ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XXVII.

An Act for the more eaſy and ſpeedy Recovery of Small Debts, within the City and County of the City of *Exeter*.

WHEREAS in the City and County of the City of Exeter there is carried on a large and extenſive Manufactory, which employs ſeveral thouſand People, many of whom contract ſmall Debts, which in the Whole amount yearly to a great Sum of Money; and although ſuch Debtors are well able to pay their reſpective Debts, yet they often refuſe ſo to do, preſuming on the Diſcouragements their Creditors lie under from the great Expence they are unavoidably put unto, and the Delays they meet with in ſuing for the ſame: And as an eaſy and ſpeedy Method of recovering Small Debts within the ſaid City and County of the City of Exeter will greatly contribute to promote Induſtry, and ſupport and encourage Trade and Credit therein; may it therefore pleaſe Your Majeſty Preamble.

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 Right Worshipful the Mayor, Recorder, Aldermen, and Common Council of the City of Exeter for the Time being, and Forty other Persons to be chosen out of the honestest and discreetest Inhabitants of the said City and County, by the Four Wards or Quarters of the said City; that is to say, Ten out of each Ward or Quarter, being resident within the City and County of the said City, shall be and are hereby declared, constituted, and appointed, Commissioners, to hear and determine all such Causes and Matters of Debt to be brought before them as are herein-after mentioned; and such Commissioners, and their Successors, shall be, and are hereby constituted a Court of Justice, by the Name and Stile of The Court of Requests for the City and County of the City of *Exeter*; and they the said Commissioners, or any Three or more of them, shall have Power and Authority, and are hereby authorised, impowered, and required, to meet and assemble Once in every Fortnight; (that is to say), On Thursday, or oftener, if there shall be Occasion, and hold the said Court in the Guildhall of the said City: But if the said Commissioners, or any Three or more of them, by reason of any Corporate Meeting, or otherwise, shall by any Accident be prevented from assembling in the said Guildhall; then, and in such Case, the said Commissioners, or any Three or more of them, shall meet and assemble in some other convenient Place, to be approved of and fixed on by the major Part of the said Commissioners, who shall be assembled at some General Meeting to be held for that Purpose, the First of which said Meetings shall be on the Thursday Month next after the passing of this Act; and the said Forty Persons shall be elected at a Court for that Purpose to be held with all convenient Expedition after the passing of this Act, within each Ward or Quarter, by the Alderman or Aldermen of the same, his or their Deputy or Deputies, by the Votes of the Inhabitants of each Ward or Quarter, paying Two-pence per

Who are to be Commissioners.

Commissioners constituted a Court of Requests.

Week, or more, in his own Right, for and towards the Relief of the Poor of the said City, and County of the said City, or of the major Part of them then present: Provided that no Person paying less than Three-pence per Week, in his own Right, for and towards the Relief of the Poor of the City, and County of the said City, shall be qualified to be elected a Commissioner by virtue of this Act. Qualification of Commissioners.

And be it further enacted, That when any of the Persons, elected in Manner aforesaid, after their respective Elections, shall die, or shall not, within Six Calendar Months next after his Election, take upon himself the Office of, and act as a Commissioner, or having so acted as a Commissioner, shall thereafter refuse or neglect to act as a Commissioner for the Space of One whole Year, or shall become Bankrupt or Insolvent, or shall be convicted of any Offence for which an infamous Punishment may by Law be inflicted; upon due Proof made, upon Oath, in open Court, that any of the said Commissioners are dead, or have incurred any of the Disabilities aforesaid, the said Commissioners then sitting are hereby directed and required to cause the whole Number of Commissioners to be summoned, by a Notice in Writing to be affixed at the Guildhall of the said City for that Purpose, to meet at some convenient Time, and to cause Notice, in Writing, to be left with the Person or Persons incurring such Disabilities as aforesaid, or to be left or stuck up at their last Place of Abode in the City and County of the said City of Exeter; and the Commissioners then present, not being less than Nine in Number, shall and may amove any Person or Persons from the Office of a Commissioner for any of the Causes before mentioned, on due Proof thereof; and the Clerk of the said Court herein-after mentioned is hereby required to certify to the said Alderman or Aldermen of the said Ward or Quarter, for which such Person or Persons so dying or amoved was elected, such Death or Amotion as aforesaid; and then it shall and may be lawful to and for the Alderman or Aldermen of the said Ward or Quarter for which such Person so dying, or neglecting or refusing to act, or disabled as aforesaid, was elected, Commissioners dying or refusing to act. others to be chosen.

his or their Deputy or Deputies, at a Court to be held within the said Ward or Quarter for that Purpose, within the Space of Fourteen Days next after the Death of such Person, or Vacancy occasioned as aforesaid, to elect others in their Place, in Manner aforesaid; which Court and Elections such Alderman or Aldermen, his or their Deputy or Deputies, are hereby authorised and required to hold and make.

For want of a sufficient Number to act, Court to be adjourned.

Provided always, That in case Three or more of the said Commissioners appointed, or to be appointed by virtue of this Act, shall neglect or refuse to assemble on any of the Days appointed for holding the said Court, that then it shall and may be lawful to and for the Clerk of the said Court herein-after named, for the Time being, or his Deputy, to adjourn the said Court to some other convenient Day within One Week from the Day on which the said Court ought to have been held, or to the next General Court Day to be held by virtue of this Act.

Commissioners in Rotation to be summoned to attend the Court every Two Months.

And, for the more orderly and regular Proceeding in the said Court, and to make the Business thereof as easy as may be to the said Commissioners, be it further enacted by the Authority aforesaid, That the Clerk of the said Court for the Time being shall, and he is hereby authorised and required, to cause the Mayor and Two senior Aldermen and Common Council, and also Eight of the said Forty Persons so to be elected as aforesaid, according to the Order in which the initial Letter of their respective Surnames shall be in the Alphabet, to be summoned by the Beadle of the said Court to attend, and do the Business of the said Court for Two Calendar Months then next ensuing; and after the Expiration thereof, shall cause the like Number of Commissioners, residing within the City and County of the said City, in like Seniority, Order, and Rotation, and respectively, to do the like Duty for the Two then next succeeding Calendar Months, till the whole Number of Commissioners, resident as aforesaid, shall have been summoned; and shall then begin again, and continue to summon Thirteen Commissioners every Two Calendar Months, in like Rotation, in all succeeding Times, so as the said

Commissioners may take upon themselves, in Rotation, the Execution of this Act.

Provided always, That nothing herein contained shall extend, or be construed to extend, to exclude or debar any of the said Commissioners from sitting in the said Court, although they be not in Rotation, or summoned as aforesaid; but that all such Commissioners, not exceeding Thirteen in Number, shall and may, as often as they respectively shall think fit, sit and give Judgement therein in Manner following; (that is to say), That if any Number of Commissioners less than Thirteen shall be present at the Sitting of the said Court, then, and in such Case, such other of the said Commissioners as shall from Time to Time come into the said Court and take their Seats, until the Number of Thirteen shall be compleat, and shall give Judgement in the said Court; and if at the Sitting of the said Court the Commissioners then present shall be more in Number than Thirteen, then the Clerk shall put the Names of all the Commissioners present, save and except the Names of the Commissioners summoned as aforesaid, written on distinct Pieces of Paper, being all as near as may be of equal Size, and rolled up in the same Manner, into a Glass or Balloting Box, to be provided for that Purpose, and shall there shake them together, and the Beadle of the said Court, or some other indifferent Person, shall publickly draw out of the said Glass or Box a Piece, or so many Pieces of Paper as there shall be wanting Commissioner or Commissioners, together with the Commissioners then present and summoned as aforesaid, to compleat the Number of Thirteen; and the Commissioner or Commissioners, whose Name or Names shall be found written on the Piece or Pieces of Paper drawn out as aforesaid, shall sit and give Judgement in the said Court, together with the other Commissioners summoned and present as aforesaid; and it is hereby declared to be the true Intent and Meaning of this Act, that after the Number of Thirteen Commissioners shall be compleated, in the Manner before mentioned, no Commissioner, summoned as aforesaid, shall take his Seat and give Judgement in the said Court.

Commissioners, although not in Rotation or summoned, may act in Court;

but not to exceed Thirteen in Number.

And

Their Powers. And be it further enacted by the Authority aforesaid, That the Commissioners so named and appointed, and their Successors, to be chosen in Manner herein-before mentioned, or any Three or more of them, not exceeding Thirteen in Number, from Time to Time assembled as aforesaid, shall have Power and Authority, by virtue of this Act, to hear and determine all such Causes and Matters of Debt as shall be brought before them in Manner as hereafter mentioned; and to give such Judgements, and make such interlocutory and final Orders and Decrees therein, and to award such Execution thereupon, with Costs, both against the Bodies and the Goods and Chattels of all and every the Person and Persons against whom they shall give or make any such Judgement, Order, or Decree, as to them shall seem just, and most agreeable to Equity and good Conscience.

Clerk and Beadle how to be appointed. And be it further enacted by the Authority aforesaid, That the said Mayor, Recorder, Aldermen, and Common Council, or the major Part of them, in Chamber assembled, shall, and are hereby impowered and required, to nominate and appoint One able and sufficient Officer to be called a Clerk, and another able and sufficient Officer called a Beadle; which said Officers of Clerk and Beadle shall execute their respective Offices by themselves respectively, or by their lawful Deputy or Deputies, so long as they shall behave themselves well in their respective Offices.

Commissioners and Victuallers not to hold any Place of Profit. Provided always, That no Commissioner, nor any Person or Persons who shall keep any Victualling-house, Alehouse, or other publick Place of Entertainment, or who shall sell any Wine, Cyder, Beer, Spirituous or other strong Liquors, by Retail, shall be capable of holding any Place of Profit belonging to the said Court.

Appointment of Clerk and Beadle upon Vacancies. And be it enacted by the Authority aforesaid, That whenever it shall happen that the Office of Clerk or Beadle shall become vacant, either by Death, Resignation, or Misbehaviour, the said respective Offices shall be executed by such Person or Persons as shall be in that Behalf nominated and appointed by the said Mayor, Recorder, Aldermen, and Common Council, in Chamber assembled

assembled as aforesaid, who are hereby authorised, impowered, and required, to nominate and appoint such Clerk or Beadle, in Consideration of, and as a Compensation for, the Prejudice or Damage to, or Diminution of, the Business of the several Courts of Record held for Plea of Debt within the Jurisdiction of the said City; and until such Nomination and Appointment shall be made, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, assembled as aforesaid, to appoint such Officers respectively.

Clerk to fix up Lists of Commissioners in the Court-house;

And be it further enacted by the Authority aforesaid, That the Clerk herein-before named and chosen, and his Successors, from Time to Time to be appointed, as aforesaid, or his or their lawful Deputy, shall make, and cause to be fixed up in some convenient Part of the Court-house, fair and compleat Lists in Writing of the Commissioners herein named and directed to be chosen and appointed, or to be elected, chosen, and appointed, as aforesaid; and shall also issue, or cause to be issued out, all Summonses, Attachments, Warrants, Subpoenas, and Precepts, and register and enter, or cause to be registered and entered, all Causes, Orders, Decrees, and Judgements, and other Acts and Proceedings of the said Court, in proper Books, to be from Time to Time provided by him, and kept for that Purpose; and that the Beadle herein-before named, or from Time to Time to be appointed, as aforesaid, or his Deputy, shall, and he is hereby impowered and required to serve and execute, or to cause to be served and executed, all such Summonses, Orders, Attachments, Warrants, Subpoenas, Executions, and Precepts, and to do and perform all such Acts, Matters, and Things, as are herein directed and appointed to be done by him.

and to issue Summons and register Orders, &c.

Beadle to serve Precepts.

Debts under 40 s. may be sued for by all Persons.

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 all and every Person and Persons whatsoever, who now hath or have, or hereafter shall or may have, any Debt or Debts arising or accruing within the said City and County of the City of Exeter, not amounting to the Sum of Forty Shillings, and due or owing to him, her, or them, by or from any

Person or Persons whatsoever, inhabiting or residing within the City and County of the said City of Exeter, to apply to the Clerk of the said Court, or his Deputy for the Time being, who shall immediately make an Entry in his Book of the Cause, expressing the Names of the Parties, and the Sum demanded, and shall thereupon make out and deliver a Summons in Writing under his Hand, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, and the Name or Names of such Party or Parties demanding the same, thereby requiring and commanding such Debtor or Debtors to appear at the next Court to be held before the Commissioners of the said Court, to answer such Demand; and the Beadle of the said Court shall forthwith serve, or cause to be served, such Summons or Summonses on such Debtor or Debtors, either personally, or by leaving the same at the Dwelling-house or Place of Abode, Lodging, Shop, Shed, Stall, Stand, or other Place of Dealing or Working of such Debtor or Debtors within the City and County of the said City of Exeter; and the said Commissioners, or any Three or more of them, shall, upon Proof made of the Service of such Summons, have full Power and Authority by virtue of this Act, to make due Enquiry upon Oath of any legal Witness or Witnesses, or by Confession of the Party summoned, concerning such Demand, and to pronounce and give final Sentence or Judgement, and to make such interlocutory or final Orders and Decrees therein, as to them shall seem most just and equitable.

Acting Commissioners may make Orders for regulating the Practice of the Court;

And, for the better regulating the Proceedings of the said Court, and rendering this Act effectual for the Purpose thereof, be it enacted by the Authority aforesaid, That the said Commissioners for the Time being, or any Nine or more 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

this Act, so as they shall be consistent with Equity, and not tend to alter the Fees herein-after allowed by this Act to be taken by the Clerk and Beadle 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 or 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 arising within the said City and County of the said City of Exeter, 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 such Judgements and Decrees concerning the same, together with such Costs of Suit, as to them shall seem agreeable to Equity and good Conscience.

And, for the better Discovery of the Truth, and for the more solemn Determination of all the Causes and Matters which shall be depending in the said Court, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, assembled in Court, and they are hereby impowered to administer an Oath to such Witness or Witnesses as shall be produced by either Party; and also to the Officers of the Court, and to any Person or Persons whatsoever, whose Evidence shall to the said Commissioners, or the major Part of them assembled at the said Court, appear necessary to ascertain the Truth of the Matter in Litigation between the Parties; and for that Purpose to issue out a Summons or Summonses, at the Instance of either of the Parties, to all and every such Witness or Witnesses, to be and appear at such Court Day whereon the said Matter is appointed to be heard. and administer Oaths.

And be it further enacted by the Authority aforesaid, That if any Debtor or Debtors, who shall have been duly summoned as aforesaid, shall, without some good Cause to be allowed by the said Court, refuse or neglect to appear On Non-appearance of Defendants, Commissioners may proceed *ex parte*.

pear in the said Court at the Time appointed in the said Summons; then it shall and may be lawful to and for the said Commissioners, or any Three or more of them, upon Proof being made upon Oath of the Service of the said Summons in Manner before directed, to proceed to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgement therein, and to award such Costs of Suit, as to them shall seem meet.

On Non-appearance, or Nonsuit of Plaintiff, may award Costs.

And be it further enacted by the Authority aforesaid, That if upon the Day of the Return of the Summons, or at any Continuation or Adjournment of the said Court, the Plaintiff or Plaintiffs shall not appear, or appearing, shall not make Proof of his, her, or their Debt or Demand to the Satisfaction of the said Court, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, upon due Proof upon Oath having been first made before them of the Service of such Summons, or in case the Plaintiff shall fail in making due Proof of such his Debt, (as the Case may be), to award to the Defendant or Defendants reasonable Costs, and to order and compel the Plaintiff or Plaintiffs to pay the same, by such Ways and Means as are herein provided for enforcing the Payment of Debts and Costs ordered and decreed to be paid by the said Court.

Commissioners may award Execution.

And be it further enacted by the Authority aforesaid, That in any Case where the said Commissioners, or any Three or more of them, shall have made any Order or Decree for the Payment of Money, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to award Execution, either against the Body or Goods of the said Party or Parties against whom such Order or Decree shall be made; and thereupon it shall and may be lawful to and for the Clerk of the said Court, or his Deputy, and he is hereby authorised and required, at the Request and Election of the Party or Parties prosecuting such Order or Decree, to issue a Precept or Precepts in Execution, under his Hand and Seal, and from Time to Time to renew the same, against the Body or Bodies of such Party or Parties, against whom such

Order or Decree shall be made, directed to the Beadle of the said Court, or his Deputy, who, by virtue thereof, shall and may, and he is hereby impowered and required to take and apprehend, or cause to be taken and apprehended, such Party or Parties, being within the City and County of the said City of Exeter, and convey him, her, or them, to such Gaol within the said County of the said City, as shall be appointed by the said Commissioners, or any Nine or more of them, for that Purpose, there to remain until he, she, or they, shall perform and obey such Order, Decree, and Judgement, so as no Person shall remain in Confinement for any longer Space of Time than Forty Days, or for less than Ten Days; and that it shall, in like Manner, be lawful to and for the Clerk of the said Court, or his Deputy, and he is hereby authorised and required, at the like Request and Election of the Party or Parties prosecuting such Order or Decree, to issue a Precept or Precepts in Execution, under his Hand and Seal, and from Time to Time to renew the same, against the Goods of such Party or Parties against whom such Order or Decree shall be made, directed to the said Beadle, or his Deputy, who, by virtue thereof, shall and may, and is hereby impowered and required to levy by Distress and Sale of the Goods and Chattels of such Party or Parties, being within the said City and County of the said City of Exeter, such Sum and Sums of Money, and Costs, as shall be so ordered and decreed.

Court may order Debts to be paid at several Times.

And be it further enacted by the Authority aforesaid, That in case the said Commissioners, or any Three or more of them, shall, at any Time, upon the Request and for the Ease and Convenience of the Defendant or Defendants, order and decree the Debt due to the Plaintiff or Plaintiffs to be paid at several Payments, or by Instalments, which they are hereby authorised and impowered to order and decree, at their Discretion; then, upon the First Default or Failure of any of the said Payments or Instalments so ordered and decreed, the said Commissioners, or any Three or more of them, assembled in Court, shall and may, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or

Failure, award Execution for the whole Debt, or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem reasonable, to be recovered by the same Process or Precept, and in like Manner as is herein-before provided for Recovery of the Debt and Costs first decreed, the former Order or Decree to the Contrary notwithstanding.

Process not issuable against Goods and Chattels, where Warrant is issued against the Body of the Person, unless he shall abscond.

Provided always, That nothing herein contained shall extend, or be construed to extend, to impower the Clerk of the said Court to issue any Process against the Goods and Chattels 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 out of Custody, or shall abscond or depart out of the said City and County of the said City of Exeter, to avoid being apprehended and taken by virtue of such last-mentioned Warrant or Process.

On Execution Clerk to indorse Debt and Costs.

And be it further enacted by the Authority aforesaid, That in every Precept to be issued upon any Execution awarded against the Body or Goods of any Person or Persons whatsoever, the Clerk who issues the same shall express and set down in Writing the Sum or Sums of Money, and Costs, so ordered and decreed to be paid;

In what Cases Execution may be superseded.

and if the Party or Parties against whom such Execution shall be awarded shall, before any actual Sale of his, her, or their Goods, or before he, she, or they is, are, or shall be taken and apprehended, or before the Expiration of the Term of his, her, or their Imprisonment, pay, or cause to be paid, or tendered, unto the Clerk of the Court who shall issue such Precept, such Sum or Sums of Money, and Costs, together with One Shilling as a Reward for his Trouble in receiving and paying over such Debt and Costs to the Plaintiff or Plaintiffs, and entering Acknowledgement or Satisfaction in the Book or Register of the said Court for such Debt and Costs, and also the Sum of Two Shillings to the Beadle for Fees, in case such Party or Parties shall have been committed to Prison, or his Goods shall be distrained upon, and not sold; then, and in such Case or Cases, the

the Execution shall be superseded, and the Body or Bodies, and Goods, of such Party or Parties shall be discharged and set at Liberty.

Beadle suffering an Escape, or Goods to be removed, or causing Defendant to abscond, to pay Debt and Costs.

And be it further enacted by the Authority aforesaid, That if the Beadle of the said Court, or his Deputy, who shall be employed to serve or levy any Execution, shall, by wilful or notorious Neglect or Connivance, cause or suffer the Party against whom such Execution shall be awarded to escape, or the Goods of such Party or Parties so distrained upon to be carried away, embezzled, or secreted, so that such Execution shall not have its due Effect, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, assembled in Court, upon Complaint, and due Proof made upon the Oath or Oaths of One or more credible Witness or Witnesses, to order such Beadle to pay such Sum or Sums of Money, for which the said Execution was awarded, to the Party complaining, and to enforce the Payment thereof by the same Method and Means as are herein-before provided for the Payment of other Debts.

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

Commissioners Oath.

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Judgement, hear and determine all such Matters and Causes as shall be brought before me, by virtue of an Act of Parliament for the more easy and speedy Recovery of Small Debts within the City and County of the City of *Exeter*, without Favour or Affection, Prejudice or Malice, to either Party.

So help me GOD.

Which Oath the said Clerk of the Court, to be appointed as aforesaid, is hereby, at the First Court or Meeting to be held by the said Commissioners, or any Three of them, in pursuance of this Act, impowered and required to administer to all and every Commissioner and Commissioners, in open Court, in the Presence of Three or more of such Commissioners; and, in like Manner, at any

any ſubſequent Court, the Clerk of the ſaid Court, or any of the Commiſſioners who ſhall have taken ſuch Oath, is and are hereby impowered and required to adminiſter the ſaid Oath in open Court to all and every ſuch other Commiſſioner and Commiſſioners not having qualified himſelf as aforeſaid at ſuch Firſt Court or Meeting; of all which Oath and Oaths ſo taken as aforeſaid, the ſaid Clerk of the ſaid Court ſhall cauſe a Memorial to be entered in the Regiſter of the ſaid Court amongſt the Proceedings of ſuch Days reſpectively.

Memorial thereof to be regiſtered.

And be it further enacted by the Authority aforeſaid, That the ſeveral Fees herein-after limited and expreſſed, and no other, ſhall be taken by the ſaid Clerk and Beadle, or their Succeſſors, for their ſeveral and reſpective Services in the Execution of this Act; that is to ſay,

The Fees.

To the Clerk.	*d.*
For entering every Cauſe	3
For iſſuing every Summons	3
For every Subpœna	3
For calling every Plaintiff or Defendant	3
For every Hearing or Trial	6
For ſwearing every Witneſs	3
For every Order, Judgement, or Decree	6
For a Nonſuit	3
For every Search in the Books	2
For paying Money into Court	4
For taking Money out of Court, and acknowledging of Satisfaction in the Clerk's Books	4
For every Attachment	6
For every Execution	6
For every Warrant of Commitment	3

To the Beadle.	*s.*	*d.*
For the Service of every Summons, Order, or Subpœna		3
For calling every Plaintiff or Defendant before the Court		2
For executing every Attachment, Execution, or Warrant, againſt the Body or Goods	1	0

a Table of which Fees shall, from Time to Time, be hung up, by the Clerk of the said Court, in some conspicuous Part of the said Court-house or Place where the said Commissioners shall meet, so that all Persons concerned may see and examine the same.

A Table of Fees to be hung up in the Court-house.

And be it further enacted by the Authority aforesaid, That if the Clerk or Beadle of the said Court for the Time being shall take any greater or other Fees, or Rewards, than what are herein-before mentioned, for his or their Service in the Execution of this Act, he or they shall, for every such Offence, forfeit and pay such Fine, not exceeding Five Pounds, nor less than Forty Shillings, as the said Commissioners, or any Three or more of them, upon due Proof upon Oath first made before them of the Truth of such Complaint, shall order, assess, and impose; to be applied to the Relief of such Debtor or Debtors who shall be then, or at any Time after, in the Prison or Gaol of the said Court of Requests, in such Manner as the said Commissioners, or any Three or more of them, shall order and direct; or otherwise, to be paid to the Use of the Poor of the said City and County of the City of Exeter, at the Discretion of the said Commissioners imposing such Fine or Fines as aforesaid; the same to be levied (if not paid on Demand) by Distress and Sale of the Goods and Chattels 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, after the Charges of such Distress and Sale are deducted.

Penalty on taking greater Fees.

And be it further enacted by the Authority aforesaid, That if the said Clerk or Beadle shall be guilty of any Misbehaviour, either by Neglect or Breach of Duty, or in taking any greater Fees than before mentioned, or otherwise, in the Execution of their respective Offices; that then, upon Complaint and due Proof thereof made upon Oath, in open Court, the said Commissioners then sitting are hereby directed and required to cause the whole Number of Commissioners to be summoned, by a Notice in Writing to be affixed at the Guildhall, to

Clerk or Beadle may be displaced for Misbehaviour.

meet at some convenient Time; and the Commissioners then present, not being less than Nine in Number, shall and may examine and consider the Merits of such Complaint; and if it shall appear to such Commissioners, so assembled or met, or to the major Part of them, that the Clerk or Beadle hath been guilty of any such Misbehaviour or Breach of Duty, as aforesaid, in his Office, it shall and may be lawful to and for the said Commissioners, or the major Part of them then assembled, to suspend or remove such Clerk or Beadle from his said Office, and another Person or Persons shall be thereupon appointed in his Room, in such Manner as is by this Act directed for such Appointment.

Commissioners, Clerks, or Beadle, not to act when interested.

And be it further enacted by the Authority aforesaid, That if any Commissioner of the said Court for the Time being shall be Party to, or interested in, any Cause, Matter, or Thing, depending in the said Court, such Person shall not be capable of acting as a Commissioner in the hearing and determining the same, or making any Order, Decree, or Judgement therein, but after being heard in the said Cause, shall withdraw from the said Court until the same is finally determined; and if the Clerk or Beadle of the said Court for the Time being shall be a Party to, or interested in, any Cause depending in the said Court, such Clerk or Beadle shall not exercise his said Office in the said Cause, or in any Thing relating thereto; but the said Commissioners, or any Three or more of them, assembled at such Court, shall and may, and are hereby authorised to depute and appoint another Person to exercise the said Office of Clerk or Beadle respectively, in all Things relating to such Cause.

Penalty on insulting the Court.

And, for the better enforcing the Orders and Decrees from Time to Time to be made by the said Commissioners, and that the Commissioners of the said Court may be invested with proper Power and Authority, and be free and exempt from Insult and Abuse; be it enacted by the Authority aforesaid, That if any Person or Persons shall affront, insult, or abuse, all or any of the Commissioners, during their sitting in the said Court, or shall interrupt the Proceedings of the said Court, or shall obstruct

ſtruct the Proceſs thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to cauſe a Warrant to be iſſued by the Clerk of the ſaid Court, or his Deputy, directing ſuch Beadle to apprehend and take, or cauſe to be apprehended and taken, ſuch Perſon or Perſons ſo offending, as aforeſaid, before One of his Majeſty's Juſtices of the Peace for the ſaid City and County of Exeter; and upon the Fact alledged being proved by the Oath of One credible Witneſs, the ſaid Juſtice is hereby impowered and directed to puniſh ſuch Perſon or Perſons, ſo offending as aforeſaid, by Fine, not exceeding Five Pounds, nor leſs than Ten Shillings, which ſhall be immediately paid into the Hands of the ſaid Juſtice before whom the ſaid Offender or Offenders ſhall be convicted, and be paid and applied by ſuch Juſtice in like Manner as the Fines herein-before mentioned are directed to be applied; and if the ſaid Offender or Offenders ſhall not pay the ſaid Fine in Manner aforeſaid, it ſhall and may be lawful to and for the ſaid Juſtice, by Warrant under his Hand and Seal, to cauſe the ſame to be levied by Diſtreſs and Sale of the Offender's Goods, or, in Default thereof, to commit ſuch Perſon or Perſons, ſo offending as aforeſaid, to the Common Gaol or Houſe of Correction for the City and County of the ſaid City of Exeter, there to remain for any Space of Time not exceeding Three Months, or until he, ſhe, or they, ſhall pay the ſaid Fine.

Copy of preceding Clauſe to be hung up in the Court-houſe.

Provided always, and be it further enacted by the Authority aforeſaid, That the Clerk of the ſaid Court ſhall fix, or cauſe to be fixed up, in ſome publick Part of the ſaid Court-houſe or Place where the ſaid Commiſſioners ſhall meet, a true Copy of the laſt preceding Clauſe of this Act, to the Intent that no Perſon ſhall or may plead Ignorance thereof.

Defendant may plead generally in Bar of Actions or of Debt.

And be it further enacted by the Authority aforeſaid, That if any Action of Debt, or Action upon the Caſe, upon an Aſſumpſit for Recovery of any Debt to be ſued or proſecuted againſt any Perſon or Perſons 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 inhabiting and resient within the Jurisdiction of the said Court of Requests, and 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 Forty Shillings, or any Sum of Money exceeding 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 unto the 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 or 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 or Defendants shall have full Costs.

Proviso. 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 or Debts in the said Court of Requests; any Thing herein-before contained to the Contrary thereof in any-wise notwithstanding.

No Attorney to have Privilege in this Court. And be it further enacted by the Authority aforesaid, That no Attorney at Law, or Solicitor, being served with the Process of the said Court of Requests, or appearing in the same Court, shall be allowed to plead or maintain any Privilege against the Process, Authority, Jurisdiction, or Judgement thereof.

To what Debts this Act shall not extend. And be it further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to any Debt for Rent upon any Lease or Contract where the Title of any Lands, Tenements, or Hereditaments, can or may come in Question, or in or upon any real Contract, nor to any Debt that shall arise upon or by reason of any Cause concerning any last Will and Testament, or matrimonial Contract, or the Breach thereof, or any Thing properly

belonging to the Ecclesiastical Court, nor for Money won at or by Means of any Horse-race, or Cock-match, Wager, or any Kind of Gaming or Play; nor for any Forfeiture of any Penal Statute or Bye-law; nor to any Debt contracted for Ale, Beer, or Cyder, sold by Retail, whereof a less Quantity than a Gallon was at any One Time delivered; nor for Spirituous Liquors sold by Retail, whereof any less Quantity than One Quart was at any One Time delivered; nor to any Debt whereof there hath not been a Contract, Acknowledgement, Undertaking, or Promise, to pay, within Six Years before the taking out of the Summons for the same, although such Debt shall not amount to Forty Shillings.

Penalty on wilful Perjury.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons making Oath, or giving Evidence in any Cause or Matter whatsoever depending in the said Court of Requests shall commit wilful and corrupt Perjury, and be thereof duly convicted according to Law, such Person and Persons shall incur and suffer the like Pains and Penalties as any other Person or Persons convicted of wilful and corrupt Perjury is or are liable to, or shall be subject to by the Laws and Statutes of this Realm.

Penalty on not obeying a Subpœna.

And be it further enacted by the Authority aforesaid, That in case any Person residing within the Jurisdiction of the said Court of Requests, who shall be duly served with a Subpœna or Summons to be issued out of the said Court to give Evidence on Behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Summons, at the Time and Place therein mentioned, and due Proof shall be made of the Service of such Subpœna or Summons, and no Cause of Absence be shewn or assigned to the Satisfaction of the Commissioners present at the said Court to which such Person shall be by such Subpœna or Summons required to appear, and Oath shall be made before the said Commissioners that the Person served therewith was a material Witness for the Party at whose Instance such Subpœna or Summons issued, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, assembled in open Court, and weighing

2

the Cause so shewn, and adjudging the same to be insufficient, to impose and lay a Fine, not exceeding Forty Shillings, nor less than Five Shillings; to be levied (if not immediately paid on Demand) by Distress and Sale of the Offenders Goods, by Warrant under the Hands and Seals of the said Commissioners, or any Three or more of them; which Fine, when paid or levied, shall be paid over to the Party at whose Instance such Subpoena or Summons issued.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought against any Person or Persons, for any Thing done by virtue of this Act, till after Twenty Days Notice thereof, in Writing, shall be given to, or left at, the usual Place of Abode of the Person or Persons against whom such Action shall be intended to be so brought, thereby setting forth the Cause of such Action; and in Default only of any Tender of sufficient Amends being made within that Time, by such Person or Persons, to the Party so aggrieved, and causing such Notice to be given; and that every Action brought for any Thing done as aforesaid shall be commenced within the Space of Three Months next after the Cause thereof shall arise, and shall be laid in the City and County of the City of Exeter, and not elsewhere; and the Defendant or Defendants therein

General Issue.

shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, and that the same was done by virtue thereof: And if, on the Trial of such Action, it shall appear that the same was brought before the Expiration of Twenty Days after such Notice shall have been so given or left as aforesaid, or after the End of Three Months next after the Cause thereof shall arise, or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; then, and in every the Cases aforesaid, the Jury, on the Trial of such Action, shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs

therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited; or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have and recover Treble Costs, and shall have the like Remedies for recovering the same as any Defendant or Defendants can or may have in other Cases where Costs are given by Law. Treble Costs.

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

FINIS.