Anno tricesimo primo

Georgii II. Regis.

An Act for the more easy and speedy Recovery of Small Debts within the Western Division of the Hundred of *Brixton*, in the County of *Surry*.

WHEREAS many small Debts are daily contracted within the Western Division of the Hundred of Brixton, in the County of Surry, by reason of the great Number of Artificers and working People, constantly employed in many great and useful Works and Manufactures for Exportation, as well as Home Consumption; and although the Persons contracting such Debts are generally very well able to pay the same, yet they frequently refuse or neglect so to do, presuming on the great Discouragements and Difficulties their Creditors Preamble.

ditors must labour under, from the unavoidable Expences attending Suits at Law; For Remedy whereof, May it please Your most Excellent 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 from and after the passing of this Act, the Sixty Persons herein after named, residing within the Western Division of the said Hundred of Brixton; videlicet, Joshua Smith, John Baker, Arthur Collins, Melachi Hawtaine, Henry Robinson, John Page, Alexander Gordon, William Bridges, Samuel Plumb, Esquires; Mark Bell, Philip Worlidge, Thomas Barry, Isaac Akerman, John Lumsden, Benjamin Doggett, Michael Cuff, John Broom, John Madrill, John Spence, Theodore Hodgson, Thomas Williamson, John Smith, Benjamin Asterley, Nightingale Draper, Isaac Streatly, Daniel Parker, Thomas Strong, Humphry Webb, Matthew Shrub, William Isles, Ezekiel Edmonds, Nuce Sterry, Thomas Gooding, John Standford, Francis Hunt, John Rose, Richard Asterley, Benjamin Biggs, Tyson Chapman, William Charlewood, Thomas Harding, Francis Fairchild, Charles Ryley, Thomas Hammond, Ralph Crutcher, Philip Bourne, Richard Penley, William Saunders, James Gomb, John Suter, William Courtney, Thomas Berryman, Peter Batts, Richard Dollett, John Patterson, Thomas Sawkins, Charles Newsome Pigott Swift Kirby Morgan Rise, and Francis Hutchings, shall be, and are hereby declared and appointed Commissioners to hear and determine all such Matters of Debt to be brought before them as are hereinafter-mentioned; which said several Persons hereby declared and appointed, and all such Persons who by virtue of this Act shall become Commissioners for the Purposes aforesaid for the time being, shall be, and are hereby constituted a Court of Justice, by the Name of The Court of Requests for the Western Division of the Hundred of *Brixton*; and the said Commissioners herein before nominated and appointed for the time being, or any Three or more of them, shall have Power and Authority, and are hereby authorized, impowered, and required, to hear and determine all Matters of Debt within the said Western Division of the Hundred of Brixton, where the Debt in Demand doth not amount to the Sum of Forty Shillings, and to give and pronounce

Commissioners Names.

Commissioners constituted a Court of Justice.

Stile of the Court.

Court to determine all Matters of Debt, not amounting to 40 s.

nounce such Judgement and Decree therein respectively, and to award Execution thereupon, with Costs, against the Bodies and Goods of all and every the Person or Persons against whom they shall give or pronounce any Judgement or Decree, as to them shall seem just in Law or Equity; and, for that Purpose, all such Commissioners as aforesaid for the time being, or any Three or more of them, are hereby authorized and required to assemble, sit, and hold the said Court Once in every Week, to wit, Upon every Thursday, or oftener, if Need shall require, in some convenient Places within the Towns of Wandsworth and Putney, to be approved and fixed on by the said Commissioners for the time being, or by a Majority of such of them as shall, for the time being, be the sitting or acting Commissioners, according to the Rotation herein after-mentioned; and that the First Two Courts to be held by virtue of this Act shall be at Wandsworth, and the Third Court at Putney, and so in like Manner, Two Courts to be held at Wandsworth and One at Putney alternately, at all Times hereafter.

and to award Judgement and Execution thereupon.

Court to sit weekly, on *Thursday*, at *Wandsworth* or *Putney*, &c.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for any Person or Persons to whom any Debt or Debts, Sum or Sums of Money, is, are, or shall be due or owing, in his, her, or their own Right, or in the Right of any other Person or Persons to whom he or she shall be Executor, Administrator, Guardian, or Trustee, and for which Debt or Debts he, she, or they, shall demand any Sum, not amounting to the Sum of Forty Shillings, from any Person or Persons whomsoever, residing, lodging, and inhabiting, or keeping any Shop, Shed, Stall, or Stand, or trading, dealing, working, or otherwise seeking a Livelihood, within the said Western Division of the Hundred of Brixton, to complain to the said Commissioners for the time being, or to any Three or more of them, at any Court to be held by virtue of this Act, or to the Clerk of the said Court for the time being, at any Time out of Court, touching such Debt or Debts; and upon such Complaint, the said Clerk for the time being, shall cause such Debtor or Debtors to be warned or summoned by the Beadle or Officer of the said Court for the time being, by Writing, to be left at the Dwelling-house or Place of Abode, Shop, Shed, Stall, Stand, or any other Place

Method of Proceedings, and Recovery of Debts in the said Court, not exceeding 40 *s.*

of dealing, lodging, or working, of such Debtor or Debtors, or by any other lawful and reasonable Notice or Warning to be given to the said Debtor or Debtors, to appear before the Commissioners of the said Court for the time being, at some certain Court, and at some certain Place in the said Summons or Notice to be mentioned, to answer touching such Debt or Debts; and upon the Return of such Summons or Notice, and at the Time and Place therein mentioned, and at all Times afterwards, as there shall be Occasion, in case such Debtor or Debtors appear according to the said Summons or Notice, the said Commissioners for the time being, or any Three or more of them, shall and may hear and determine concerning such Debt or Debts, and shall have full Power and Authority, by virtue of this Act, to make, or cause to be made, such Acts, Order or Orders, and to give and pronounce such Judgement and Judgements, Decree and Decrees, for or against such Plaintiff or Plaintiffs, Defendant or Defendants, touching the same, and the Costs of such Suit, as to them shall seem agreeable to Justice and Equity; which Acts, Orders, Judgements, and Decrees, shall be final between the Parties thereto; but in case such Debtor or Debtors shall not appear according to such Summons or Notice as aforesaid, to answer touching such Debt or Debts as aforesaid, then the said Commissioners, or any Three or more of them, being assembled in the said Court as aforesaid, shall have Power and Authority by virtue of this Act, upon due Proof being made before them, that such Debtor or Debtors was or were duly warned or summoned, as aforesaid, to proceed, ex Parte, to hear the Matter of the Complaint touching such Debt or Debts, and to make and pronounce thereupon such Order or Orders, Judgement or Judgements, Decree or Decrees, concerning the same, as to them shall seem just and equitable; and shall set down and appoint some certain Time and Place, according to their Discretion, for such Debtor or Debtors to shew Cause before the Commmissioners of the said Court, or any Three or more of them, against such Order or Orders, Judgement or Judgements, Decree or Decrees, so made and pronounced upon a Hearing, ex Parte, as aforesaid; at which Time and Place, or at any other subsequent Court or Courts, the said Commissioners, or any Three or more of them, shall have full Power and Authority

Authority by virtue of this Act, whether such Debtor or Debtors shall appear, or shew Cause or not, upon due Proof that a Copy of such Order or Orders, Judgement or Judgements, had been delivered to such Debtor or Debtors, or left at his, her, or their usual Place of Residence or Abode, or dealing or working as aforesaid, or that any other lawful and reasonable Notice thereof had been given to such Debtor or Debtors, to make and pronounce such final Orders, Judgements, or Decrees, between the Parties, touching such Debt or Debts, and the Costs of Suits, as to them shall appear agreeable to Equity and good Conscience; and all such Acts, Orders, Judgements, and Decrees, and all and every the Proceedings of the said Commissioners, shall be entered and registered in a Book or Books, to be kept for that Purpose, by the Clerks or Clerk of the said Court, and shall be observed, performed, and kept, in all Parts, as well by the Plaintiff as by the Debtor or Defendant.

All Orders, &c. of the Court to be register'd.

And, for the better regulating the Proceedings of the said Court, and rendering this Act effectual for the Purposes thereof; be it enacted by the Authority aforesaid, That the said Commissioners, who, according to the Rotation herein after prescribed, shall be the acting Commissioners for the time being, or any Three of them, shall have full Power and Authority by virtue of this Act, from time to time, and as often as they shall see Occasion, at any of the said Courts, to make such Rules or Orders, for the better regulating the Practice of the said Court, as to them shall seem necessary and conducive to the Purposes of this Act; so as they be conformable to Law, and do not tend to lessen or abridge the Fees herein after allowed by this Act to be taken by the Clerks or Clerk, and Beadle or Officer of the said Court for the time being, or to the Exercise of any Jurisdiction inconsistent with the true Intent and Meaning of this Act, and do relate to the Process, Practice, and Method of Proceeding, of and in the said Court only; according to which Rules and Orders, so from time to time to be made, the said Commissioners, or any Three or more of them, shall have Power and Authority by virtue of this Act, to proceed upon and to hear and determine all Matters of Debt, not amounting to the said Sum of Forty Shillings, which shall be brought before them by virtue of this Act; and to make and pronounce

Acting Commissioners impowered to make Rules and Orders for regularing the Practice of the Court, so as the same be not inconsistent with the Intent of the Act.

Court to proceed to give Judgement according thereto, upon Matters of Debt brought before them.

nounce such Judgements and Decrees concerning the same, and the Costs of Suit, as to them shall seem agreeable to Equity and good Conscience.

Process of Execution against the Party, or Goods, to be issued by the Court, on pronouncing Judgement;

And be it further enacted by the Authority aforesaid, That upon making and pronouncing every such final Order, Judgement, or Decree, as the said Commissioners, or any Three or more of them, shall make and set down, for or concerning, or relating to such Debt or Debts, Complaint or Complaints, and Costs of Suit, for or against such Plaintiff or Plaintiffs, Defendant or Defendants, as aforesaid, then it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to award and issue out, or cause to be issued out of the said Court, Process of Execution against the Body or Goods of such Person or Persons, directed to the Beadle or Officer appointed to execute the Process of the said Court for the time being, for levying by Distress and Sale of such Goods, or for the compelling by Imprisonment as herein after is mentioned, the Payment of such Sum or Sums of Money as shall be ordered, adjudged, and decreed to be paid, by any such Order, Judgement, or Decree as aforesaid; which Executions against the Body or Goods, shall be governed by, and subject to the same Rules, as Executions by the Writs of Fieri Facias, and Capias ad Satisfaciendum, out of superior Courts are subject to; and upon and by virtue of every such Execution so to issue out of the said Court of Requests, against the Body or Bodies of any Debtor or Debtors, the Party or Parties against whom the same shall issue, shall and may, if he, she, or they shall be found within the said Western Division of the Hundred of Brixton, be taken and committed to, or detained in Custody or Safe-keeping of the Beadle of the said Court for the time being, to be by him or them committed to, and confined in the County Gaol of the County of Surry; the Gaoler or Keeper of which said Gaol, is hereby required to receive such Person or Persons from such Beadle, and to keep such Person or Persons within the said Gaol, during the Time for which he, she, or they, shall be committed by virtue of such Execution; there to remain in Confinement until he, she, or they, shall perform and obey such Order, Judgement, and Decree as aforesaid; so as no Person so to be imprisoned, shall remain in actual Confinement and Custody under the said

the same to be subject to like Rules as Writs of *Fieri Facias*, &c. issuing out of superior Courts.

Party may be committed on the Execution,

for any Time not exceeding 40 Days.

Execution, for a longer Space of Time than Forty Days, to be computed from the Day of such Commitment exclusive.

Proceſs not to iſſue againſt the Goods, &c.

Provided always, That nothing herein contained, shall extend, or be construed to extend, to impower the said Commissioners, to issue any Process against the Goods and Chattles of any Person or Persons, where the Party intitled to the Benefit of any such Order, Judgement, or Decree as aforesaid, shall have obtained any Warrant or Process as aforesaid, against the Body or Bodies of the same Person or Persons, unless such Person or Persons shall escape, abscond, or depart, out of the said Western Division of the Hundred of Brixton, to avoid being apprehended, and taken by virtue of such last-mentioned Warrant or Process.

where Warrant ſhall have been obtained againſt the Body of the Party, unleſs he eſcape, or abſcond.

Beadle or Goaler anſwerable for wilful Eſcapes,

And be it enacted by the Authority aforesaid, That in case any Person or Persons being apprehended or convicted by virtue of any Warrant or Process of the said Commissioners as aforesaid, shall escape out of Custody of the Beadle of the said Court of Requests, or of the Gaoler or Keeper of the said County Gaol, then in case such Escape shall, by the said Commissioners, or any Three or more of them, be adjudged to have been wilfully permitted, or to have happened through gross Negligence, such Commissioners shall have Power to order and adjudge that the said Beadle, or Goaler, or Keeper, from whom such Escape shall be made, do pay to the Party or Parties appearing to be injured by, and complaining of such Escape, so much Money not exceeding the Sum mentioned in such Warrant or Process, against the Body or Bodies of the Person or Persons (so escaping, and which ought to have been paid by such Person or Persons) as to the said Commissioners shall seem meet and reasonable; and in case such Beadle, or Gaoler, or Keeper, shall not forthwith perform such Order so to be made upon him or them, in Respect of such Escape, such Beadle, or Gaoler, or Keeper, shall be liable not only to make Satisfaction to the Party or Parties injured by such Escape, for all such Damages as he, she, or they, shall sustain thereby, to be recovered by Action in any of His Majesty's Courts of Record at Westminster; but also to be removed by the said Commissioners, or the major Part of them, from his said Office, as and for a Misbehaviour in the Execution thereof.

and to make good the Debt, &c. as the Court ſhall adjudge,

with Damages;

and may be alſo removed.

Debt to be marked on the Back of the Warrant or Process;

And be it further enacted by the Authority aforesaid, That upon every Warrant or Process to be issued out against the Body or Bodies of any Person or Persons by virtue of this Act, shall be wrote or marked, in a plain and legible Manner, the Sum or Sums by reason of the Nonpayment whereof such Process shall issue; and where any Person or Persons shall be apprehended and committed by virtue of any such Warrant or Process to the Custody of such Gaoler or Keeper for refusing or neglecting to obey and perform any such Order, Judgement, or Decree, as aforesaid, the Gaoler or Keeper for the time being in whose Custody such Person or Persons shall be or remain, shall, and is hereby required, upon Tender to him of such Sum or Sums of Money as shall be so marked or wrote upon such Warrant or Process of Commitment, as aforesaid, for the Use of the Person or Persons intitled to the same, together with Five Shillings as his Fee in respect of such Custody or Commitment, forthwith to discharge and set at Liberty such Person or Persons so in Custody; and in case any such Gaoler or Keeper shall make Default therein, or shall, after such Tender, unjustly detain in his Custody any Person or Persons so committed, as aforesaid, longer than Forty Days, to commence and be reckoned from the actual Arrest or Confinement of such Person or Persons, or longer than the Time expressed in the Warrant or Process of Commitment which shall issue against such Person or Persons, every such Gaoler or Keeper shall, in every such Case, forfeit and pay to the Person or Persons so unjustly detained the Sum of Five Pounds; to be recovered before One or more of His Majesty's Justices of the Peace for the County of Surry, for the Use of the Person or Persons so detained, in such and the like Manner as any Fine or Fines imposed as herein after is mentioned, on any Person or Persons for contemptuously affronting, insulting, or abusing, all or any of the Commissioners of the said Court of Requests for the time being, during their Sitting in the said Court, shall and may be recovered and levied upon the Goods or Chattles of such Person or Persons so offending.

and upon Payment thereof, and 5 s. Caption Fee, Prisoner to be discharged,

upon Penalty of 5 l. as also in case of longer Detention than 40 Days, or than the Time limited in the Warrant.

And, for the better Discovery of the Truth, and more solemn Determination of Matters and Causes which shall be depending in the said Court; it is hereby further enacted, That it shall and may be lawful for the said Commissioners, or any Three or more of them,

them, assembled in Court, and they are hereby authorized and impowered to administer, or cause to be administered, an Oath or Oaths to the Plaintiff or Plaintiffs, Defendant or Defendants respectively, and to such Witness or Witnesses as shall be produced by each Party; and also to all or any of the Officers of the said Court, and to all other Persons whatsoever, for or concerning any Business relative thereunto; and an Affirmation or Affirmations to such Plaintiff or Plaintiffs, Defendant or Defendants, Witness or Witnesses, and Persons aforesaid, as are or shall be of the People called Quakers, if the said Commissioners, or any Three or more of them, shall so think fit.

Court may administer Oaths to the Parties, Witnesses, and other Persons.

And be it further enacted by the Authority aforesaid, That if any Action of Debt, or upon the Case, upon any Assumpsit for Recovery of any Debt, to be sued or prosecuted against any Person or Persons liable to be summoned as aforesaid, in any of the King's Courts at Westminster, or elsewhere out of the said Court of Requests, the Plaintiff shall declare for any Sum of Money not amounting to the Sum of Forty Shillings, the Defendant may plead generally in Bar of such Action, that at the Time of commencing such Action, the Defendant was liable to be warned or summoned before the said Court of Requests, without pleading any other Matter specially; and in case the Plaintiff in any such Action shall declare for the Sum of Forty Shillings, or any Sum of Money exceeding the Sum of Forty Shillings, the Defendant may plead generally over and above such Matters as aforesaid, that the Defendant was not at the Time of commencing such Action indebted to the said Plaintiff, in any Sum or Sums of Money amounting to the Sum of Forty Shillings, without pleading any other Matter specially, whereto the Plaintiff shall and may reply generally, and deny the Matters pleaded as aforesaid; and if the Plaintiff be nonsuited, or discontinue his Action, or Verdict pass against him, or Judgement be given on Demurrer, the Defendant shall have Full Costs; and in case such Defendant or Defendants should neglect to plead such Matters specially to such Action, and shall plead the General Issue, or any other Special Matter, not herein before particularly mentioned, and the Jury upon the Trial of such Action, shall, by their Verdict, find the Debt, Damages, or Sum of Money due to the Plaintiff, to be under the Sum of Forty Shillings, such Verdict shall be, and is hereby declared

If any Action for Debt under 40 s. shall be sued in any other Court,

the Court to award the Defendant Full Costs:

to be void to all Intents and Purposes; and it shall and may be lawful to and for the Court in which such Action shall be depending, to tax and award the Defendant or Defendants in such Action, his, her, or their Full Costs of Suit, in the same Manner as if a Verdict had passed for the Defendant or Defendants in such Action; and the Defendant or Defendants shall, in such Case, have the same or the like Remedy for obtaining and recovering such Costs, as in Cases where a Verdict passes for the Defendant in the like Action.

But the Plaintiff may afterwards sue for the same in the Court of Requests.

Provided always, That it shall and may be lawful to and for the Plaintiff or Plaintiffs in such Action, afterwards to prosecute the said Defendant or Defendants, for the Recovery of the said Debt in the said Court of Requests; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Penalty of insulting or abusing the Court during their Sitting.

And, for the more effectual establishing the said Court of Requests, and the better enforcing the Orders and Decrees which shall be made by the said Commissioners for the time being, and that such Commissioners may be invested with proper Power and Authority, and be free and exempt from any Insults or Abuses; be it further enacted by the Authority aforesaid, That if any Person or Persons shall contemptuously affront, insult, or abuse, all or any of the Commissioners of the said Court for the time being, during their sitting in the said Court, it shall and may be lawful to and for the Beadle of the said Court for the time being, by Order of the said Commissioners then sitting, or any Three or more of them, to take such Person or Persons so offending as aforesaid into Custody, and carry him, her, or them, before One or more of His Majesty's Justices of the Peace for the said County of Surry, to answer such Affront, Insult, or Abuse, and upon the Fact alledged being duly proved upon the Oath or Oaths of One or more credible Witness or Witnesses, against him, her, or them, then and in such Case, the said Justice or Justices shall impose and set upon such Person or Persons offending as aforesaid, such Fine or Fines, as to such Justice or Justices shall seem meet and reasonable, provided the Fine on any One Person do not exceed the Sum of Forty Shillings.

And be it further enacted by the Authority aforesaid, That upon the Non-payment of the said Fine so to

be imposed or set upon any Person convicted of offending as aforesaid, it shall and may be lawful for the said Justice or Justices to issue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, for levying the said Fine or Fines so imposed upon the Goods and Chattles of every such Offender or Offenders, being then resiant or inhabiting in the County of Surry, and to cause Sale to be made thereof, in case such Goods and Chattles shall not be redeemed within Five Days, rendering the Overplus, if any, to the Person so offending, after the Charges of such Distress and Sale are deducted; and if such Offender or Offenders shall not be resiant or inhabiting within the County of Surry, or shall not have any Goods or Chattles within the said County of Surry, whereof such Fine or Fines can be levied as aforesaid, then, and in such Case, and upon Non-payment of such Fine or Fines, it shall and may be lawful for the said Justice or Justices by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the Gaol of the County of Surry, there to remain for the Space of One Calendar Month, unless he, she, or they, shall sooner pay the said Fine or Fines so imposed as aforesaid; in which Case he, she, or they, on Payment of such Fine or Fines, shall forthwith be discharged out of Custody, and such Fine or Fines shall be applied to and for the Benefit of the Poor of the Parish where such Offence shall have been committed, in such Manner and Proportion as the said Justice or Justices of the Peace shall think fit and convenient.

Fines to be levied by Distress and Sale.

Application of the Fines.

And be it further enacted by the Authority aforesaid, That the Clerks or Clerk of the said Court for the time being, shall, from time to time, affix, or cause to be affixed, upon the Doors of all the Parish Churches in the said Western Division of the Hundred of Brixton, and likewise in the Room where the said Court shall be held, true Copies of the last Two preceding Clauses of this Act, to the End that no Person or Persons shall or may pretend Ignorance in the Premisses.

Copies of the Two last Clauses to be affixed on the Doors of the Churches, and in the Court.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons shall make Oath or affirm, or give Evidence in any Cause depending in the said Court of Requests, whereby he, she, or they

shall commit any wilful or corrupt Perjury, and shall thereof be duly convicted according to Law, then, and in such Case, every such Person or Persons shall incur and suffer the like Pains and Penalties as any other Person or Persons convicted of wilful and corrupt Perjury, according to the Laws and Statutes of this Realm are now subject unto.

Clerks of the Court.

And be it further enacted by the Authority aforesaid, That William Smyth of Putney in the County of Surry Gentleman, and John Baptist Bushman of Battersea in the said County Gentleman, shall be, and are hereby constituted and appointed Clerks of the said Court of Requests during their good Behaviour; who shall, and are hereby impowered and required, to attend and do the Business of the said Court, and to issue out and register, in proper Books to be kept for that Purpose, all Summonses, Warrants, Precepts, Acts, Orders, Dismissions, Adjournments, Decrees, Judgements, Executions, and Proceedings, of the said Court; and the said Clerks shall, and are hereby authorized and required, within Ten Days after the passing of this Act, to cause the First Five of the said Commissioners, as they stand in order in this Act, to be summoned by the Beadle of the said Court to attend and do the Business thereof for the Month of July, and so the like Number of Commissioners, as they stand, or shall hereafter stand, next to the former, in Rotation, to do the like Duty from Calendar Month to Calendar Month for each succeeding Calendar Month, till the whole Number of Commissioners shall have been summoned, and then begin with the First of the Commissioners monthly, in the Order they now stand, and are set down, in this Act; and to continue to summon Five Commissioners monthly, in like Rotation, in all succeeding Times, so as that the Commissioners for the time being may, according to the Order aforesaid, and the Order in which they shall stand in the List of Commissioners for the future, take upon themselves, and put the Powers in this Act contained in due Execution.

Five Commissioners as they stand first in Rotation on the List, to be summoned monthly to attend the Business of the Court.

Commissioners impowered to sit, tho' they be not in Rotation.

Provided always, That nothing herein before contained shall extend, or be construed to extend, to exclude or debar any of the said Commissioners for the time being, from sitting in the said Court, although they be not in Rotation or not summoned as aforesaid, but that all such Commissioners shall and may, as often

often as they shall respectively think fit, sit and give Judgement therein; any thing herein before contained to the contrary in any wise notwithstanding.

Upon the Death, Resignation, or Removal, of either of the said Clerks, the remaining Clerk to act solely;

And be it further enacted by the Authority aforesaid, That upon the Death, Resignation, or Removal, of either of the said Clerks herein before named, the remaining Clerk shall continue to be the only Clerk of the said Court, and shall proceed in the Business thereof, and in the Execution of all the Powers and Authorities by this Act vested in the said Two Clerks, without any new or other Clerk to be nominated or appointed, in the Place or Stead of such of the said Two Clerks as shall first die, resign, or be removed, it being the Intent and Meaning of this Act, that from the Time of such First Death, Resignation, or Removal, there shall be, at all Times afterwards, One Clerk only of the said Court of Requests, and no more, at One and the same Time; and upon the Death, Resignation, or Removal of the surviving or remaining Clerk herein before named, the whole Number of Commissioners shall be summoned by the Beadle of the said Court; or, in Default thereof, by or by Order of such of the Commissioners for the time being, as shall be present at the said Court of Requests, next after such Death, Resignation, or Removal, to meet at some certain Place within the Town or Parish of Wandsworth aforesaid; and upon some certain Day within Five Days next after their being so summoned; and such Commissioners as shall be assembled at such Meeting, or the major Part of them, are authorized, impowered, and required to elect and appoint another Person in the Room of such Clerk, and so from time to time thereafter, every Vacancy of the Office of Clerk shall be filled up and supplied by the like Election and Appointment.

and only One Clerk to be for the Court in all future Times;

upon his Death Commissioners to be summoned to elect a new One.

Commissioners to meet and appoint a Beadle.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners for the time being, or the major Part of them, and they are hereby required, to meet or assemble together at some convenient Place within the Town or Parish of Wandsworth aforesaid, within Twenty Days after the passing of this Act, and then and there nominate and appoint some fit and sufficient Person to be Officer, by the Name of Beadle of the said Court, for executing all and every the Process of the said Court of Requests committed to his Charge within the said

said Western Division of the Hundred of Brixton, who is hereby authorized, impowered, and required, by himself, or by his sufficient Deputy or Deputies, for whom, and for whose Behaviour, he shall, at all Times, be answerable, to execute all Warrants, Summonses, Orders, Executions, Precepts, and Process, issuing out of or from the said Court of Requests, or the said Commissioners for the time being, and upon the Death, Resignation, or Removal, of the said Beadle, to chuse another Person or Persons in his or their Room, and so in like Manner from time to time, and at all Times thereafter, as the Office of Beadle shall become vacant; and which said Beadle so nominated and appointed as aforesaid, shall hold the said Office of Beadle of the said Court, during his good Behaviour, and no longer; and shall and may be removed from the said Office from time to time, for Misbehaviour, to be judged and determined upon by the said Commissioners for the time being, or the major Part of them, in Manner as is herein after mentioned.

Commissioners to take the following Oath before they act.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall be capable of acting as a Commissioner or Commissioners, in the Execution of the Powers given by this Act, until such Time as he and they shall have respectively taken an Oath to the Effect following:

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Judgement, hear and determine such Matters and Things as shall be brought before me, by virtue of an Act of Parliament, intituled, *An Act for the more easy and speedy Recovery of Small Debts within the Western Division of the Hundred of* Brixton, *in the County of* Surry, without Favour or Affection to either Party.

Which Oath One of the Clerks of the said Court, or any One of the Commissioners, who shall himself have taken the said Oath, are or is hereby impowered and required to administer in open Court; a Memorial whereof shall be entered in the Register of the said Court. Clerk to administer and register the Oath.

And be it further enacted by the Authority aforesaid, That the several Fees, herein after limited and expressed, and no other Fee or Fees, shall and may be taken for the respective Services of the said Clerks and Beadle of the said Court for the time being; that is to say,

For every Summons, to the Clerks Four Pence. Table of Fees.

For the Service of such Summons, to the Beadle Four Pence.

For calling the Plaintiff or Defendant before the Court, to the Clerks Two Pence; and to the Beadle, One Penny.

For a Nonsuit on the Plaintiff's not appearing, to the Clerks One Shilling.

For paying Money into the Court, to the Clerks Six Pence.

For every Hearing, to the Clerks Three Pence.

For a Copy of every Order upon a Hearing, ex Parte, and of every Judgement of Nonsuit to be served, to the Clerks Four Pence.

For the Service of every such Order or Judgement, to the Beadle Two Pence.

For an Execution, to the Clerks One Shilling.

To the Beadle for levying the same, One Shilling.

For acknowledging Satisfaction in Full, to the Clerks Four Pence.

For every Search, to the Clerks Two Pence.

A Table of which Fees, shall, from time to time, be hung up by the Clerks or Clerk of the said Court, in some publick or most conspicuous Part of the Place where the said Commissioners shall meet for the Purposes aforesaid, to the End that all Persons may, at all Times, see and read the same. Table of Fees to be hung up in the Court.

And be it further enacted by the Authority aforesaid, That if either of the said Clerks of the said Court, or any future Clerk for the time being, or the said Beadle for the time being, or either of them, shall take

Penalty on Officers taking other Fees, or misbehaving in the Execution of their Office.

take or demand any greater or other Fee or Fees than are before mentioned, or otherwise misbehave himself or themselves in the Execution of his or their Office, that then upon Complaint made of the said Offence or Offences to the said Commissioners, or any Three or more of them, at some Court to be held within One Month after such Offence or Offences shall be committed (such Complaint being duly proved upon the Oath or Oaths of One or more credible Witness or Witnesses, against him or them so offending as aforesaid) the said Commissioners, or any Three or more of them, before whom such Complaint shall be brought, shall proceed to punish such Person or Persons so offending as aforesaid, by Fine, not exceeding the Sum of Five Pounds, and not less than Forty Shillings for any One Offence, to be levied (if not paid on Demand) by Distress and Sale of the Goods and Chattles of the Offender or Offenders, by Warrant under the Hands and Seals of such Commissioners, or any Three or more of them, by whom such Complaint shall be heard, rendering to the Owner the Overplus, if any, after the Charges of such Distress and Sale are deducted; which said Fine or Fines of such Person or Persons so offending, when so paid or levied, shall be applied to and for the Use of the Poor of the Parish where the Offence shall have been committed.

Regulations in the Proceedings of Commissioners on Complaint of the Misbehaviour or Breach of Duty in the Officers of the Court.

And be it further enacted by the Authority aforesaid, That if it shall appear to the said Commissioners, or the major Part of them, that such Complaint deserves the Consideration of the whole Number of Commissioners, then such Commissioners sitting in Court are hereby directed and required to cause the whole Number of Commissioners to be summoned to meet, as soon as conveniently may be, by publick Notice to be given in the several and respective Parish Churches, within the said Western Division of the Hundred of Brixton, by the Clerk of the Parish, immediately after Divine Service, on the Sunday Morning next before such Meeting is to be held, such Sunday being at least Three Days before the holding of such Meeting, which Notice such Parish Clerks are hereby required then to publish and read, and such Commissioners so assembled, shall examine into the Merits of such Complaint; and if it shall then appear unto such Commissioners, or the major Part of them, that such Clerks or Clerk, or Beadle, hath been guilty of a gross Misbehaviour, or Breach of Duty in his Office, that then it shall and may be lawful to and for the said

Commissioners,

Commissioners, or the major Part of them, to suspend or remove such Clerks or Clerk, or Beadle, from his or their respective Office or Offices.

And, for continuing a sufficient Number of fit, able, and substantial Persons to be Commissioners for putting in Execution the Powers in this Act contained; be it further enacted by the Authority aforesaid, That the Commissioners for the time being, shall meet upon the First Day of July in every succeeding Year, unless it shall happen to be on a Sunday, and then on the next Day following, in some convenient Place to be appointed and fixed upon for that Purpose by a Majority of the said Commissioners for the time being, and publickly notified Ten Days before the said Day of Meeting; and in Default of such Appointment, then at the Place where the Court was last kept, at Ten of the Clock in the Forenoon of the same Days; and the said Commissioners, or such of them as shall be so met, shall proceed by Ballot to elect and appoint so many fit, able, and substantial Persons, inhabiting within the Western Division of the said Hundred of Brixton, as will fill up the several Vacancies that shall have happened by the Death of any of the said Commissioners, and also shall at the same Time, and in like Manner, elect and appoint new Commissioners in the Stead of such of the said Commissioners as shall be removed out of the said Division, or shall refuse or neglect to act for the Space of One whole Year before such Day of Election; and all and every such Person or Persons so to be elected a Commissioner or Commissioners, shall and may, and is and are hereby impowered and required as often as Occasion shall be, to act, to all Intents and Purposes, in as full and ample Manner as the said Commissioners herein named are by this Act impowered to do; and upon every such Election a List of the whole Number of the Commissioners shall be wrote fair by One of the present Clerks, and every future Clerk of the said Court, and by him be registered in the said Court, and in such List the Name of each former Commissioner shall stand in the Order wherein it was before placed, and the said new Commissioners shall always be placed and stand last in Order in every new List.

Time and Place of Commissioners Meeting.

10 Days Notice to be given of such Meeting.

And whereas the Number of Persons herein before nominated and appointed out of each of the Parishes contained in the said Western Division of the Hundred of Brixton, to make up the Number of Sixty Commissioners, is calculated, as near as may be, to bear a due Proportion

The filling up Vacancies of Commissioners how to be observed.

Proportion with the Extent, Trade, Wealth, and Number of Inhabitants of and in each respective Parish; be it enacted by the Authority aforesaid, That the same Proportion shall, as near as possible, be observed in filling up all Vacancies of Commissioners that shall hereafter happen.

No Suit for Debts recoverable by this Act, to be brought in any other Court.

And be it enacted by the Authority aforesaid, That no Action or Suit for any Debt or Demand, not amounting to the Sum of Forty Shillings, and recoverable by virtue of this Act in the said Court of Requests, shall be brought against any Person or Persons in any other Court whatsoever; and that the Register or Book of Entries or Proceedings of the said Court of Requests shall be deemed legal Evidence of the Acts and Proceedings thereof; and that the Order of the said Commissioners for the Payment of any Money into Court for the Use of the Plaintiff or Defendant in any Suit there depending, shall and may be pleaded in Bar, or given in Evidence upon the General Issue in any Action depending in any other Court for the same Matter between the same Parties.

Attornies, &c. not exempted from Process.

And be it further enacted, That no Attorney at Law or Solicitor, being served with Process of the said Court, shall be allowed to plead or maintain any Privilege against the Process, Authority, Jurisdiction, or Judgement thereof.

Plaintiff not appearing,

or not shewing propable Cause of Suit,

to be nonsuited, and Costs awarded against him.

Plaintiff commencing vexatious Suit, to pay Costs,

And be it further enacted by the Authority aforesaid, That if any Plaintiff or Plaintiffs shall summon, or cause to be summoned, any Defendant or Defendants to appear before the said Court, under Pretence of any Debt owing to him, her, or them, from such Defendant or Defendants, and shall not appear and prosecute such Suit or Suits, or shall not prove, to the Satisfaction of the said Commissioners, or any Three or more of them, that there was a probable Cause of Suit and Complaint against such Defendant or Defendants, then, and in such or in either of these Cases, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized, impowered, and required to give Judgement of Nonsuit against such Plaintiff or Plaintiffs, and to award and order him, her, or them, to pay the Costs of such Suit or Suits; and if the said Commissioners, or any Three or more of them, shall be of Opinion, that such or either of the said Prosecution or Prosecutions was or were vexatious, that then, and in such Case, it shall

and may be lawful to and for the said Commissioners, or any Three or more of them, to award and order such Plaintiff or Plaintiffs to pay to such Defendant or Defendants such Damages for such vexatious Prosecution as they shall think reasonable, over and besides the Costs of Suit on Judgement of Nonsuit aforesaid, not exceeding the Sum of Ten Shillings; and in case such Plaintiff or Plaintiffs, after being served with an Order for Payment of such Costs only, or such Costs and Damages jointly, as shall be so respectively awarded against him, her, or them, shall refuse or neglect to pay the same; then, and in such and in either of the said Cases, it shall and may be lawful to and for the said Commissioners, or any Three or more of them; and they are hereby authorized, impowered, and required, to issue out of the said Court Process of Execution against the Goods and Chattles, or Body or Bodies, of every such Plaintiff or Plaintiffs, for levying such Damages or Costs by Distress and Sale, or for compelling, by Imprisonment, the Payment thereof, in such and the like Manner as Execution against the Goods and Chattles, or Body or Bodies, of any Defendant or Defendants, by virtue of this Act, may be awarded and issued forth.

and be fined, not exceeding 10s.

which may be levied by Distress and Sale,

or Offender may be imprisoned.

Provided always, and be it enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend to any Debt for Rent upon Lease, or real Contract, where the Title of any Lands, Tenements, or Hereditaments, can or may come, or be brought, in Question; nor to any other Debt, Matter, or Thing, that shall or may arise upon, or concern, the Validity of any Will, Testament, or Contract of Matrimony, and which properly belong to the Ecclesiastical Courts, or any other Thing concerning, or properly belonging to, the Ecclesiastical Courts; but that such Debt, Matter, or Thing, may be sued and prosecuted in such Court or Courts, and in such Manner, as if this Act had not been made, although the same shall not amount to the Sum of Forty Shillings; any thing herein before contained to the contrary in any wise notwithstanding.

Limitation of the Powers of this Act with respect to certain Debts, &c.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any Matter or Thing done, or to be done, in pursuance of this Act, then, and in such Case, such Action or Suit shall be

Limitation of Actions.

brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act, and any Orders, Books of Entry, or other Proceedings of the said Court of Requests, and the Special Matter, in Evidence, at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his, her, or their Action or Actions, Suit or Suits; or if, upon Verdict or Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.