ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. LXXXIV.

An Act to repeal ſo much of an Act, made in the Twentieth Year of His preſent Majeſty's Reign, as relates to the more eaſy and ſpeedy Recovery of Small Debts within the Pariſhes of *Halifax*, *Bradford*, *Kighley*, *Bingley*, *Guiſeley*, *Calverley*, *Batley*, *Birſtall*, *Mirfield*, *Hartiſhead cum Clifton*, *Almondbury*, *Kirkheaton*, *Kirkburton*, and *Huddersfield*, and the Lordſhip or Liberty of *Tong*, in the Weſt Riding of the County of *York*, and for granting other Powers for thoſe Purpoſes.

[30th *April* 1793.]

 WHEREAS

Preamble.



WHEREAS an Act was passed in the Twentieth Year of his present Majesty's Reign, intituled, An Act to repeal so much of an Act, made in the Seventeenth Year of His present Majesty's Reign, as relates to the more easy and speedy Recovery of Small Debts within the Parishes of *Halifax*, *Bradford*, *Keighley*, *Bingley*, *Guiseley*, *Calverley*, *Batley*, *Birstal*, *Mirfield*, *Hartishead cum Clifton*, *Almondbury*, *Kirkheaton*, *Kirkburton*, and *Huddersfield*, and the Lordship or Liberty of *Tong*, in the West Riding of the County of *York*, and for granting other Powers for those Purposes; and for extending the Jurisdiction of the Court Baron of the Manor of *Keighley* in the said County: And whereas the said recited Act, so far as the same relates to the Recovery of Small Debts, hath been found defective, and to require Amendments, in order that the Inhabitants within the several Parishes and Liberty aforesaid may have the greater Benefit thereof, and that the same may the better answer the professed End for which it was passed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Reverend Henry William Coulthurst D. D. the Reverend James Franks Clerk, William Walker, John Walker the elder, John Walker the younger, John Priestley of Cross Hill, Joseph Lister, John Mitchell senior, John Mitchell junior, Luke Staveley, John Swire, and Robert Butterfield, Esquires; William Bolland, John Bolland, Sharp Brearley, William Bagnold, John Birkby, Thomas Bates, Joseph Bramley, Thomas Bradley, William Chambers, Charles Chambers, Thomas Clarke, William Currer, Benjamin Dickenson, William Dickenson, Samuel Dyson, James Emmett, John Emmett the elder, William Emmett, Richard Emmett, Robert Emmett, John Emmett the younger, Thomas Holden senior, Thomas Holden junior, John Hodgson, Samuel Hodgson, Jonathan

20 *Geo.* III, Cap. 65, recited.

Commissioners.

Jonathan Hainſworth, William Hoyland, Edward Haigh, John Hudſon, Benjamin Irvin, Thomas Keighley, William Lawrence, William Mitchell, Matthew Maſon ſenior, Joſeph Maſon, John Medley, James Mitchell, William Newby, William Norris ſenior, William Norris junior, Jonathan Nicholl, George Naylor, Jonathan Oldfield, James Pearſon, William Pollard the younger, James Pollard, George Pollard, John Parker, Jonathan Prieſtley, John Richardſon, Thomas Richardſon, William Rothwell, Robert Swaine, John Swaine, James Stead, James Taylor, John Turner, John Watkinſon junior, Joſeph Watkinſon, and John Wade, being Seventy-two Reſiants and Houſeholders within the ſaid Pariſh of Halifax; that the Reverend John Croſs Clerk, the Reverend William Atkinſon Clerk, Charles Swaine, Booth Sharp, Richard Hodſden, Joſhua Field, Abraham Balme, Samuel Skelton, and Thomas Skelton, Eſquires; Tommis Atkinſon, Jonas Atkinſon, Cowling Ackeroyd ſenior, John Aked the elder, Robert Aked, John Aked the younger, Thomas Broadley, Samuel Broadley, John Balme ſenior, Samuel Croſley, Francis Duffield, Iſaac Hollings, Dawſon Humble, William Huſtler, John Hodgſon, Richard Holmes, John Jarratt, John Key, Benjamin Kaye, Thomas Mann, George Mawſon, William Maud, James Marſhall, John Maud ſenior, Thomas Naylor, Henry William Oates, Thomas Outhwaite, William Pollard, Edmund Peckover, Joſeph Prieſtley, Robert Ramſbotham, James Smith, Richard Sclater, William Sharp, John Sturges, Jeremiah Thornton, Joſeph Thornton, John Wood, James Ward, and Robert Wright, being Forty-eight Reſiants and Houſeholders within the ſaid Pariſh of Bradford; that the Reverend Charles Knowlton Clerk, Samuel Blakey, John Blakey, James Barwick, Thomas Brigg, Thomas Cockſhott, John Clapham, John Craven, John Greenwood ſenior, James Haggas, William Mariner, Thomas Midgley, William Newſholme, William Padgett, Joſeph Padgett, William Padgett, William Roper, Chriſtopher Smith of Park Lane, Joſeph Smith, William Sugden, John Sugden, John Wright ſenior of Oldfield, John Wright junior of Oldfield, and John Wilkinſon, being Twenty-four Reſiants and Houſeholders within the ſaid Pariſh of Kighley; that Benjamin Ferrand, Henry

Wickham, and Johnſon Atkinſon Busfeild, Eſquires; the Reverend Richard Hartley Clerk, John Broadley, John Beanlands, Thomas Dobſon, Jeremiah Green, James Hulbert, Thomas Hulbert, Joſeph Heaton, John Hartley, David Hebden, Timothy Liſter, James Murgatroyd, George Morvill, William Nicholls, John Oliver, John Peile, Thomas Parkinſon, Thomas Ramſbottom, William Smith, William Smith, and William Whiteley, being Twenty-four Reſiants and Houſeholders within the ſaid Pariſh of Bingley; that the Reverend Thomas Hamilton Clerk, the Reverend William Shepley Clerk, Thomas Lloyd, Timothy Newmarch, and Joſeph Stephen Pratt, Eſquires, John Brown, John Keir, John Kettlewell, David Long, Jeremiah Marſhall, Hugh Marſhall, and William Womerſley, being Twelve Reſiants and Houſeholders within the ſaid Pariſh of Guiſeley; that the Reverend Thomas Faber Clerk, Jeremiah Clifford, John Croft, John Clayton, John Denbeigh, William Garnett, John Morris, John Ratcliffe, Joſeph Robinſon, Jonathan Snowden, William Walker, and Chriſtian Frederick Weiblinger, being Twelve Reſiants and Houſeholders within the ſaid Pariſh of Calverley; that the Reverend Joſeph Hargreaves Clerk, the Reverend John Deighton Clerk, John Taylor, Thomas Thompſon, John Turton, and Henry Preſton, Eſquires; William Hudſon, Thomas Knowles, William Liſter, John Milner the younger, John Sharp, Abraham Sharp, Jeremiah Sharp, Charles Steer, John Scatchard, Joſhua Scholefield, John Turton junior, and William Willans, being Eighteen Reſiants and Houſeholders within the ſaid Pariſh of Batley; that Benjamin Fearnley, Joſeph Bilton, and John Beevor, Eſquires, Richard Brooke, William Charleſworth, Bryan Charleſworth, Chriſtopher Crowther, John Cockhill, Thomas Carr, Thomas Elliſon, John Elliſon of Birkenſhaw, Emanuel Emmett, Thomas Gomerſall, John Green, John Hopkinſon junior, Joſeph Jackſon, John Kaye, Joſeph Mann, Sheckaniah Rhodes, Joſeph Stainthorp, James Sykes, Samuel Sykes, John Squire, Joſhua Walker, Thomas Walker, Joſeph Walker, and William Williamſon, being Twenty-ſeven Reſiants and Houſeholders within the ſaid Pariſh of Birſtal; that the Reverend Matthew Cookſon Clerk, Samuel Brooke, Charles Brooke,

Brooke, William Dawſon, Thomas Holdſworth, Joſhua Haigh, Richard Hurſt, Joſhua Ingham, Francis Ledgard, Joſeph Lee, Joſeph Marriott, James Michaelthwaite, Thomas Shipton, Joſeph Stancliffe, Samuel Walker, Richard Wheatley, John Walker, and Charles Wooler, being Eighteen Reſiants and Houſeholders within the ſaid Pariſh of Mirfield; that Sir George Armytage Baronet, Robert Clarkſon, John Gleadhill, Robert Ramſden, Charles Sheffield, Thomas Sheffield, William Stockwell, John Stockwell, and Mark Thomas, being Nine Reſiants and Houſeholders within the ſaid Pariſh of Hartiſhead cum Clifton; that the Reverend William Hampſon Clerk, George Armitage, Thomas Allen, John Brooke, John Farrer, Benjamin Ingham, Benjamin Ingham *junior*, Joſeph Kaye, Thomas Kaye, Jonathan Poppleton, Robert Scott, Jonathan Shaw, William Scott, Daniel Taylor, Robert Walker, and Charles Walker, being Sixteen Reſiants and Houſeholders within the ſaid Pariſh of Almondbury; that Richard Henry Beaumont, John Kaye, Samuel Walker, and Henry Bernard, Eſquires; the Reverend John Sunderland Clerk, Thomas Atkinſon, Joſeph Atkinſon, Law Atkinſon, John Beaumont, Iſaac Cowgill, William Dawſon, Joſeph Dodgſon, James Foſter, John Mallinſon, Richard Wheatley, and Joſeph Wheatley, being Sixteen Reſiants and Houſeholders within the ſaid Pariſh of Kirkheaton; that the Reverend Thomas Wickham Clerk, John Archer, John Booth, Uriah Booth, Edward Ellis, John Firth, Richard Gill, Thomas Hardy, Benjamin Hardy, Joſeph Hobſon, James Harrop, Thomas Moorhouſe, Joſeph Stocks, Abel Tinker, John Tinker of Hepworth, and John Tinker *junior*, being Sixteen Reſiants and Houſeholders within the ſaid Pariſh of Kirkburton; that William Ratcliffe and Joſeph Bradley, Eſquires; John Bradley, Joſeph Brooke, John Dobſon, Robert Firth, John Haigh, Thomas Haigh, William Haigh, Benjamin Haigh, Joſeph Haigh, John Houghton, John Hudſon, Abraham Horsfall, John Horsfall, Thomas Holdroyd, Edward Hawxby, William Horsfall, William Lockwood, James Midwood, Matthew Maſon *junior*, Joſeph Marſhall, Thomas Nelſon, and John Whitacre, being Twenty-four Reſiants and Houſeholders within the ſaid Pariſh

Qualification of Commissioners.

Parish of Huddersfield; making in all Three hundred and thirty-six Persons, who, and their Successors to be elected in Manner herein-after mentioned, being bonâ fide seised of Twenty Pounds per Annum in Real Estate, or of the Value of Five hundred Pounds in Personal Estate, over and besides the Payment of their just Debts clear of all Reprizes, and not keeping an Alehouse, Victualling-house, or other House of publick Entertainment, shall be, and are hereby declared, constituted, and appointed Commissioners, to hear and finally determine all such Matters of Debt as are under Forty Shillings, and are hereby constituted a Court of Justice, by the Name and Stile of The Court of Requests, for the Parishes of Halifax, Bradford, Kighley, Bingley, Guiseley, Calverley, Batley, Birstal, Mirfield, Hartishead cum Clifton, Almondbury, Kirkheaton, Kirkburton, and Huddersfield, and the Lordship or Liberty of Tong, in the West Riding of the County of York; and the said Commissioners, or any Three or more of them, are hereby authorized, empowered, and required to assemble, sit, and hold the said Court for the said Parishes and Lordship or Liberty in Manner following; that is to say, at Halifax aforesaid, on the First Monday in August One thousand seven hundred and ninety-three, and also upon the First Monday in every Calendar Month then-after for ever; at Bradford aforesaid on the First Wednesday in August One thousand seven hundred and ninety-three, and also on the First Wednesday in every Calendar Month then after for ever; at Kighley or Bingley aforesaid on the Second Monday in September One thousand seven hundred and ninety-three, and also on the Second Monday in the several Calendar Months of December, March, June, and September then-after for ever; at Bingley or Kighley aforesaid on the Second Monday in October One thousand seven hundred and ninety-three, and also on the Second Monday in the several Calendar Months of January, April, July, and October then-after for ever; within the Parish of Calverley or Guiseley aforesaid on the Second Monday in August One thousand seven hundred and ninety-three, and also on the Second Monday in the several

Declared a Court of Justice.

How Court shall be holden, &c.

Calendar Months of November, February, May, and Auguſt then-after for ever; at Batley or Birſtal aforeſaid on the Third Monday in September One thouſand ſeven hundred and ninety-three, and alſo on the Third Monday in the ſeveral Calendar Months of December, March, June, and September then-after for ever; at Birſtal or Batley aforeſaid on the Third Monday in October One thouſand ſeven hundred and ninety-three, and alſo on the Third Monday in the ſeveral Calendar Months of January, April, July, and October then-after for ever; at Clifton or Mirfield aforeſaid on the Third Monday in Auguſt One thouſand ſeven hundred and ninety-three, and alſo on the Third Monday in the ſeveral Calendar Months of November, February, May, and Auguſt then-after for ever; at Huddersfield aforeſaid on the Fourth Monday in September One thouſand ſeven hundred and ninety-three, and alſo on the Fourth Monday in the ſeveral Calendar Months of December, March, June, and September then-after for ever; at Almondbury or Kirkheaton aforeſaid on the Fourth Monday in October One thouſand ſeven hundred and ninety-three, and alſo on the Fourth Monday in the ſeveral Calendar Months of January, April, July, and October then-after for ever; at Kirkburton aforeſaid on the Fourth Monday in Auguſt One thouſand ſeven hundred and ninety-three, and alſo on the Fourth Monday in the ſeveral Calendar Months of November, February, May, and Auguſt then-after for ever: And the ſaid Commiſſioners, or any Three or more of them, ſhall aſſemble, ſit, and hold the ſaid Court at all and every the ſaid Places, and on the Days aforeſaid, in ſuch Rotation as is herein-before mentioned and directed, or oftener if required by the Clerk of the ſaid Court for the Time being, or his Deputy or Deputies, at any of the ſaid Places, or at any other Place within the ſaid Pariſhes or Lordſhip or Liberty, on the ſame Day, or any other Day of the Week, ſo often as there ſhall be Occaſion, either by Adjournment or otherwiſe, as Buſineſs may happen, or ſuch Meeting be deſired by the then Clerk, or his Deputy or Deputies; and the ſaid Commiſſioners, or any Three or more of them, ſhall have Power and

Court to be holden when and where the Clerk appoints.

Debt not to amount to 40*s.*

Authority by virtue of this Act, to hear and finally determine all such Matters and Causes under Forty Shillings as are herein-after mentioned, and to make such Orders, pronounce such Judgements, and make such Decrees, and to award Execution thereupon, with Costs, against the Goods and Chattels, or Body and Bodies, of all and every Person and Persons against whom they shall make any such Order, pronounce any such Decree, or give any such Judgement, as to them the said Commissioners, or any Three or more of them, shall seem just in Law or Equity; and in case the said Commissioners, or any Three or more of them at least, shall neglect or refuse to assemble at any of the aforesaid respective Places, on any of the Days by this Act (or by the Clerk for the Time being, or his Deputy) appointed for holding the said Court, then and in such Case it shall and may be lawful to and for the Clerk of the said Court for the Time being, or his Deputy, to adjourn the Business of the said Court to the nearest Court in Point of Situation within the same District to be held in Rotation as aforesaid, or to appoint a Court to be held at the Place where such intended Court should have been held, on any Day within One Month then next following.

May award Execution.

Court may be adjourned by the Clerk.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or such Commissioners as shall be hereafter elected, or any Thirteen or more of them, to chuse and elect, from Time to Time, any other Person or Persons, being resident and Householders within the District of the said Court, to be a Commissioner or Commissioners, being qualified as aforesaid, in the Room, Place, or Stead of such Commissioner or Commissioners as shall either be dead, removed out of the District of the said Court, or shall have certified his or their voluntary Resignation in Writing to the then Clerk or his Deputy.

How future Commissioners shall be elected.

III. Provided always, and be it further enacted, 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 made an Affirmation, (being of the People called Quakers) to the Effect following; that is to say:

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 Cauſes as ſhall be brought before me by virtue of an Act of Parliament, intituled, *An Act to repeal ſo much of an Act, made in the Twentieth Year of His preſent Majeſty's Reign, as relates to the more eaſy and ſpeedy Recovery of Small Debts within the Pariſhes of* Halifax, Bradford, Kighley, Bingley, Guiſeley, Calverley, Batley, Birſtal, Mirfield, Hartiſhead cum Clifton, Almondbury, Kirkheaton, Kirkburton, *and* Huddersfield, *and the Lordſhip or Liberty of* Tong, *in the Weſt Riding of the County of* York, *and for granting other Powers for thoſe Purpoſes*, without Favour or Affection, Prejudice or Malice, to either Party. Form of the Oath.

So help me GOD.

Which Oath or Affirmation any Juſtice of the Peace for the ſaid Weſt Riding of the County of York, the Clerk of the ſaid Court for the Time being, or his Deputy, or any Commiſſioner who ſhall have taken the ſaid Oath, is and are hereby impowered and required to adminiſter in open Court, and a Memorial thereof ſhall be entered in the Entry Book or Regiſter of the ſaid Court, by the Clerk or his Deputy; and any Perſon or Perſons preſuming to act as a Commiſſioner without being duly elected and qualified, or being diſqualified as aforeſaid, ſhall for each Time of acting forfeit and pay the Sum of Twenty Pounds to any Perſon who ſhall ſue for the ſame, in any of his Majeſty's Courts of Record, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed, and the Perſon proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the Sum of Twenty Pounds, without any other Proof on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act. Penalty for acting if not qualified.

IV. Provided alſo, That no Perſon whatſoever ſhall act as a Commiſſioner in any Caſe or Cauſe wherein he is a Party, or any ways intereſted; nor ſhall any Clerk, or other Officer of the ſaid Court, for the Time being, exerciſe his ſaid Office in the ſaid Court, or any Thing relating No Perſon to act where intereſted.

relating thereto, in any Case or Cause wherein he is a Party or any ways interested; but the said Commissioners then assembled at such Court shall and may appoint another Person to execute the Office of such Clerk or other Officer respectively, in all Things relating to such Case or Cause; and if the Commissioners assembled shall happen to be equally divided upon any Question that may come before them, the Commissioner who shall happen to be then Chairman shall have the Casting Vote.

Divided into Five Districts.

V. And be it further enacted, That the aforesaid Parishes and Lordship shall be and are hereby divided into Five Districts; that is to say, the Parish of Halifax shall be one District; the several Parishes of Bradford, Guiseley, and Calverley, another District; the several Parishes of Kighley and Bingley another District; the several Parishes of Birstal, Batley, Mirfield, and Hartishead cum Clifton, and the Lordship or Liberty of Tong, another District; and the several Parishes of Huddersfield, Almondbury, Kirkheaton, and Kirkburton, another District.

At what Courts the Debtors shall appear, &c.

VI. Provided always, and be it further enacted, That no Debtor or Debtors whomsoever shall be summoned, or have Notice or Warning to appear, or shall be compelled to appear, to answer any Debt or Debts at any of the aforesaid Courts, save such as shall be held within and for such of the aforesaid Districts wherein such Debtor or Debtors shall have his, her, or their respective Dwelling House or Place of Abode, or Place of dealing or working, or the Court nearest thereto, or to the Town, Place, and District wherein the Debt sued for was contracted; and if any Defendant or Defendants is or are otherwise summoned, and shall appear, the Commissioners present shall and may allow such Defendant or Defendants, from the Debt claimed, such reasonable Recompence as to them the said Commissioners shall seem meet.

Debtors summoned to appear.

VII. And be it further enacted, That it shall and may be lawful, from and after the Twenty-seventh Day of July One thousand seven hundred and ninety-three, to

and

and for all and every Person or Persons whomsoever, who now hath or have, or hereafter shall have, any Debt or Debts not amounting to the Sum of Forty Shillings owing unto him, her, or them, in his, her, or their own Right, or as Executor, Administrator, Guardian, or Trustee, by or from any Person or Persons whomsoever residing, inhabiting, or keeping any Shop, Shed, Stall, Stand, or seeking a Livelihood, or trading or dealing within the said Parishes, or Lordship or Liberty, or any of them respectively, to apply to the Clerk of the said Court for the Time being, or his Deputy, who 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 delivered Three Days at least before the Return of such Warning or Summons, exclusive of the Day of such Return, to the Debtor or Debtors, or left at his, her, or their respective Dwelling House, or Place of Abode, or Place of dealing or working, within the said Parishes, or Lordship or Liberty, to appear either in Person, or by their proper Agent or Agents, before the Commissioners of the said Court, at some certain Time and Place to be mentioned in the said Summons or Notice, and which shall express the Names of both the Parties, touching such Debt or Debts respectively; 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 either in Person, or by their Agent or Agents as aforesaid, according to the said Summons or Notice, the said Commissioners, or any Three or more of them, shall and may hear and determine concerning such Debt or Debts, and also have Power to admit, by way of Set-off, such Debt or Debts as may be claimed by the Debtor or Defendant in every such Suit; and shall have full Power and Authority, by virtue of this Act, to make or cause to be made such Orders, and to give and pronounce such Judgements and Decrees, and to award Execution touching and concerning the same, and the Costs of such Suit, as to them shall seem agreeable to Justice and Equity; which Acts, Orders, Judgements,

Commissioners may hear and determine.

Set-offs allowed.

May pronounce final Judgement.

Decrees, and Awards, shall be final to all Intents and Purposes thereto between the Parties; but in case such Debtor or Debtors shall not appear, either in Person, or by an Agent or Agents as aforesaid, according to such Summons or Notice, to answer as aforesaid, then it shall be lawful for the said Commissioners, or any Three or more of them, upon Proof being made upon Oath before them of the Service of the said Summons, or Notice being given as aforesaid, to proceed ex parte to hear the Matter of Complaint touching such Debt or Debts, and to make and pronounce thereupon such Order, Judgement, or Decree, with the Costs concerning the same, as to them shall seem just and equitable, and may, if they the said Commissioners shall judge it necessary, but not otherwise, appoint some certain Time and Place, according to their Discretion, for such Debtor or Debtors to shew Cause before the said Commissioners, or any Three or more of them, why such Order, Judgement, or Decree so made and pronounced as aforesaid should not be put in Execution; and the said Commissioners, or any Three or more of them, whether the Debtor or Debtors shall appear in Manner aforesaid, or shew Cause or not, (Proof upon Oath being made, that a Copy of such Order, Judgement, or Decree, hath been given or delivered to such Debtor or Debtors, or left at his, her, or their usual Place of Abode, or such other Place or Places as aforesaid, or that reasonable Notice thereof had been given to such Debtor or Debtors), to make and pronounce such final Order, Judgement, or Decree, or such other Order between the Parties touching such Debt or Debts as aforesaid, and the Costs of such Suit, as to them shall seem agreeable to Justice and Equity; and all Acts, Orders, Judgements, and Decrees, and all and every the Proceedings of the said Commissioners, shall be entered or registered in a Book or Books to be provided and kept by the Clerk of the said Court for that Purpose, and shall be observed, performed, and kept in all Parts, as well by the Creditor or Plaintiff, as by the Debtor or Defendant; and in any Case where the said Commissioners, or any Three or more of them, shall have made any Order or Decree,

May proceed *ex parte*.

Nisi may or may not issue as the Court direct.

Order to be final.

All Proceedings of the Commissioners to be entered in a Book.

cree, or pronounced any Judgement for the Payment of Money, it shall be lawful for them, or any Three or more of them, in their Discretion, to award Execution against either the Whole or Part only of the Goods and Chattels, (or in Defect thereof, or in case the same shall appear proper and expedient to the said Commissioners, or any Three or more of them,) against the Body of the Party against whom such Order or Decree shall be made or Judgement pronounced; and thereupon it shall be lawful for the Clerk of the said Court for the Time being, or his Deputy, (as the Court shall direct), to issue a Precept under his Hand and Seal, by way of a Fieri facias, or Capias ad satisfaciendum, to the Beadle of the said Court appointed as herein-after directed, or his Deputy or Deputies, who by virtue of any such Precept issued upon the Execution awarded against the Body of such Party, shall and may, and is hereby empowered, by himself, or his Deputy or Deputies or other Assistants, to take and apprehend such Party being within the Parishes or Lordship or Liberty aforesaid, and every such Party or Parties so taken or apprehended, to deliver into the Custody of the Gaoler appointed as herein-after mentioned, to be by him the said Gaoler confined and imprisoned in the Publick Prison herein-after directed to be provided and appointed for that Purpose, for such Time as such Commissioners, or any Three or more of them, in open Court shall have adjudged and ordered, not exceeding Forty Days where the Debt sued for shall not exceed Forty Shillings, and not more than Twenty Days where the Debt sued for shall not exceed Twenty Shillings; and every Person so committed shall be discharged at the Expiration of the said Forty Days or Twenty Days respectively, without paying any Fees to any Gaoler or Turnkey; and such Beadle, or his Deputy or Deputies as aforesaid, by virtue of any such Precept issued upon the Execution awarded against the Goods and Chattels of any such Party, shall and may, and is hereby empowered to levy, by Distress and Sale of the Goods and Chattels of any such Party being within the Parishes, Lordship or Liberty aforesaid, such Sum and Sums of Money, and Costs, as shall be so ordered

Commissioners may award Execution against the Body, Goods, or Part of the Goods.

Commissioners may commit for any Time not exceeding 20 Days, where the Debt is 20s. or under, &c.

ordered and adjudged, rendering to the Owner the Overplus (if any), after the Charges of such Distress and Sale are deducted; and if the Party against whose Goods and Chattels, or Body, any such Execution shall be awarded, and Process shall issue thereupon, shall, by absconding, or by secreting or removing his, her, or their Goods and Chattels, or by any other Means, prevent or evade such Execution, it shall be lawful for the said Commissioners, or any Three or more of them, upon Proof thereof made to them by the Oath or Oaths of One or more credible Witness or Witnesses, from Time to Time to renew such Execution against the Body or Goods of such Party, and Process shall issue thereupon, and be executed by the Beadle of the said Court, or his Deputy or Deputies as aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied; and in case the said Court shall at any Time, upon the Request or for the Ease and Convenience of the Defendant or Defendants, order and adjudge or decree a Debt due to the Plaintiff or Plaintiffs to be paid by several Payments, then upon the First Default or Failure on any of the said Payments so ordered, decreed, and adjudged, the said Commissioners, or any Three or more of them, shall and may, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure, and that Notice had been given to or left with the Party or Parties so making Default when and where Application would be made for that Purpose, award Execution for the whole Debt, or such Part thereof as shall remain unpaid, together with such further Costs as to them shall seem reasonable, to be recovered by the same Means as are herein provided for the Recovery of Debts and Costs; and upon every Precept to be issued upon Execution awarded against the Goods and Chattels, or Body or Bodies of any Person or Persons, the Clerk of the said Court for the Time being, or his Deputy, shall indorse, or cause to be indorsed, the Sum or Sums and Costs so ordered, decreed, or adjudged, and the Costs of such Execution; and if the Party against whom any Execution shall be awarded, shall, before any real Sale of the

In case of Fraud or Flight, Commissioners may exchange the Execution.

Commissioners may order Debts to be paid by Instalments

or may award Execution.

Debt and Costs to be indorsed on the Execution.

Goods and Chattels, or before he, she, or they are 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 said Court, or his Deputy, such Sum or Sums and Costs, together with One Shilling, as a Reward for his Trouble in receiving and paying over the said Debt and Costs, and entering Acknowledgment and Satisfaction in full for the same, then and in such Case the Execution shall be superseded, and the Body or Goods and Chattels of the said Party shall be discharged and set at Liberty; and if upon the Day of Return of any Summons, or at any Continuation or Adjournment of the said Court, the Plaintiff or Plaintiffs shall not appear, or appearing, shall not make due Proof of his, her, or their Demand, to the Satisfaction of the Court, but become nonsuited, it shall be lawful for the said Commissioners, or any Three or more of them, to award to the Defendant or Defendants reasonable Costs, and to order and oblige the Plaintiff or Plaintiffs to pay the same by such Ways and Means as are herein provided for the Recovery of Debts.

Plaintiff becoming nonsuited, &c.

VIII. Provided always, and be it enacted, That notwithstanding any Thing herein contained, no Execution against the Body or Bodies of any Debtor or Debtors against whom the Proceedings shall have been ex parte, shall issue, unless it shall appear to the Satisfaction of the said Commissioners, at the Court where Application shall be made for such Execution, that such Debtor or Debtors was or were informed and knew of such Proceedings at the least Three Days before the holding of such Court.

No Execution to issue where Proceedings have been *ex parte* without Notice to Debtor.

IX. Provided always, That nothing herein contained shall extend, or be construed to extend, to empower the said Commissioners to issue any Process against the Goods and Chattels of any Person or Persons where the Party entitled 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

Process not to issue Twice for One Debt.

ſcond or depart out of the ſaid Pariſhes, Lordſhip or Liberty, to avoid being apprehended and taken by virtue of ſuch laſt-mentioned Warrant or Proceſs.

Limitation of Coſts.

X. Provided alſo, That no Coſts to be given, awarded, or allowed by the ſaid Commiſſioners ſhall in any Caſe exceed the Sum of Six Shillings and Ten-pence; nor ſhall there be awarded or allowed any other or greater Fees, where the Cauſe is againſt ſeveral Defendants, than if ſuch Cauſe had been againſt One Defendant only, (Fees for Copies and Service of any Proceſs, Rule, or Order only excepted).

Commiſſioners to provide a Priſon.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or the major Part of them, who ſhall be aſſembled in Court at Halifax upon the Firſt Monday in Auguſt One thouſand ſeven hundred and ninety-three, or at ſome Court or Meeting which ſhall afterwards be held for that Purpoſe, (and alſo when neceſſary from Time to Time afterwards), by ſuch Means as ſhall ſeem to them moſt eligible, provide a wholeſome and convenient Priſon or Place of Confinement for ſuch Debtor or Debtors as ſhall be taken and committed in Execution.

XII. Provided alſo, That if it ſhall appear to the major Part of the ſaid Commiſſioners aſſembled at any Court, on Application being made to them, that Relief and Maintenance are neceſſary for the Support of any One or more of the Priſoners, who from Sickneſs or ſome other Cauſe are then unable to maintain themſelves, the ſaid Commiſſioners ſhall and may order the Clerk, or his Deputy for the Time being, to allow and pay to every ſuch Priſoner ſuch Sum of Money, not exceeding Four-pence per Day or otherwiſe, as ſhall appear to them the ſaid Commiſſioners neceſſary for the Relief of every ſuch Priſoner.

Commiſſioners to allow a reaſonable Maintenance to ſick Priſoners, on the Gaoler's Oath.

Parties may compromiſe of themſelves.

XIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Parties in any Suit which ſhall be brought in the ſaid Court, to compromiſe and ſettle ſuch Suit, either before Hearing or after Judgement, without having the Leave of, or being obliged to apply to the ſaid Court, or any Perſon or Perſons

Persons whomsoever, for that Purpose, and without any further or other Costs than those which shall have been incurred.

What Fees shall be taken.

XIV. And whereas, for the discharging, paying, and satisfying the Charges and Expences of procuring and passing the said recited Act of the Twentieth Year of his said present Majesty, and in order that the same might be discharged out of the Overplus Money arising from the Fees thereby directed to be taken, after paying the Salaries by the said Act appointed, it was thereby enacted that the Commissioners in and by the said Act appointed, or any Five or more of them, should borrow at Interest such Sum or Sums of Money as should be necessary for that Purpose, or should raise the same by Grant of One or more Annuity or Annuities to be charged upon the said Fees: And whereas One or more Assignment or Assignments of the said Fees was or were made in order to secure the Payment of such Charges and Expences, of which there now remains undischarged the Sum of Seven hundred and ninety-nine Pounds: Be it therefore enacted by the Authority aforesaid, That until the said Sum of Seven hundred and ninety-nine Pounds, and all Interest which is or shall grow due for the same or any Part thereof, and also the Expences of procuring and passing this present Act (which is hereby charged upon the Fees herein-after mentioned), shall be discharged and paid, the several Fees hereinafter expressed, and no other, shall and may be demanded and taken; and that from and immediately after the Payment and Discharge of the said Debt of Seven hundred and ninety-nine Pounds and the Interest thereof, and the Expences of obtaining this present Act, it shall and may be lawful to and for the Commissioners of the said Court, or the major Part of them, who shall be assembled at their Annual Meeting herein-after appointed, and they are hereby empowered, to fix, adjust, and appoint what Fees shall be taken for the Year then next following each of such last mentioned respective Meetings, and which shall be settled as near as can be

to

to answer and pay the several Salaries of every Officer of the said Court, and the several Purposes of this Act, and which Fees shall in no Case exceed the several Sums herein-after expressed; that is to say,

Table of Fees.

		s.	d.
For every Summons, Subpœna, or Notice	to the Clerk	0	4
For calling Plaintiff or Defendant to appear	to the Clerk	0	2
	to the Beadle	0	2
For entering an Appearance	to the Clerk	0	4
For every Hearing	to the Clerk	0	6
	to the Beadle	0	2
For every Order, Notice, or Nonsuit, and entering the same	to the Clerk	0	4
For the Service of every Order, Notice, Summons, or Subpœna, upon a Person not in Court	to the Beadle	0	6
Upon a Person in Court		0	2
For a Copy of every Order to be served	to the Clerk	0	4
For every Execution	to the Clerk	1	0
	to the Beadle	1	6
Acknowledging Satisfaction in full,	to the Clerk	0	6
Acknowledging Satisfaction in part,	to the Clerk	0	2
Every Search in the Books	to the Clerk	0	2
For paying Money into Court	to the Clerk	0	8

Table to be put up.

A printed Table of which Fees shall from Time to Time be hung up by the Clerk of the said Court for the Time being, or his Deputy, in some conspicuous Part of the Court or Place where the said Commissioners shall meet, to the End that all Persons may see, read, and know the same.

XV. Provided always, and be it enacted, That the several Fees hereby authorized to be taken, shall be charged and chargeable with the Payment of the several Principal Sums of Money now charged or chargeable upon the Fees authorized to be taken by the said last recited Act, and the Interest due or which shall grow due for the same, as fully and effectually to all Intents and Purposes as the same are now or can be charged upon

such last mentioned Fees, any Thing herein contained to the contrary thereof in any wise notwithstanding.

Clerk appointed.

XVI. And be it further enacted by the Authority aforesaid, That Isaac Willson, the present Clerk of the said Court, shall be continued Clerk thereof during his good Behaviour; and he, and also all other Clerks of the said Court of Requests hereafter to be appointed, shall, is, and are hereby empowered and required to issue out and register all Summonses, Warrants, Precepts, Notices, Acts, Orders, Judgements, Decrees, Executions, and Proceedings of the said Court, and shall provide and keep proper Books, wherein shall be entered and registered all Acts, Orders, Judgements, Decrees, and Proceedings of the said Court; and the Clerk of the said Court for the Time being is hereby empowered from Time to Time, with the Approbation of the said Commissioners, or any Three or more of them, assembled at any Court, to appoint a Deputy or Deputies to act for him in the Execution of this Act.

Clerk's Duty.

Clerk may appoint a Deputy.

Salary of *Isaac Willson*, the present Clerk.

XVII. And be it further enacted, That the said Isaac Willson shall have yearly paid to him, or shall and may deduct and retain from the Fees which shall be by him received, for his Services and the Services of his Deputy or Deputies, and also for the finding and providing the Books and Requisites of the said Court, any Sum not exceeding the Sum of Four hundred Pounds.

Salary of future Clerk.

XVIII. Provided always, and be it further enacted, That the said Annual Salary of the said Isaac Willson shall not be less than the Sum of Two hundred and twenty Pounds, nor shall the Annual Salary of him or of any future Clerk be more than that Sum, without the Consent of the several Mortgagees of the Fees in and by the said last recited Act directed to be taken, or until the Principal Money to them respectively due and owing, and all Interest which is or shall become due for the same, shall be paid off or tendered.

Clerk to give Bond for the due Execution of his Office.

XIX. And be it further enacted, That the said Isaac Willson shall give Security by Bond or otherwise, to the Good-liking and Approbation of the Commissioners, or the major Part of them, who shall be assembled at the

First Court held in pursuance of this Act, or at a Meeting appointed for that Purpose, to Three or more of such Commissioners as shall be nominated at such Meeting, in any Sum not more than Five hundred Pounds, nor less than Three hundred Pounds; and every other Clerk who shall at any Time hereafter be elected, shall immediately upon his Election, or entering to the said Office, or at some Meeting afterwards, as soon as may be, to the Good-liking and Approbation of the major Part of the Commissioners who shall then be present, give sufficient Security, by Bond or otherwise, to any Three or more of such last-mentioned Commissioners, and who shall be so nominated, or to such other Person as they the said Commissioners shall appoint, in any Sum not more than Five hundred Pounds, nor less than Three hundred Pounds; which said several and respective Bonds shall be conditioned for the duly accounting annually or otherwise, for the aforesaid Fees, and paying the same to the Treasurer of the said Court, or to such other Person or Persons as the Commissioners at any Annual General Meeting shall direct; and for the Delivery of all Papers, Books, and Writings, belonging to or in anywise respecting the said Court, to the succeeding Clerk, or to such other Person or Persons as shall be authorized by any such General Meeting as is herein-after appointed; and for him, his Executors and Administrators, paying over all the Money in his hands belonging to the Suitors of the said Court, on the Death, Resignation, or Removal of every such Clerk, to the succeeding Clerk, or such other Person as the said Commissioners at the said Meeting assembled shall direct and appoint; which succeeding Clerk, or Person so appointed, shall, on the Receipt of such Papers, Books, Writings, and Money belonging to the Suitors, give a written Acknowledgment for the same, which, to such Clerk, shall be a sufficient Indemnity and Discharge against all Persons whomsoever.

Future Clerks to give Bond on entering to the said Office.

Condition of the Bonds.

Receipt and Indemnity to be given to the Clerk on delivering Papers, &c.

XX. And be it further enacted, That if the Clerk, or his Deputy or Deputies, or the said Beadle or his Deputy or Deputies, shall take or demand any

Penalty on taking larger Fees, &c.

greater Fees or Reward than what are hereby appointed, or shall be appointed by the said Commissioners, for their respective Services, every Person so offending shall, for every such Offence, forfeit and pay such Fine, 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 levied by Distress and Sale on the Offender's Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners, if not paid over on Demand, to be applied towards the Support and Maintenance, or to discharge and set at Liberty such Person or Persons confined in the Prison of the said Court as shall appear to them the said Commissioners proper Objects of such Relief or Discharge: And if upon Complaint made by any Person or Persons, upon Oath, in open Court, of any Misbehaviour or Neglect of Duty of any Clerk or other Officer to be appointed by virtue of this Act, the said Commissioners then sitting in Court shall inquire into the Nature of the said Complaint; and if it shall appear to be well founded, then such Commissioners, or the major Part of them, so sitting in Court as aforesaid, are hereby directed and required to give Notice immediately after Divine Service, in all the Parish Churches within the Jurisdiction of the said Court of Requests, that a Meeting will be held at a certain Place and upon a certain Day therein to be mentioned, (and which shall not be less than Eight Days, or more than Fourteen Days after such Notice given), to examine into the Merits of such Complaint; and if it shall appear to such Commissioners as shall then meet, or the major Part of them then present, that such Clerk or other Officer hath been guilty of any Neglect of Duty or Misbehaviour in his or their Office, then it shall and may be lawful for the said Commissioners, or the major Part of them then present as aforesaid, to suspend or remove such Clerk or other Officer from his said Office, and thereupon another or others shall be elected or appointed in his or their Room, in such Manner as is by this Act directed and appointed for such Election or Appointment.

Penalty to be applied for the Relief or Discharge of Prisoners.

Complaints against Officers.

Officers, if found guilty, to be suspended or removed.

XXI. And

Beadle or Beadles, and Gaoler elected.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, upon the Twenty-seventh Day of July One thousand seven hundred and ninety-three, between the Hours of One and Five in the Evening of that Day, to meet at the Talbot Inn in Halifax aforesaid; and the said Commissioners at such Meeting, or the major Part of them then present, are hereby authorized and required to nominate, contract, and agree with proper Persons, upon such Salaries and upon such Conditions as they shall think reasonable, and most proper to answer and fulfil the several Ends and Purposes of this Act, to serve the several Offices of Beadle and Gaoler of the said Court of Requests, during such Time as he or they shall respectively behave well, so as that such Beadle or Beadles shall not in the Whole have more than Two hundred and sixty Pounds a Year, nor the Gaoler more than Thirty Pounds a Year, for their respective Services; which said Salaries or other Wages the Clerk of the Court for the Time being is hereby empowered and required to pay to such Beadle or Beadles, and Gaoler respectively; and upon the Death, Resignation, or Removal of the Beadle or Beadles, or Gaoler, or any or either of them, the then Clerk of the said Court shall, and is hereby empowered and required to nominate and appoint another Person or Persons in the Room of such Beadle or Beadles, or Gaoler, so dying, resigning, or being removed, with a Salary or Reward in Proportion to that of such Beadle or Beadles, or Gaoler, so dying, resigning, or being removed, until another or others shall be elected and chosen, in Manner and Form as is herein provided and appointed for the Appointment of all future Clerks of the said Court for ever.

Beadle's Salary.

XXII. And be it further enacted, That no Beadle or Beadles of the said Court hereafter to be elected or appointed, shall have in the Whole more than Two hundred and sixty Pounds per Annum for the Services of himself or themselves, and his or their Deputy or Deputies, nor any Gaoler more than Thirty Pounds per Annum for his Services.

XXIII. And

XXIII. And be it further enacted, That in case the said Beadle or Beadles, or his or their Deputy or Deputies, for the Time being, who shall be employed to serve or levy any Execution, or to take, arrest, and convey to Prison any such Person or Persons as aforesaid, shall by wilful or notorious Neglect or Connivance, or Omission, suffer any such Person or Persons to escape, or shall, in case the Execution be against the Goods and Chattels, or Body or Bodies, neglect or lose the Opportunity of levying any such Execution, then, upon Complaint of the Plaintiff or Plaintiffs in such Execution, (and the Fact alledged being proved to the Satisfaction of the Court, on the Oath or Oaths of One or more credible Witness or Witnesses,) to the Commissioners assembled at any Court, they shall order the Beadle of the said Court for the Time being, to pay such Sum or Sums of Money for which the said Execution was awarded, and he is hereby made subject and liable thereto, and on Demand made thereof, and on his Refusal so to do, the same shall and may be recovered against him by such Ways and Means as are herein-before provided for the Recovery of Debts.

Beadle made answerable for Escapes.

Beadle for neglecting to levy an Execution, to pay the Debt and Costs.

XXIV. And be it further enacted, That the said Beadle or Beadles for the Time being, if need be, shall and may appoint a Deputy or Deputies (for whose Conduct he shall be answerable to the said Commissioners), and he and they is and hereby empowered and required to serve and execute, or cause to be served and executed, all such Summonses, Orders, Attachments, Warrants, Subpoenas, Executions, and Precepts, and to perform all such Acts, Matters, and Things as are herein directed and appointed to be done by them.

Beadle may appoint an Assistant.

Beadle's Duty.

XXV. And be it enacted, That if the Gaoler or Keeper of the said Prison shall by wilful or notorious Neglect or Connivance permit or suffer any Person or Persons so committed to escape, it shall be lawful to and for the said Commissioners, or any Three or more of them, being the major Part of such Commissioners at any Court, upon the Complaint and Proof thereof made upon the Oath or Oaths of One or more credible Witness or Witnesses, to order such Gaoler to pay the Sum or Sums of

Gaoler made answerable for Escapes.

Money, which the Person or Persons so escaping had been adjudged to pay, to the Plaintiff or Plaintiffs at whose Instance and Request such Person or Persons were committed, and such Gaoler or Keeper is hereby made liable thereto; and on Demand made thereof, and upon his Refusal so to do, the same shall and may be recovered against him by such Ways and Means as are herein-before provided for the Recovery of Debts ordered and decreed to be paid by the said Court.

Manner of choosing all future Clerks.

XXVI. And be it further enacted, That it shall and may be lawful to and for the Commissioners of the said Court, or the major Part of them, who shall be sitting and acting in Court on the next Court Day after the Death, Resignation, or Removal of the said Isaac Willson, and of every succeeding Clerk to be appointed by virtue of this Act, or so soon as the same is publickly known, to give Notice thereof by Advertisement in One or both of the Leeds Newspapers, and appoint a certain Time, which shall not be less than Eight Days or more than Fourteen Days after such Advertisement being inserted, for the Commissioners to meet at some convenient Place then named, within the Jurisdiction of the said Court; and such Commissioners at such Meeting, or the major Part of them then present, are authorized and required to elect another Person in the Room of such said Clerk so dying or resigning, or being removed as aforesaid, for the Uses and Purposes in this Act mentioned and expressed, with such Salary as to them shall seem proper, not exceeding the Sum of Three hundred Pounds annually.

Commissioners to regulate their own Proceedings.

XXVII. And be it further enacted, That the said Commissioners, not less in Number than Twenty, shall have Power and Authority by virtue of this Act, from Time to Time and so often as they shall see Occasion, at any Court or 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 the Exercise of any Jurisdiction inconsistent with the true Intent and Meaning of this Act; according to which Rules and Orders so from Time to Time to be made, the said Commissioners, or any Three or more of them,

them, shall have full 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 such Judgements and Decrees concerning the same, as to them shall seem agreeable to Justice and Equity; and that it shall be lawful to and for the said Commissioners, or any Three or more of them, in Court assembled, and they are hereby empowered to administer (or to direct the Clerk of the said Court for the Time being, or his Deputy, to administer) an Oath to the Plaintiff or Plaintiffs, Defendant or Defendants, 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 any Person or Persons whomsoever, whose Evidence shall to the said Commissioners, or any Three or more of them, appear necessary for the better Discovery of the Truth, and more solemn Determination of Matters and Causes which shall be depending in the said Court. May administer an Oath.

XXVIII. And be it further enacted, That in case any Person or Persons making Oath (or Affirmation, being of the People called Quakers), or giving Evidence in any Case or Matter depending in the said Court of Requests, shall commit any wilful or corrupt Perjury, and shall thereof be 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 or shall be subject to by the Laws and Statutes of this Realm. Perjury punished.

XXIX. And be it further enacted, That no Action or Suit for any Debt brought or commenced in the said Court of Requests, nor any Order, Judgement, Decree, or other Proceeding of the Commissioners in the said Court, shall be removeable out of the same by Certiorari, or any other Writ or Proceeding whatsoever, into any of his Majesty's Courts at Westminster, or into any Court whatsoever, against any Person or Persons residing or inhabiting within the Limits of the said several and respective Parishes and Lordship or Liberty; and that if any such Action or Suit shall be so removed and prosecuted, Actions not removeable out of the said Court.

cuted, the Defendant or Defendants therein shall and may plead the General Issue; and in case the Debt sued for or to be recovered in such Action or Suit, doth not amount to the Sum of Forty Shillings, and the Defendants shall prove, by sufficient Testimony, that such Action or Suit was removed out of, or first brought in the said Court of Requests, then and in every such Case the Plaintiff or Plaintiffs in every such Action or Suit shall not recover, but Judgement shall be given for the Defendant or Defendants; and the Judge or Judges before whom the said Cause shall be tried, shall award that the said Plaintiff or Plaintiffs in such Action or Suit shall pay to the Defendant or Defendants Treble Costs.

No Attorney to practise in the Court.

XXX. And be it further enacted, That no Attorney at Law or Solicitor, being served with the Process of the said Court of Requests, or appearing in the said Court, shall be allowed to plead or maintain any Privilege against the Process, Authority, Jurisdiction, or Judgement thereof; nor shall any such Attorney or Solicitor as aforesaid be admitted to appear in the said Court of Requests as Attorney or Advocate on Behalf of any Plaintiff or Defendant, or be admitted to speak in any Cause or Matter before the said Court, in which such Attorney or Solicitor is not himself a Party or Witness, under the Penalty of Five Pounds, to be recovered and applied for the Relief and Maintenance, or for the discharging and setting at Liberty the Person or Persons imprisoned in the Prison of the said Court, as herein-before mentioned with respect to Clerks and other Officers of the said Court, in case of taking greater Fees than they are entitled unto by virtue of this Act as aforesaid; nor shall any such Attorney or Solicitor act as a Commissioner, or enjoy any Place of Profit or Trust in the said Court of Requests; any Thing herein contained to the contrary notwithstanding.

Penalty on not obeying a Subpœna.

XXXI. And be it further enacted, That in case any Person inhabiting or residing within the aforesaid Parishes and Lordship or Liberty, or any or either of them, who shall be duly served with a Subpoena or Summons, to be issued by the Clerk of the said Court for the Time being, or his Deputy, (and which he or his Deputy is

hereby empowered and authorized to issue and make out), to appear in the said Court of Requests, at a Time and Place in such Subpoena or Summons mentioned, to give Evidence on Behalf of any Plaintiff or Defendant, Creditor or Debtor, shall refuse or neglect to appear, pursuant to such Subpoena or Summons, and Oath being made by the Party at whose Instance the Summons or Subpoena issued, that the Party subpoenaed or summoned was a material Witness in the Cause, and due Proof being made of the Service of such Subpoena or Summons, and no Cause of Absence being shewn to the Satisfaction of the Commissioners then present at the Court at which such Person shall be by such Subpoena or Summons required to appear, it shall be lawful for the said Commissioners, or any Three or more of them, assembled at the next Court to be holden within such District, (Notice thereof having been given to the Person or Persons subpoenaed as aforesaid,) to impose on the said Person or Persons a Fine, not exceeding in the Whole the Sum of Forty Shillings, nor less than the Sum sued for, to be levied, if not immediately paid on Demand, by Distress and Sale of the Offender or Offenders Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners, or any Three or more of them, rendering the Overplus (if any) to such Offender, the Charges of such Distress and Sale being thereout first deducted, which Fine, when paid or levied, or such Part thereof as the said Commissioners shall order and direct, shall be paid over to the Party or Parties at whose Instance or on whose Behalf such Subpoena or Summons issued; and in case no Goods or Chattels of such Offender or Offenders, sufficient to answer such Fine and such Distress and Sale, can be found, then the said Commissioners, or any Three or more of them, shall commit such Offender or Offenders to the Prison belonging to the said Court, for any Space of Time not exceeding Twenty Days, unless such Fine or Fines, together with the Costs and Charges attending such Commitment, shall be sooner paid and satisfied; and in all Cases where the Party shall appear in the said Court, in Obedience to such said Subpoena or Summons, the Commissioners

Evidence appearing to the *Subpœna* to have a reasonable Allowance.

then present shall order and oblige the Plaintiff or Plaintiffs, Defendant or Defendants, as shall appear most equitable, to pay such Sum and Sums of Money to the Party or Parties subpoenaed or summoned, and appearing as aforesaid, as to the said Commissioners shall appear meet and reasonable, to be recovered by such Ways and Means as are herein-before provided for the Recovery of Debts.

For punishing Persons insulting the Court, &c.

XXXII. And, for the more effectually establishing the said Court of Requests, and the better enforcing the Orders and Decrees which shall be made by the said Commissioners, and that they may be vested with proper Power and Authority, and be free and exempt from any Insults or Abuses; be it further enacted, That if any Person or Persons shall insult or abuse all or any or either of the Commissioners or Officers of the said Court, 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, or in anywise hinder, abuse, molest, or oppose any Officer in the Execution of his Office, or in going to or returning from any Court or other Place, to execute his and their respective Office or Offices, it shall be lawful for the Beadle of the said Court, or his Deputy, for the Time being, by Order of the said Commissioners, or any Three or more of them, then sitting when such Insult shall be offered, or Complaint shall be made, to take such Person or Persons so offending before One or more of his Majesty's Justices of the Peace for the said West Riding of the County of York; and upon the Fact alleged being proved by the Oath or Oaths of One or more credible Witness or Witnesses, the said Justice or Justices shall impose and set upon such Person or Persons so offending as aforesaid, such Fine or Fines, with such Expences for the taking and attending the Offender or Offenders, as to such Justice or Justices shall seem meet and reasonable, provided the Fine on any One Person doth not exceed the Sum of Forty Shillings; and, upon Failure of immediate Payment of the Fine or Fines, and Expences, which shall be so set, the said Justice or Justices is and are hereby empowered and required to commit the Offender or Offenders to the House of Correction within the said West Riding, there to remain for any Time not exceeding

Three

Three Calendar Months, 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, and Expences, are forthwith to be discharged out of Custody, and the Fine or Fines immediately paid over for the Relief and Maintenance, or the discharging and setting at Liberty such Person or Persons confined in the Prison of the said Court, as shall appear to them the said Commissioners proper Objects of such Relief and Discharge.

Fine paid for the Discharge or Relief of the Prisoners in the Gaol of the said Court.

XXXIII. And be it further enacted, That the Clerk of the said Court for the Time being, or his Deputy, shall from Time to Time affix or cause to be affixed or stuck up in the most publick Place or Places where such Court or Courts shall be held, and the said Commissioners shall sit to do Business as aforesaid, a true Copy of the last preceding Clause of this Act, to the End that no Person or Persons shall or may plead Ignorance in the Premises.

The above Clause to be put up.

XXXIV. And be it further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend to any Debt for any Rent upon any written Lease of Lands, or Tenements, or any other real Contract, nor to any Debt contracted, or which shall be contracted, by any Infant or Apprentice; nor to any Debt that shall arise by reason of any Cause concerning Testament or Matrimony, or any Thing concerning or properly belonging to the Ecclesiastical Court; 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 Sum or Forfeiture upon any Penal Statute; nor to any Debt, Contract, Acknowledgement, Undertaking, or Promise made to or with any Person keeping an Alehouse, Tippling House, or Dram Shop, to pay for Ale, Beer, or Spirituous Liquors, or any Security given touching or on Account thereof; nor to any Debt whereof there hath not been a Contract, Acknowlegement, Undertaking, or Promise to pay within Six Years before the taking out the Summons for the same, although the same shall not amount to Forty Shillings, any Thing herein contained to the contrary notwithstanding.

Certain Debts not recoverable by this Act, &c.

XXXV. And whereas it is but just and humane, and would tend to promote Integrity and Industry, if the diligent,

Allowing the Commissioners a discretionary Power with respect to

Imprisonment and Execution.

diligent, honest, and unfortunate Defendant, or Debtor, was distinguished and discriminated as much as can be in the Judgement or Decree of the Commissioners, from such as with an Intent to defraud their Creditors of their just Debts, and, in order to prevent their recovering the same, shall sell, secrete or dispose of their Goods and Chattels, or remove the same out of the Jurisdiction of the said Court, or by an extravagant, dissolute, idle, or negligent Course of Life, shall disable themselves from paying their just Debts, or from obstinate or dishonest Principles shall refuse to pay such Debts; be it therefore further enacted, That in case it shall appear to any Three or more of the said Commissioners, being the Majority of such Commissioners, upon the hearing of any Cause, or afterwards, to their full Satisfaction, in open Court, that the Debtor or Defendant therein is unable to pay and discharge the Debt thereby demanded from some unavoidable Accident, and not from any of the aforesaid Causes, then and in that Case such Commissioners shall not award Execution against the Body of such last-mentioned Defendant or Debtor, nor shall the Bed and Bedding, or Working Tools of himself or Family be taken or sold by any Fieri Facias, or other Execution, any Thing herein-before contained to the contrary notwithstanding.

Appointing a Treasurer, and prescribing his Duty.

XXXVI. And be it further enacted, That William Walker of Crowneſt, in the Parish of Halifax aforesaid, Esquire, the present Treasurer of the said Court, shall be, and is hereby constituted and appointed Treasurer thereof; and he, and also all other Treasurers of the said Court of Requests hereafter to be appointed, shall, is, and are hereby empowered and required, annually, or oftener if they shall think proper, to audit and settle the Accounts of the said Clerk for the Time being, and to receive the Balance of all such Monies as the said Clerk shall have received by virtue of this Act; and for all Monies so received, the said Treasurer for the Time being shall give Receipts and Discharges for the same to the then Clerk, or other Person paying such Monies as aforesaid; and every such Treasurer shall account with the Commissioners of the said Court at their Annual Meeting; and

the said William Walker shall, within the Space of One Month next after the passing of this Act, give Security by Bond to the Good-liking of the Commissioners, who shall be assembled at the First Court which shall be held at Halifax by virtue hereof, to any Three or more of such Commissioners; and every future Treasurer, upon his Election, or entering into the said Office, shall give Security by Bond to the Good-liking and Approbation of the said Commissioners, or the major Part of them, who shall be assembled at any Meeting to be held for the electing of a Treasurer, to Three or more of such Commissioners as shall be assembled at any such Meeting; which said respective Bonds shall be in any Sum not less than Five hundred Pounds, and shall be conditioned for the due auditing and settling with the Clerk for the Time being, and the accounting for all Monies received and paid by virtue of this Act, to the Commissioners of the said Court at their Annual Meeting in every Year; and also that he, his Executors or Administrators, will well and truly pay all such Monies as shall appear to be remaining in his Hands, on auditing or settling such Accounts, as the Commissioners at such Meeting shall direct; and that he or they will deliver over all Books, Papers, and Writings in his or their Possession, Custody, or Power, belonging to or respecting the said Court of Requests, or to the said Office of Treasurer, to any succeeding Treasurer, or other Person, as the Commissioners at such Annual Meeting shall direct and require; and upon the Death, Resignation, or Removal of the Treasurer aforesaid, or of any succeeding Treasurer, the Commissioners of the said Court shall, and they are hereby empowered and required to elect and choose a Treasurer from Time to Time, in the Manner and Form as is herein provided and appointed for the Appointment of all future Clerks of the said Court.

XXXVII. And be it further enacted, That the publick Meetings for accounting with every such Treasurer, and for adjusting the Fees from Time to Time, and upon all special Business that respects the whole of the Jurisdiction of the said Court of Requests, shall be holden annually,

Meetings to settle Money Matters to be held in Rotation at *Halifax*, *Bradford*, and *Huddersfield*.

annually in the following Rotation, (videlicet), at Halifax aforesaid, on a convenient Day to be appointed by the said Commissioners at that Place on a preceding Court Day, of which Notice shall be given in every Court at least Ten Days before the holding of such Meeting in the Month of October One thousand seven hundred and ninety-four; at Bradford aforesaid, on a convenient Day to be fixed as aforesaid by the Commissioners at the Court there, and of which the like Notice shall be given in the Month of October One thousand seven hundred and ninety-five; at Huddersfield aforesaid, on a convenient Day to be fixed as aforesaid by the Commissioners at the Court there, and of which such Notice shall be given as aforesaid in the Month of October One thousand seven hundred and ninety-six; and so in Rotation from Time to Time at each of the aforesaid Places, Once in every Year then-after for ever.

Commissioners may send for Books, &c.

XXXVIII. And be it further enacted, That for the better investigating and settling the Accounts of the said Treasurer, and also for the examining and inspecting the Books and Accounts belonging to the said Court, or of the Clerk or Treasurer, it shall and may be lawful to and for the said Commissioners who shall be assembled at any Annual Meeting for the Purpose of examining any Accounts of the said Treasurer or Clerk for the Time being, to send for, peruse, and inspect all such Books and Accounts, when and as often as they shall think proper and expedient.

Dead or unclaimed Money disposed of.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or the major Part of them who shall be assembled at their annual Meeting, and they are hereby authorized, empowered, and required, to order the present Treasurer and Clerk, and also all future Treasurers and Clerks for the Time being, to give an Account of all unclaimed or dead Monies belonging to the Suitors of the said Court, which shall have then lain unclaimed or undemanded for the Term of Seven Years from the Time such Money had been received; and to pay and apply all such unclaimed or dead Monies, or such Part thereof as they

shall think proper, in the releasing or obtaining the Discharge of such Prisoners as shall from Time to Time be imprisoned in the said Gaol.

XL. Provided always, That no such Application of the said Money shall be made, until Notice shall have been thereof given in both the Leeds Newspapers, at the least One Month before the same shall be made, and then and not before the Person and Persons for whose Use such Monies shall have been received shall be barred therefrom.

Limitation of Actions.

XLI. And be it further enacted, 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 Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid in the County of York, 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 thereupon, provided the Defendant shall give Notice of this Act, and specify the Year when it was enacted, along with the General Issue, and that he intends to give this Act and the Special Matter in Evidence on the Trial of that Issue; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue such Action or Suit, 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 Case by Law.

General Issue.

Treble Costs.

Former Act repealed.

XLII. And be it further enacted, That, from and after the Twenty-seventh Day of July One thousand seven hundred and ninety-three, so much of the aforesaid Act, passed in the Twentieth Year of His present Majesty's Reign, (except such Parts thereof as repeal the said Act passed in the Seventeenth Year of His present Majesty's Reign), and the several Matters and Things therein contained, as relate to the more easy and speedy Recovery of Small Debts within the said Parishes and

Lordship

Lordship or Liberty, shall be, and the same is hereby repealed.

Orders, Decrees, and Executions made by virtue of the former Act to be valid.

XLIII. Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to affect any Order, Decree, or Execution made or awarded by virtue of the aforesaid Act of the Twentieth Year of his present Majesty's Reign, for the Payment of Money, or levying on the Goods and Chattels, or attaching the Body or Bodies of all and every the Person or Persons against whom any such Order or Decree shall have been made, or Execution awarded, but the same shall stand valid, continue, and be in full Force, and be carried into Execution and continued in Execution by the Commissioners who shall sit and act under this present Act, as if such Order, Decree, or Execution had been made, pronounced, and awarded by them; nor shall the same extend to take away or annul any of the Rights, Privileges, Franchises, Liberties, Powers, or Jurisdictions of the Courts Baron of the Honour of Pontefract, Manor of Wakefield, Manor of Bingley, and Manor of Kighley, in the said County of York, or of any other Court Baron whatsoever, but that the same shall be, remain, and continue in as full and ample Power, Jurisdiction, and Authority for the Recovery of any Debt or Damages, as if this Act had never been made.

Preservation of the Rights of the Courts Baron.

Publick Act.

XLIV. And be it further enacted, 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 whomsoever, without specially pleading the same.