Anno tertio

Georgii III. Regis.

CAP. XIX.

An Act for the more eaſy and ſpeedy Recovery of Small Debts within the Hundreds of *Bradford*, *Melkſham*, and *Whorlſdown*, in the County of *Wilts*.



WHEREAS in the Towns of Bradford, Trowbridge, and Melkſham, and Places adjacent, all lying within the Hundreds of Bradford, Melkſham, and Whorlſdown, in the County of Wilts, there is a large and extenſive Trade of Superfine Cloth, and other Woollen Manufactures, which employs many Thouſand People, who are perpetually contracting many Small Debts, which in the Whole amount yearly to a great Sum of Money, and, although they are well able, refuſe to pay ſuch Debts, preſuming on the Difficulties their Creditors lie under, by the Expence they are unavoidably put to, and the Delays they meet with in ſuing for the Preamble.

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the ſame; and as an eaſy and ſpeedy Method of recovering Small Debts, will greatly tend to promote Induſtry, and ſupport uſeful Credit within the Hundreds aforeſaid; 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 Paul Methuen, Walter Long, George Dyke, John Cooper, Richard Whately, Eſquires; the Reverend Clement Glynn, the Reverend Spencer, the Reverend Haynes, Anthony Kington, Thomas Johnſon, Thomas Baſkervile, Zachariah Shrapnell, John Smith, Samuel Cam, Samuel Cam junior, William Read, Robert Halliday, Henry Halliday, Joſeph Saunders, Francis Yerbury, Thomas Rogers, William Lea, David Lea, John Pitman, George Bethell, John Hutchings, Scudamore Perry, John Bailward, William Palmer, William Pitman, John Stephens, Nicholas Croſs, Daniel Jones, James Gibbs, Edward Burcombe, William Goodale Burcombe, Henry Jones, Richard Yerbury, Thomas Stevens, Simon Woods, William Stevens, Thomas Lea, Charles Palmer, Matthew Saunders, George Symes, Auguſtine Hayter, Samuel Bethel, Thomas Croſs, James Pitman, John White junior, Henry Harding of Broughton, Thomas Jotham, John Dory, William Tugwell, Thomas Tugwell, John Baſkervile, Samuel Reynolds, William Hart, Paul Harding, William Gardner, Richard Taylor, William James, Richard Long, Thomas Beach, John Bytheſea, Joſeph Mortimer, William Whitaker, Phillip James Gibbs, Iſaac Horlock, Eſquires; the Reverend Ramſden Dodſworth, the Reverend Robert Fowkes, the Reverend Haynes, the Reverend Robert Chapman, the Reverend William Waldron, the Reverend Nicholas Croſs, William Temple, Joſeph Houlton, John Whereat, James Shrapnell, Walter Green, Iſaac Green, Nicholas Green, Nicholas Green junior, John Ledyard junior, Paul Randall, Paul Randall junior, James Dowding, Henry Foot, Edmund Lewis, Samuel Cook, John Cocks, Jacob Roberts, James Selfe, Richard Weaver, George Edwards, Maurice Jarvis, William Stillman of Aſhton, Benjamin Greenhill, Robert Drinkwater, Samuel Read, Thomas Martin, George Martin, William Cottle, Robert Davis, Samuel Ledyard, John Cook, James Read, William Bell, Eſau Reynolds, John Mortimer, Abraham Martin, John Clark ſenior, John Price, George Ball,

Commiſſioners Names.

Ball, Francis Long, James Tiley, John Spragg, Joſeph Cottle, James Pepler, John Bartle, John Flower, Summerell, Edmond Bailey, Peter Delme, Ambroſe Awdry, John Audry, Ambroſe Awdry junior, William Long of Melkſham, William Long of Baynton, Lidyard, Henry Coulthurſt, Townſend Andrews, Paul Newman, Eſquires; the Reverend John Newton, the Reverend Thomas Fudge; Dennis Newman, John Newman, Michael Naiſh, John Gale, John Marſhman, James Marſhman, William Eyles, Thomas Poulſum, James Poulſum, John Room, Thomas Jeffrys junior, Edward Jeffrys, Robert Jeffrys, Thomas Matthews, John Moxham, George Drinkwater, Samuel Sanger, John Jones Clothier, John Chivers, John Savage, Thomas Beaver junior, Thomas Baker, John Ladd, Thomas Webb, William Myles, Stephen Bourne, George Stokes, George Stokes junior, Thomas Fowler, Thomas Gibbs, George Moore, James Uſher, William Crook, John Hicks, Edward May, Thomas Lucas, Jacob Taylor, John Allen, Stephen Gaisford, James Tillie, John Axford, Iſaac Axford, Jonathan Rutty, John Rutty, Edward Mitchell junior, John Tylee, George Bryant, George Bryant junior, Martin Drinkwater, Thomas Collett, Henry Hunt, Thomas Gale, and Thomas Henry Rutty, ſhall be, and are hereby declared, conſtituted, and appointed, Commiſſioners to hear and determine all ſuch Matters of Debt as are herein after mentioned; and ſuch Commiſſioners, and their Succeſſors, are hereby conſtituted a Court of Juſtice, by the Name of The Court of Requeſts for the Hundreds of Bradford, Melkſham, and Whorlſdown, in the County of Wilts; and they the ſaid Commiſſioners, or any Three or more of them, ſhall and are hereby authorized, impowered, and required, to meet, aſſemble, and hold the ſaid Court, in each of the ſaid Towns of Bradford, Trowbridge, and Melkſham, alternately, and by Turns, Once in every Week, to wit, on every Tueſday or oftener if there ſhall be Occaſion, in a Court Houſe, or ſome convenient Place to be provided by the major Part of the ſaid Commiſſioners, at ſome General Meeting to be held for that Purpoſe, which General Meetings of the ſaid Commiſſioners, for holding the ſaid Court, ſhall be for the firſt Week at Bradford aforeſaid, on the Tueſday Fortnight next after the paſſing this Act, for the ſecond Week at Trowbridge aforeſaid, the Tueſday Three Weeks after the paſſing this Act, for the third Week at Melkſham aforeſaid, the Tueſday Month after the paſſing this Act, and for the fourth Week at Bradford, again, on the ſame

Commiſſioners conſtituted a Court:

Day of the Week, and so on in constant Succession and Rotation without the least Change or Interruption.

Their Power. And be it enacted by the Authority aforesaid, That the said Commissioners so named and appointed, and their Successors, to be chosen as herein after is mentioned, or any Three or more of them, from time to time assembled as aforesaid, shall have Power and Authority, by virtue of this Act, to hear and determine all such Causes as hereafter are mentioned, and to give such Judgements, and make such Orders and Decrees therein, and to award such Execution thereupon, with Costs, both against the Bodies, and the Goods and Chattles, 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; and if the Commissioners so assembled shall happen to be equally divided upon any Question that may come before them, the Commissioner present who stands first in the List of Commissioners, to be hung up in the Court-House or Place where they shall respectively meet, shall have the Casting Vote.

Election of new Commissioners, And be it further enacted by the Authority aforesaid, That from time to time, as often as it shall be necessary, either by the Death of any or either of the said Commissioners herein before particularly named, or of any or either of their Successors, to be chosen in Manner herein after immediately mentioned, or by his or their refusing to act therein, it shall and may be lawful to and for the Commissioners hereby appointed, and such their Successors, or the major Part of them, to meet and assemble together within the Space of One Year next after such Death or Refusal to act, and elect and appoint One or more Commissioner or Commissioners in the Stead and Place of such Commissioner or Commissioners so dying or refusing to act; and every such Commissioner so elected and appointed, shall be, and is hereby enabled to act in the Execution of the Powers granted to the Commissioners hereby appointed, as fully and effectually, to all Intents and Purposes, as if he had been particularly named herein.

and of Clerks and Serjeants. And be it enacted by the Authority aforesaid, That William Easton, Edward Pierce, and William Osgood, shall be, and are hereby constituted and appointed Clerks of the said Court of Requests, and that Silas James, Henry Howell, and James Newman, shall be, and are hereby constituted and appointed Serjeants of the said Court of

of Requests, who shall continue Clerks and Serjeants of the said Court, as long as they shall behave themselves well in their respective Offices.

Provided always, That no Commissioner shall be capable of holding the Office of Clerk or any other Place of Profit belonging to the said Court. No Commissioner to hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That whenever it shall happen that the Place of Clerk or Serjeant shall become vacant, either through Misbehaviour, Death, or Resignation, the Commissioners for the time being shall meet at some convenient Place within Six Days after such Vacancy shall happen; and a Majority of such Commissioners so met, not being less than Ten in Number, are hereby authorized and required, by Ballot, to choose and appoint another fit and proper Person to be Clerk and Serjeant of the said Court during his good Behaviour. Election of New Clerks and Serjeants.

And be it further enacted by the Authority aforesaid, That the Clerks herein before named and chosen, and their Successors, so, from time to time, to be chosen and appointed, shall make, and cause to be fixed up in some convenient Part of the said Court-house, a fair and compleat List of the Commissioners named and appointed, or hereafter to be elected and appointed as aforesaid; and shall also, and are hereby impowered and required to issue out all Summonses, Attachments, Warrants, and Precepts, and to register and enter, or cause to be entered and registered, all the Orders, Decrees, and Judgements, and other Acts and Proceedings of the said Court, in proper Books to be provided by them and kept for that Purpose; and that the Serjeants herein before named and chosen, or hereafter from time to time to be chosen and appointed as aforesaid, shall and are hereby impowered and required to serve and execute all such Summonses, Orders, Attachments, Warrants, Executions, and Precepts, and do and perform such other Acts, Matters, and Things, as are herein directed and appointed to be done by them. Clerks to fix up Lists of Commissioners in the Court House; to issue Summonses, and register Orders, &c. Serjeants to serve Precepts, &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 all and every Person and Persons whatsoever who now hath or have, or hereafter shall have, any Debt or Debts not exceeding the Sum of Forty Shillings, due or owing unto him, her, or them, in his, her, or their own Right, or as Executor, Administrator, Guardian, or Trustee, by or from any other Person Method of proceeding. Power given to sue for any Debt under 40 s.

Person or Persons whatsoever, inhabiting or residing within the Hundreds aforesaid, or any Part thereof, or trading and dealing, or seeking a Livelihood therein, to apply to either of the Clerks of the Court for the time being, who shall immediately 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 the Party or Parties demanding the same, thereby requiring and commanding such Debtor or Debtors to appear at a certain Time and Place before the Commissioners of the said Court, to answer such Demand; and the Serjeants of the said Court shall forthwith cause such Summons to be served 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 Hundreds aforesaid; 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 Inquiry concerning such Demands, and pronounce and give such final Sentence and Judgement, and make such Orders and Decrees therein, as to them shall seem most just and equitable.

Clerks of the Court to issue Process;

Method of Service.

On Proof of Service of Summons, Commissioners to hear and determine:

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 the Plaintiff or Defendant, and 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 to the major Part of them, appear necessary.

May administer Oaths.

And be it further enacted by the Authority aforesaid, That if such Debtor or Debtors, who shall have been duly summoned as aforesaid, shall, without some good Cause to be allowed by the Commissioners, refuse or neglect to appear in such Court at the Time and Place mentioned 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

On Non-appearance of the Defendant, to proceed *ex parte*.

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 award such Costs of Suit, as to them shall seem meet.

On Non-appearance or Nonsuit of the Plaintiff,

And be it further enacted by the Authority aforesaid, That if upon the Day of the Return, 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 Court, but become Nonsuited, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, 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 the Recovery of Debts ordered and decreed to be paid by the said Court. to award Costs.

Commissioners to 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 as aforesaid, 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 Party against whom such Order or Decree shall be made, and thereupon it shall and may be lawful to and for either of the said Clerks of the said Court, at the Request of the Party prosecuting such Order or Decree, to issue a Precept under his Hand and Seal to One of the Serjeants of the said Court, who, by virtue of any such Precept issued upon the Execution awarded against the Body of such Party, shall and may, and is hereby impowered, to take and apprehend such Party, being within the Hundreds aforesaid, and carry him, her, or them to some Common Gaol or House of Correction within the said County of Wilts, there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgement, so as no Person shall remain in Confinement upon any such Execution for any longer Space of Time than Three Months; and the said Serjeant, by virtue of any such Precept issued upon the Execution awarded against the Goods of any such Party, shall and may, and is hereby impowered, to levy by Distress and Sale of the Goods of such Party, being within the Hundreds aforesaid, such Sum and Sums of Money, and Costs, as shall be so ordered and decreed; and if the Party against whose Body or Goods any such Execution

Party to be committed.

Execution against Goods to be levied by Distress.

cution shall be awarded, and such Process shall issue thereupon, shall, by absconding, or by secreting or removing his, her, or their Goods, or by any other Means, prevent or evade the Service and Effect of any such Execution, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, upon due Proof thereof made to them by the Oath or Oaths of the Serjeant, or One or more credible Witness or Witnesses, at their Discretion, to award Execution either against the Body or Goods of such Party, and Process shall issue thereupon, and be executed by the Serjeant in Manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied.

Party absconding, or removing Goods,

Execution to issue.

And be it further enacted by the Authority aforesaid, That in case the said Commissioners 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, then upon the first Default or Failure of any of the said Payments 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, 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 thereof notwithstanding.

Court may order Debts to be paid: At several Times.

Defendant liable on the first Failure, to the whole Sum.

And be it further enacted by the Authority aforesaid, That upon every Precept to be issued upon any Execution awarded against the Body or Goods of any Person or Persons whatsoever, the Clerks of the said Court shall indorse and set down in Writing the Sum or Sums of Money, and Costs, so ordered and decreed to be paid; 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 or are taken and apprehended, or before the Expiration of the Term of his, her, or their Imprisonment, pay, or cause to be paid or tendered, to 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 Acknowledgment

On Execution, the Clerk to indorse the Debt and Costs recovered.

ledgment of Satisfaction in the Books of Regiſter of the ſaid Court for ſuch Debt and Coſts, and alſo the Sum of Two Shillings and Six Pence for Gaol Fees (in caſe ſuch Party or Parties ſhall have been committed to Priſon) then, and in any ſuch Caſe, the Execution ſhall be ſuperſeded, and the Body and Bodies or Goods of the ſaid Party or Parties ſhall be diſcharged and ſet at Liberty.

In what Caſes Executions to be ſuperſeded.

And be it further enacted by the Authority aforeſaid, That if the Serjeant of the ſaid Court who ſhall be employed to ſerve or levy any Execution, ſhall, by wilful Connivance or notorious Neglect, 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 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 thereof made, upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, to order ſuch Serjeant to pay the 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 Recovery of other Debts.

Serjeants ſuffering Defendant to eſcape, or Goods to be removed, to pay the Debt and Coſts recovered.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, until he ſhall have taken an Oath, or, being One of the People called Quakers, a ſolemn Affirmation, to the following Effect; that is to ſay,

Commiſſioners to take an Oath:

I *A. B.* do ſwear, *or* affirm, That I will faithfully, impartially, and honeſtly, according to the beſt of my Judgement, hear and determine all ſuch Matters and Things 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 Hundreds of *Bradford*, *Melkſham*, and *Whorlſdown*, in the County of *Wilts*, without Favour or Affection, Prejudice or Malice, to either Party.

Which Oath or Affirmation the Clerk or Clerks of the ſaid Court, or any of the Commiſſioners who ſhall have taken ſuch Oath or Affirmation, is and are hereby impowered and required to adminiſter in open Court, and a Memorial thereof ſhall be entered in the Regiſter of the ſaid Court by the ſaid Clerk or Clerks.

Memorial thereof to be regiſtered by the Clerks.

And

Fees to be taken.

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

For issuing every Summons, to the Clerk, Six Pence.

For Service of every Summons, and attending the Court with Return, to the Serjeant, if within either of the said Towns, Three Pence: If out of either of the said Towns, Six Pence.

For entering Cause, to the Clerk, Six Pence.

For every Hearing, to the Clerk, Three Pence.

For every Order, to the Clerk, Three Pence.

For Service of every Order against a Person not in Court, and attending with the Return, to the Serjeant, Six Pence.

For a Nonsuit on the Plaintiff's not appearing, to the Clerk, Three Pence.

For an Attachment against the Defendant for not appearing, to the Clerk, Three Pence.

For the Service thereof, to the Serjeant, One Shilling.

For acknowledging Satisfaction thereof, to the Clerk, Three Pence.

For an Execution, to the Clerk, Six Pence.

For the Service thereof, to the Serjeant, One Shilling.

For a Subpoena, to the Clerk, Three Pence.

For the Service thereof, to the Serjeant, Two Pence.

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

For every Search in the Book, to the Clerk, Two Pence.

Table of Fees to be hung up in the Court House.

A Table of which Fees shall from time to time be hung up by the Clerk or Clerks 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 read the same.

Penalty on taking greater Fees.

And be it further enacted by the Authority aforesaid, That if either of the said Clerks or Serjeants of the said Court for the time being, shall take or demand any greater or other Fees or Rewards than what are above mentioned for his Services in the Execution of this Act, he shall, for every such Offence, forfeit and pay such Fine, not

not exceeding the Sum of Forty Shillings, nor less than Twenty Shillings, as the said Commissioners, or any Three or more of them, shall assess and impose, to be applied to the Use of the Poor of the Town or Parish where the Offence shall be committed.

On notorious Offences, to displace Clerks or Serjeants.

And be it further enacted by the Authority aforesaid, That if either of such Clerks or Serjeants shall be guilty of any notorious Misbehaviour, either by Neglect or Breach of Duty, or in frequently taking greater Fees than before-mentioned, or otherwise in the Discharge of their respective Offices, 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 to meet at a convenient Time and Place; and the said Commissioners then present, not being less than Ten, shall and may examine and consider the Merits of such Complaint: And if it shall appear to such Commissioners, or the major Part of them, that the said Clerk or Serjeant hath been guilty of 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, to dismiss or remove such Clerk or Serjeant from his said Office, and nominate and appoint another fit and proper Person to exercise the said Office of Clerk or Serjeant in the Room and Place of him so dismissed and removed as aforesaid.

Commissioners or Clerk when interested, not to act.

And be it further enacted by the Authority aforesaid, That if any or either of the Commissioners of the said Court, for the time being, shall be Party to, or interested in, any Cause depending in the said Court, such Person shall not be capable of acting as a Commissioner in the hearing and determining the said Cause, 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 Serjeant 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 Serjeant shall not exercise his said Office in the said Cause, or any thing relating thereto; but the said Commissioners, or any Three or more of them, assembled at such Court, shall and may depute and appoint another Person to exercise the Office of such Clerk or Serjeant respectively, in all Things relative to such Cause.

Penalty on Persons insulting the Court.

And, for the more effectual Establishment of the said Court of Requests, and for the better inforcing the Or-

ders and Decrees, from time to time, to be made by the said Commissioners, and that the said Commissioners 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 contemptuously affront, insult, or abuse, all or any of the Commissioners, or the Officer or Officers of the said Court for the time being, during their Sitting in the said Court, or in going to or returning from the same, or shall interrupt the Proceedings of the said Court, it shall and may be lawful to and for the Sergeants of the said Court, 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, before One or more of His Majesty's Justices of the Peace for the said County of Wilts; and, upon the Fact alledged being proved by the Oath of One or more credible Witness or Witnesses, the said Justice or Justices are hereby impowered and directed to punish such Person or Persons so offending as aforesaid, by Fine, not exceeding Twenty Shillings, nor less than Ten Shillings, which shall be immediately paid into the Hands of the said Justice or Justices before whom such Offender or Offenders shall be convicted, and be paid and applied 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 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 some Common Gaol or House of Correction within the said County, there to remain for any Space of Time not exceeding Two Calendar Months, or until he, she, or they, shall have paid the said Fine.

Copy of the preceeding Clause to be stuck upon the Court-house.

And be it further enacted by the Authority aforesaid, That the Clerks of the said Court shall fix, or cause to be fixed, or stuck up in the most publick Part of the said Court House, or other Place where the said Commissioners shall meet, a true Copy of the preceeding Clause of this Act, to the end that no Person or Persons shall or may plead Ignorance thereof.

Gaoler, or Master of Houses of Correction, to receive Persons committed by this Act.

And be it further enacted by the Authority aforesaid, That the respective Keepers, for the time being, of the respective Common Gaols or Houses of Correction within the said County of Wilts, shall and may, and they are hereby required and commanded to receive and take into their Custody respectively, all and every Person or Persons who shall

shall be committed or ordered to stand committed by any Three or more of the said Commissioners present in Court, or by virtue of any Warrant, Attachment, Execution, or other Process, issuing out of the said Court of Requests; and in case the Keepers of the said Gaols or Houses of Correction respectively, or either of them, shall neglect or refuse to receive and take into his or their Custody, any Person or Persons committed by virtue of this Act, or before the Expiration of the Time for which any Person or Persons shall be so committed to his or their Custody, shall discharge such Person or Persons, or wilfully permit and suffer such Person or Persons to go at large, without a Warrant, Order, or Authority for that Purpose, in Writing, signed in Court, by Three or more of the said Commissioners; such Keepers so respectively offending in either of the said Cases, and being thereof convicted before One or more of his Majesty's Justices of the Peace for the said County, upon the Oath of One or more credible Witness or Witnesses, or on their own Confession, shall forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds, nor less than Forty Shillings, of lawful Money of Great-Britain, at the Discretion of such Justice or Justices; and such Sum shall be immediately paid by the Person so offending into the Hands of the Justice or Justices before whom such Offender shall be convicted; or, in Default thereof, shall and may be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices; and which Sum, when paid or levied, shall be applied in like Manner as the Fines herein before-mentioned are directed to be paid and applied.

Penalty on refusing, or permitting to escape.

Application of the Penalty.

And be it further enacted by the Authority aforesaid, That no Action or Suit for any Debt 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 residing or inhabiting within the Jurisdiction thereof, in any of the King's Courts at Westminster, or any other Courts whatsoever or elsewhere, out of the said Court of Requests; and that if any such Action or Suit shall be brought and prosecuted, and it shall appear to the Judge or Judges of the said Court where such Action or Suit shall be brought, that the Debt to be recovered by the Plaintiff or Plaintiffs in such Action or Suit, doth not amount to the Sum of Forty Shillings, and the Defendant or Defendants in

No Action for a Debt recoverable by this Act to be brought in any other Court.

such

such Action or Suit, shall prove by sufficient Testimony to be allowed by such Judge or Judges, that at the Time of commencing such Action or Suit, the Defendant or Defendants was or were liable to be summoned before the said Court of Requests for such Debt; then, and in every such Case, the said Judge or Judges shall not allow to the said Plaintiff or Plaintiffs, any Costs of Suit, but shall award that the said Plaintiff or Plaintiffs shall pay so much ordinary Costs to the Defendant or Defendants, as such Defendant or Defendants shall prove before the said Judge or Judges, or the proper Officer of the Court wherein such Action shall be brought, it hath truly Cost him, her, or them, in the Defence of such Action or Suit.

To what Debts this Act shall not extend.

Provided always, and be it further enacted by the Authority aforesaid, That this Act, or any thing herein contained, shall not 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 upon any other real Contract; nor to any Debt that shall arise upon or by reason of any Cause concerning any last Will or Testament, or Matrimony, or any thing properly belonging to the Ecclesiastical Courts; nor to any Debt for Money won at or by Means of any Horse-race, Cock-match, Wager, or any Kind of Gaming or Play; nor for any Forfeiture upon any penal Statute or Bye-Law; nor to any Debt whereof there hath been a Contract, Acknowledgment, Undertaking, or Promise, to pay within Six Years before the taking out the Summons for the same, although such Debt shall be under the Value of Forty Shillings.

Penalty of wilful and corrupt Perjury.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons, in 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 or 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, or shall be liable to by the Laws and Statutes of this Realm.

No Attorney to act as an Advocate or Commissioner in the Court.

And be it further enacted by the Authority aforesaid, That no Attorney of any Court of Record shall be admitted to appear in the said Court of Requests as Attorney or Advocate in behalf of any Plaintiff or Defendant, or be permitted to speak in any Cause or Matter before

the said Court in which such Attorney is not himself a Party or Witness, under a Penalty of Twenty Pounds, to be levied and applied as above mentioned with respect to the Keepers of the said Common Gaols or Houses of Correction; nor shall any such Attorney act as a Commissioner in the said Court of Requests; any thing herein before contained to the contrary notwithstanding.

Attorney not privileged.

And be it further enacted by the Authority aforesaid, That no Privilege, or pretended Privilege, shall be allowed to exempt any Person residing within the Hundreds aforesaid, and liable to be summoned by virtue of this Act, from the Jurisdiction of the said Court of Requests, on account of his being a sworn Attorney or Solicitor of any of the Courts at Westminster, or of any other Court whatsoever.

Witness not obeying a Subpoena, to be fined.

And be it further enacted by the Authority aforesaid, That in case any Person residing within the Hundreds aforesaid who shall be duly served with a Subpoena or Summons, to be issued out of the said Court of Requests, to give Evidence on Behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpoena or Summons at the Time and Place therein mentioned, and due Proof shall be made of the Service of such Subpoena or Summons, and no Cause of Absence be shewn or assigned to the Satisfaction of the Commissioners present at the Court, to which such Person shall be by such Subpoena or Summons required to appear, and Oath shall be made before the said Commissioners by the Party at whose Instance and on whose Behalf such Subpoena or Summons issued, that the Person served therewith was a material Witness for such Party, it shall and may be lawful to and for the said Commissioners, or any Three or more of them assembled in such Court, to impose and lay a Fine not exceeding Fifty Shillings, nor less than Ten Shillings, to be levied, if not immediately paid on Demand, by Distress and Sale of the Offender's 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 and on whose Behalf such Subpoena or Summons issued.

Quakers Affirmation to be allowed.

Provided always, and be it further enacted by the Authority aforesaid, That the Affirmation or Affirmations of the People called Quakers, shall be allowed and taken in all Cases where any Oath or Oaths is or are directed to be taken by this Act, instead of an Oath, and shall be

administered by the same Persons as such Oath or Oaths is or are to be administered; and every Person making such Affirmation, who shall be convicted of wilful false Affirming, shall incur the same Penalties and Forfeitures as are inflicted and imposed by any Laws and Statutes of this Realm upon Persons convicted of wilful and corrupt Perjury.

Limitation of Actions.

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, such Action or Suit shall be brought or commenced within Three Calendar Months next after the Cause of Action shall arise, and not afterwards, and shall be laid in the County of Wilts, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereon: And if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue such Action or Suit, or if, upon a 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 Remedies for the same as any Defendant or Defendants can or may have in any other Cases by Law.

General Issue.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be, a Public Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. 5

FINIS.