County, Liberty, or Place where such Justice of the Peace shall act or have Authority to act; and thereupon the Beadle or other Officer of the said Court shall be and he and they is and are hereby authorized and empowered to take and seize the Person and Persons or Effects of the Defendant or Defendants wheresoever the same shall be found within the County, Liberty, or Place for which such Justice of the Peace who shall have so signed or indorsed the said Precept of Execution as aforesaid shall act or have Authority to act, and to deal therewith in like Manner as if the same had been taken or seized within the Jurisdiction of the said Court; and all Constables and Peace Officers shall and they are hereby required to be aiding and assisting, within their respective Districts, in the Execution of the said Precept so indorsed as aforesaid.

Repeal of Clause in 23 G. 2. c. 30. limiting the Number of Clerks and Beadles.

XXXVI. And be it further enacted, That so much and such Parts of the said first-recited Act as limits and directs the Number of Clerks and Beadles to be chosen, and by which, on the Death, Resignation, or Removal of any such Clerks or Beadles, the Commissioners, to be summoned in the Manner therein mentioned, are required to choose another Person or Persons in the Room of such Clerks or Beadles so dying, resigning, or being removed as aforesaid, be from henceforth and the same is hereby repealed.

Power for the Commissioners to appoint Officers.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, or the major Part of them, present at any Meeting to be called in the Manner herein-after directed, from Time to Time to nominate, elect by Ballot, and appoint such Clerks, Beadles, Criers, and Officers as may appear to the said Commissioners or the major Part of them then assembled to be requisite or necessary for carrying any of the Purposes of the said recited Acts or of this Act into execution; and every such Clerk, Beadle, Crier, and Officer shall be subject to the Pains and Penalties, and Powers of Removal, and to the Rules and Regulations as are herein and in the said Two recited Acts mentioned and expressed; and when and so often as it shall happen that the said Office of Clerk, Beadle, Crier, or of any other Officer or Officers, shall become vacant, either through Misbehaviour, Death, or Resignation, Suspension, Dismissal, Removal, or Incapacity, then and in every such Case it shall be lawful for the said Commissioners for the Time being, or the major Part of them, present at any Meeting to be called in the Manner herein-after directed, if they shall think fit, to nominate, elect by Ballot, and appoint another fit and proper Person to be Clerk, or Beadle, or Crier, or other Officer or Officers, in the said Court of Requests, to be in like Manner subject to the Pains and Penalties, and Powers of Removal, and to the Rules and Regulations as are herein and in the said Two recited Acts mentioned and expressed.

No Privilege to be allowed to Attornies.

XXXVIII. And be it further enacted, That no Privilege shall be allowed to exempt any Person liable to be summoned by virtue of this

this Act from the Jurisdiction of the said Court of Requests on account of his being a sworn Attorney or Solicitor or other Officer of any of His Majesty's Courts of Record at *Westminster*, or of any other Court whatsoever; but that all such Attornies, Solicitors, and other Officers shall be subject to the several Processes, Orders, Judgments, and Executions of the said Court of Requests, in the same Manner as any other Person or Persons is and are subject to the same.

No Attorney, Solicitor, or Scrivener, or Practiser of the Law, to be an Advocate in this Court.

XXXIX. And be it further enacted, That no such Attorney, Solicitor, Scrivener, or any Person practising the Law shall be permitted to appear in the said Court of Requests as an Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant, or any other Person, to speak before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness; and in case any Attorney, Solicitor, or Scrivener shall appear in the said Court of Requests as an Attorney, Solicitor or Advocate for or on behalf of any Plaintiff or Defendant, or speak before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness, then and in every such Case such Attorney, Solicitor, or Scrivener so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds on being convicted thereof before any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex*, upon Oath of One or more credible Witness or Witnesses, which Oath such Justice or Justices is and are hereby authorized and required to administer, or on his own Confession; and in case such Sum of Money shall not be paid forthwith by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender shall be convicted, then and in every such Case such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus, if any, to such Offender, after deducting such Fine or Forfeiture, and the Costs and Charges of such Distress and Sale; and such Fine or Forfeiture, when so paid and levied or recovered, shall be distributed in like Manner as the several other Fines and Penalties are by this Act directed to be distributed.

Reserving the Rights of the present Clerks and Beadles.

XL. Provided always, and be it further enacted, That *Charles Lush*, *Henry Lang*, and *Henry Stratton*, the Clerks already duly elected and chosen under and by virtue of the said first-recited Act, and *Francis Henry Penny*, *John Estill*, *Henry Welland*, and *John Gregory*, the Beadles already duly elected and chosen under the said Act, shall remain, continue, and be Clerks and Beadles respectively of the said Court, according to the Intent and Meaning of the said first-recited Act, for the Execution of the Purposes in the said recited Acts and in this Act contained: Provided also, that the said *Charles Lush*, *Henry Lang*, *Henry Stratton*, *Francis Henry Penny*, *John Estill*, *Henry Welland*, and *John Gregory*, and each of them, shall hold their said Offices of Clerk and

and Beadle respectively, subject to all the Pains and Penalties, and Powers of Suspension and Removal, as are herein and in the said Two first-recited Acts mentioned and expressed of and concerning the same.

Power for the Commissioners to discontinue any Office upon the Decease of the Party holding it.

XLI. And be it further enacted, That upon, from, and after the Decease, Resignation, or Removal as well of them the said present Clerks and Beadles, or any or either of them, as upon the Decease, Resignation, or Removal of any Clerk, Beadle, Crier, or any other Officer to be nominated, elected, and appointed under or by virtue of this Act, it shall be lawful for the said Commissioners, or the major Part of them, from Time to Time present at any Meeting to be called and held in the Manner herein-after directed, to discontinue and put an End to the Office or Offices which may have been previously held by such of the said Clerks, Beadles, Criers, or Officers as have so died, resigned, or been removed, and such Office or Offices shall thereupon cease and determine accordingly.

Officers to perform their respective Offices as the Commissioners shall direct.

XLII. And be it further enacted, That as well the present Beadles of the said Court, as also the Clerks, Beadles, Criers, and Officers of the said Court to be nominated, elected, and appointed under and by virtue of this Act, shall do and perform their respective Offices in the said Court, and do and perform all and every the Acts, Matters, and Things which may be required to be done by them respectively by virtue of the said recited Acts and of this Act, in such Manner, and at such Times, and under such Regulations, Restrictions, and Directions, as the said Commissioners, or the major Part of them, present at any Meeting or Meetings to be called for that Purpose in the Manner herein-after directed, shall direct or appoint.

Power to appoint a Deputy in case of Sickness, to be allowed by the Commissioners, and to be approved of by them.

XLIII. And be it further enacted, That it shall be lawful for any Clerk, Beadle, or other Officer of the said Court of Requests, from Time to Time, in case of Sickness or for other sufficient Cause, to be allowed by the major Part of the said Commissioners who shall be sitting in Court on any Court Day at the Time Application shall be made for such Allowance, from Time to Time, by Writing under the Hand of such Clerk, Beadle, or other Officer, to nominate and appoint a Deputy to act in his Room or Stead, such Deputy to be approved of by Seven at least of the Commissioners sitting in Court as aforesaid; and such Deputy is hereby empowered and required to do all such Acts, Matters, and Things as are directed or required to be done by the said Clerks, Beadles, or other Officers respectively by virtue of this or the said recited Acts; and in case any Clerk, Beadle, or other Officer who shall be unable, from Sickness or other sufficient Cause to be allowed as aforesaid, to execute the Duties of his Office, shall not, within Three Days after he shall be required so to do by the Order of the major Part of the said Commissioners sitting in Court as aforesaid, appoint such Deputy, to be approved as aforesaid, then it shall be lawful for the Commissioners for the Time being sitting in Court, or any Seven or more of them, if they shall so choose, to appoint a Deputy with all the Powers and Authorities before mentioned with respect to such Deputy, as if he had been appointed

appointed by any of the said Clerks, Beadles, or other Officers by virtue of the Power herein-before contained; and in case of such last-mentioned Appointment, the major Part of the said Commissioners who shall be sitting in Court on any Court Day are hereby authorized and empowered to appropriate so much and such Part of the Salary payable to any such Clerk, Beadle, or other Officer, as a Compensation to such Deputy, as they shall think proper.

Fees to be taken.

XLIV. And be it further enacted, That so much of the said Two first-recited Acts as regulates and directs the Fees to be taken by the Clerks and Beadles and Officers of the said Court, be and the same is hereby repealed, and that in lieu thereof the several Fees and Sums of Money herein-after limited and expressed, and no other, shall be received by any Officer of the said Court for the Execution of the said Two recited Acts or this Act; (that is to say,)

	On Debts not exceeding 40*s.*			On Debts above 40*s.*		
	£	*s.*	*d.*	£	*s.*	*d.*
For every Summons, and Service thereof, and for which Defendant is entitled to register Nonsuit	0	0	6	0	0	9
For every Hearing on Summons	0	0	4	0	0	6
For every Rule or Order, and Service thereof, including therein the Call of the Defendant before the Court	0	2	1	0	2	3
For every Hearing upon the Rule	0	0	6	0	0	8
For every Execution where the Debt shall not exceed Forty Shillings	0	1	8		—	
If above Forty Shillings and not exceeding Sixty Shillings				0	2	6
If above Sixty Shillings and not exceeding Eighty Shillings				0	3	0
If above Eighty Shillings				0	3	6
For receiving Money out of Court	0	0	2	0	0	3
For every Search in the Books	0	0	2	0	0	2
For every Certificate or Duplicate of any Order or Proceeding in the Court	0	0	4	0	0	4
For every Summons for the Attendance of any Witness, and the Service thereof within the Jurisdiction of the Court	0	0	6	0	0	6
And for the Service thereof on any Witness residing within the Bills of Mortality, but out of the Jurisdiction of the Court	0	1	0	0	1	0

And where such Execution shall be against the Body of such Defendant, the further Sum of One Shilling.

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

XLV. 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 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 Court or Place 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.

No Fees to be taken unless the Board remains.

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

XLVI. 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 present Clerks and Beadles of the said Court, or such Clerks, Beadles, Criers, and other Officers to be appointed in the same Manner by virtue hereof, as the said Commissioners, or the major Part of them, present at any public Meeting to be called as herein-after 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 hereafter directed; and the said Clerks, Beadles, and other Officers are hereby required and directed to pay to the Treasurer of the said Commissioners appointed or to be appointed under and by virtue of the said second-recited 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.

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

XLVII. And be it further enacted, That the Treasurer of the said Court of Requests 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 of the present Clerks of the said Court, during the Time they shall continue in their respective Offices, the annual Sum of Three hundred Pounds, in lieu of all Fees and Emoluments on account of their respective Offices; and the said Treasurer shall in like Manner pay to each of the present Beadles of the said Court, during the Time they shall continue in their respective Offices, the annual Sum of One hundred and fifty Pounds, in lieu of all Fees and Emoluments on account of their respective Offices; and the said Treasurer shall likewise pay to each and every of the Clerks, Beadles, Crier, and other Officers of the said Court to be hereafter appointed in the Manner before mentioned, such respective annual Sums of Money as the said Commissioners, at any General Meeting to be called in the Manner herein-after 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.

If the Duties of the present Clerks are increased, they shall be entitled to a further Salary.

XLVIII. Provided always, and be it further enacted, That if upon the Death, Resignation, or Removal of any one of the said present Clerks, the said Commissioners or the major Part of them, in pursuance of the Power and Authority herein-before given, shall think proper to discontinue the Office held by him, and not appoint a Successor or Successors to the same; and the Duties to be performed

by such remaining Clerk or Clerks shall be thereby increased, then and in such Case it shall be lawful for the said Commissioners, or the major Part of them, present at any Meeting to be called in the Manner herein-after directed, to award such further annual Sum to be paid to such remaining Clerk or Clerks as they shall deem sufficient for such Increase of Duty as may be thereby imposed upon him or them.

Offices of Clerk and Treasurer not to be held by the same Person.

XLIX. Provided always, and be it further enacted, That it shall not be lawful for the Commissioners to appoint any Person who may be appointed a Clerk in the Execution of this Act and the said recited Acts, 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 and the said recited Acts, 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 the said recited Acts; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act and the said recited Acts, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act and the said recited Acts, 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 His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

L. And be it further enacted, That as well all and every the said Fees payable by virtue hereof, as also all other Sums of Money receivable on account of the said Court, and also the Interest, Dividends, and annual Produce of any of the said Stocks, Funds, and Securities invested in the Manner in the said last-recited Act appointed, 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-after mentioned; (that is to say,) first, in discharge of the Annuity payable for Money borrowed to build the Court House, and in payment of all and every the Salary or Salaries payable to the different Officers of the said Court in the Manner herein-before 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, and for such other Purposes for carrying into execution

the

the said Two recited Acts and 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-after 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, upon taking such annual Account as in the said last-recited Act is directed, that the said Treasurer shall have in his Hands a Balance exceeding Two hundred Pounds arising from such Fees, Interest, 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 such Trustees, according to the Directions in such 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 Six Years therein mentioned.

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

LI. 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, Beadles, and 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 One Calendar Month 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 shall be filed by the said Commissioners, and printed, and a Copy sent to each Commissioner; 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, Beadles, Criers, and Officers of the said Court, and the necessary usual and customary Outgoings paid or incurred in the said Court, 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-after mentioned, or the major Part of them, 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 Sum and Sums of 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.

Commissioners empowered to reduce and again to raise Fees.

LII. Pro-

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

LII. Provided always, and it is hereby enacted, That such Alteration, either for the Abolition, Reduction, or Increase of the said Fees or any of them, 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, 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.

Table of Fees to be hung up, and Officers taking other Fees, or misbehaving in execution of their Office, to forfeit Twenty Pounds.

LIII. And be it further enacted, That a Table of the said Fees hereby allowed to be taken, and of such reduced or increased Fees, shall be hung up by the Clerks of the said Court, or One of them, in some public and conspicuous Part of the said Court House or other Place where the said Commissioners shall meet for the Purpose aforesaid, to the end that all Persons concerned may at all Times see and read over the same; and if the said Clerks, Beadles, and other Officers of the said Court, or either of them, shall take or demand any greater or other Fees than as above mentioned, or shall otherwise misbehave himself or themselves in the Execution of his or their Office, then he and they for every such Offence shall forfeit and pay such Fine, not exceeding the Sum of Twenty Pounds, as the said Commissioners, or any Seven or more of them, sitting in Court, shall assess, to be paid to the Treasurer of the *London Hospital* for the Time being, and which Fine the Treasurer of the said Court, upon an Order of the said Commissioners, or Seven or more of them, sitting in Court, shall deduct and retain from and out of the Salary of such Clerk, Beadle, or other Officer so offending.

Power to appropriate Funds.

LIV. And be it further enacted, That the said Commissioners, or the major Part of them, at any public Meeting to be called in the Manner herein-after directed, shall and may and they are hereby authorized and empowered to apply and dispose of so much and such Part of the Funds which shall or may be under their Control by virtue hereof in and towards such Alterations, Improvements, and Additions to the present Court as to them shall seem necessary and requisite for carrying into effect the several Provisions hereby made for the Extension of the Jurisdiction of the said Court, and for such other Purposes connected therewith as to the Majority of them the said Commissioners shall seem necessary and proper to be done; and the said Commissioners, or the major Part of them, present at any Meeting to be called in the like Manner, are hereby authorized and empowered from Time to Time and at all Times hereafter to apply and dispose of so much and such Part of the said Funds for and towards the Payment and Discharge of such extraordinary Expences of the said Court as at any such Meeting shall be deemed fit and proper to be incurred, and the Payment of which are not hereby

otherwise provided for; and the Trustees for the Time being of the said Funds are hereby required to sell and dispose of so much thereof as shall be necessary for Payment of the said several Sums of Money from Time to Time directed to be paid by the said Commissioners in the Manner herein-before mentioned, and to pay the same to the Treasurer of the said Court for the Time being, to be applied by him for the Purpose or Purposes by such Order directed.

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

LV. 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, Beadles, and other Officers elected and chosen under and by virtue of the first-recited Act, or to be elected and chosen under this Act as aforesaid, 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-after directed, shall direct, for the accounting and due Payment to such Treasurer for the Time being by such several Clerk or Clerks, Beadle or Beadles, 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, Beadle, or other Officer by whom such Bonds shall be given as last aforesaid.

Beadle neglecting his Duty.

LVI. And be it further enacted, That if any Beadle or Beadles 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 against whom such Execution shall be awarded to escape or abscond, or the Goods of such Party to be carried away or secreted, so that such Execution shall not have its due Effect, it shall be lawful for the said Commissioners, or any Five or more of them, sitting in Court, upon Complaint and due Proof thereof made upon the Oath or Oaths of One or more credible Witness or Witnesses, to order the Sum or Sums of Money for which such Execution was awarded to be forthwith paid to the Party complaining, and to deduct the Sum or Sums so paid from the Salary due and payable to such Beadle or Beadles or other Officers respectively.

Power of the Commissioners on Misbehaviour or Breach of Duty of Clerks and Officers.

LVII. And be it further enacted, That so much of the said first-recited Act as requires that upon Complaint made by any Person of the Misbehaviour or Breach of Duty of any of the Beadles of the said Court as therein mentioned, that the Number of Commissioners to be present, and who shall examine the Merits of such Complaint, and take such Proceedings thereon as is by such Act directed, shall not be less than Sixty, be and the same is hereby repealed; and that upon Complaint made by any Person or Persons of the Misbehaviour or Breach of Duty of any Beadle already appointed under the above-recited Act, or of any Clerk, Beadle, Crier, or other Officer to

to be appointed by virtue of this Act, or of any such Clerk, Beadle, Crier, or other Officer taking any greater or other Fees than are hereby authorized to be taken, it shall be lawful for the said Commissioners, or any Seven or more of them, then sitting in Court, to inquire into the Nature of such Complaint; and if it shall appear to the said Commissioners, or to any Seven or more of them, that such Complaint deserves the Consideration of the whole Number of Commissioners nominated and returned as aforesaid, then such Commissioners so sitting in Court as aforesaid, or any Seven or more of them, are hereby directed and required to cause the whole Number of Commissioners to be summoned to meet as soon as conveniently may be, in the Manner herein-after directed; and if it shall then appear to such Commissioners, or the major Part of them then present, that such Clerk, Beadle, Crier, or other Officer hath been guilty of Misbehaviour or Breach of Duty in his Office, or of taking greater or other Fees than are hereby authorized to be taken, it shall be lawful for the said Commissioners, or such major Part of them, to suspend or remove such Clerk, Beadle, Crier, or other Officer from his said Office, and to elect and choose another Person or Persons in his or their Room.

Directions for holding General Meetings.

LVIII. And be it further enacted, That no General Meeting shall be held as aforesaid, for any of the Purposes in this or the said recited Acts, without the Order of Five or more of the Commissioners sitting in Court, which said Order shall be in Writing, and shall specify the particular Time and Place and also the Purpose of such General Meeting, and shall be registered by the Clerks then present in Court, or One of them; and Notice thereof, and of the Purpose of such General Meeting, in Writing or in Print, shall be delivered to or left at the usual Place of Abode of all the said Commissioners respectively by the Beadles or Officers of the said Court, or by any other Person or Persons, Four Days at least before the holding of each and every such General Meeting respectively.

Limitation of Actions.

LIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done or to be done in pursuance of the said recited Acts or this Act, or either of them, or on account of any Order, Determination, Judgment, or Decree of the said Commissioners, until Ten Days Notice shall be given thereof in Writing, to be left at the Office of the Clerks of the said Court, or after sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Cause of Action shall arise; and the Defendant or Defendants in such Action or Suit, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon; and if the Plaintiff shall become nonsuited, or if a Verdict or Judgment shall be given for the Defendant or Defendants therein, then and in either of the said Cases such Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any Cases by Law.

LX. And

For the Recovery and Application of Penalties.

LX. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said Two first-recited Acts or this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise particularly directed,) shall, upon Proof of the Offences respectively before any Justice or Justices of the Peace for the said County of *Middlesex*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied (if not otherwise directed to be applied by the said Two first-recited Acts or this Act), shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Clerk or Clerks to the said Commissioners, and shall be by the said Commissioners distributed amongst the Poor of the several Parishes and Places within the Jurisdiction of the said Court of Requests; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise, as to him or them shall seem right and proper; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath not nor have Goods and Chattels within the Jurisdiction of such Justice or Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol of the said County of *Middlesex*, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Ten Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

LXI. And be it further enacted, That in all Cases in which by the said Two first-recited Acts or this Act any Penalty or Forfeiture is made recoverable by Information before a Justice or Justices of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said Acts or this Act to

to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before him; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

LXII. And be it further enacted, That in all Cases where any Conviction shall be made for any Offence or Offences committed against the said Two first-recited Acts or this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say,)

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

Distress not unlawful for Want of Form.

LXIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of the said Two first-recited Acts or of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding 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 and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LXIV. 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 the said Two first-recited Acts or this Act, shall be quashed or vacated for Want of Form only.

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

LXV. 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 the said Two first-recited Acts or of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Forty-two Days before such Action be commenced, of such intended Action, signed by the Attorney for

for the Plaintiff or Plaintiffs, specifying the Cause of 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 the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any 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 Proceedings, 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.

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

LXVI. Provided always, and be it further enacted, That when and so soon as any general Act shall be passed for the Recovery of Small Debts, every Clause, Matter, and Thing in this Act contained, which shall extend or be construed to extend to give the Commissioners hereby appointed any such local or separate Jurisdiction as is hereby contained, shall cease and determine.

For paying the Expences of this Act.

LXVII. Provided always, and it is hereby enacted, That as well any Money in Court, as all the Stocks, Funds, or Securities in or upon which the same or any Part thereof already hath been or hereafter shall or may be invested, and all Interest and Dividends for the same, and the surplus Fees, and other Sum and Sums of Money which have been or may be raised under the Authority of the said recited Acts or either of them, or of this Act, shall, in the first place, be subject to pay and satisfy all Fees, Charges, and Expences incident to and attendant on the obtaining and passing of this Act, or otherwise relating thereto; and the said Commissioners and Trustees are hereby directed, authorized, and required, in the first place, to pay and satisfy the same thereout accordingly.

Public Act.

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

Commencement of Act.

LXIX. And be it further enacted, That this Act shall commence and take effect from and after the Second *Tuesday* next after the passing thereof.

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