Anno quarto

Georgii III. Regis.

CAP. XL.

An Act for the more eaſy and ſpeedy Recovery of Small Debts within the Borough and Soke of *Doncaſter*, in the County of *York*; and for Lighting the Streets, Lanes, and other open Paſſages and Places, within the ſaid Borough.

WHEREAS the Borough of Doncaſter in the County of York, is large and populous, has a navigable River, and is a great Thoroughfare between the South and Northern Parts of this Kingdom, by Means whereof a conſiderable Trade is carried on in the ſaid Borough and Soke thereof: And whereas there are many Perſons to whom the Traders of Preamble.

the ſaid Borough and Soke are obliged to give Credit for ſmall Sums of Money, who frequently refuſe, although able, to pay the ſame, preſuming on the Diſcouragements which Creditors lie under, from the Expence which they are unavoidably put to, and the Delays they meet with in ſuing for ſuch Debts; And whereas a more eaſy and ſpeedy Method of recovering Small Debts, within the ſaid Borough and Soke, would greatly tend to promote Induſtry, and ſupport uſeful Credit therein: And whereas the Lighting, in a proper Manner, the Streets, Lanes, and other open Paſſages and Places, within the ſaid Borough, would be of great Benefit and Safety to the Inhabitants thereof, as well as to all Perſons reſorting thereto: 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 Sir Bryan Cooke Baronet, the Mayor of Doncaſter for the time being, Richard Whitaker, George Healey, Robert Copley, Anthony Wharton, William Dawſon, John Cooke, Francis Laye, John Arthur, John Ellerker, Edmund Bower, Henry Farrer, William Ellerker, John Hawley, Benjamin Hague, John Silverwood, Francis Caley, William Heaton, Conrade Stiffel, John Turner, Charles Herne, Robert Ellis, John Healey, Henry Heaton, Thomas Smith, Matthew Sanderſon, Thomas Jennings, William Bingley, James Graham, Thomas Tofield, Richard Walker, John Broughton, John Broughton junior, Thomas Heaton, John Hancock, William Patrick, John France, George Jarratt, John Jaques, Nathaniel Pearſon, Philip Gill, Gervaſe Seaton, William Richard, George Halifax, John Watſon, Solomon Holmes, John Whitaker, Robert Hudſon, Richard Staveley, Thomas Pheazant, Richard Bowzer, Thomas Seaton, George Pearſon, Thomas Rimington, William Pigot, William Dixon Cave, Thomas Gill, Francis Haworth, William Pheazant, Joſeph Colliſſon, Eſquires and Gentlemen, ſhall be, and are hereby appointed Commiſſioners, to hear and determine all ſuch Matters of Debt as are hereafter mentioned: And the ſaid Commiſſioners, and their Succeſſors, are hereby conſtituted a Court of Juſtice, by the Name of The Court of Requeſts for the Borough and Soke

Commiſſioners appointed.

They are conſtituted a Court of Requeſts.

of *Doncaſter* in the County of *York*; and they the ſaid Commiſſioners, or any Three or more of them, ſhall, and are hereby impowered and required to meet and hold the ſaid Court, on every other Thurſday, or oftener, if there ſhall be Occaſion, in the Guild Hall of the ſaid Borough, or at any other convenient Place within the ſaid Borough, to be appointed by the major Part of ſuch of the Commiſſioners as ſhall be aſſembled at any ſuch Meeting; and the Firſt Meeting of the ſaid Commiſſioners ſhall be held on the Thurſday Fortnight next after the paſſing of this Act, but ſo as the ſaid Meetings ſhall not interrupt the Buſineſs at any Time to be done by or before his Majeſty's Juſtices of the Peace, uſually done, held, or kept in the ſaid Guildhall; and the ſaid Commiſſioners, or any Three or more of them, from time to time aſſembled at ſuch Courts, are hereby authorized and fully impowered, to hear and determine all ſuch Cauſes as are hereafter mentioned, and to give ſuch Judgements, and to make ſuch Orders and Decrees therein, and to award Execution thereupon with Coſts, againſt the Body and Bodies, or againſt the Goods of all and every the Perſon and Perſons againſt whom they ſhall give any ſuch Judgement, or make any ſuch Order or Decree, as to them ſhall ſeem juſt in Law or Equity; and if the Commiſſioners ſo aſſembled ſhall happen to be equally divided, upon any Queſtion that may come before them, the Mayor of the Borough for the time being, if preſent, or in his Abſence the ſenior Alderman preſent, and if no Alderman is preſent, the Commiſſioner preſent, who ſtands firſt in the Liſt of Commiſſioners to be hung up in the Court or Place where the Commiſſioners ſhall meet, ſhall have another and the caſting Vote.

Three impowered to hold a Court on *Thurſday* in every other Week.

Firſt Meeting.

Buſineſs of other Courts not to be impeded by their Meetings.

Power and Buſineſs of this Court.

Caſting Vote, on Equality, to lie in the Mayor, ſenior Alderman, or Commiſſioner who ſtands firſt on the Liſt.

And be it further enacted by the Authority aforeſaid, That, from time to time, on the Death or Refuſal to act, of any or either of the Commiſſioners herein before particularly named, or of any or either of their Succeſſors, to be elected in Manner herein after immediately mentioned, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or the major Part of ſuch of them as ſhall be preſent at a Meeting which is hereby directed to be held for that Purpoſe, within the Space of One Month next after ſuch Deceaſe, or Refuſal to act, ſhall happen or be known,

Method of electing new Commiſſioners.

or as soon after as conveniently may be; to elect and appoint one other Commissioner, in the Stead of each such Commissioner so dying or refusing to act; and every such Commissioner, so elected, shall be, and is hereby enabled to act in the Execution of the Powers hereby granted to the Commissioners aforesaid, as fully and effectually, to all Intents and Purposes, as if he had been particularly named herein as a Commissioner; but Notice in Writing, of the Time and Place of Meeting for every such Election, shall be given by the Clerk to the said Commissioners, by affixing the same upon the Market-house in the said Borough, at least Ten Days before every such Meeting.

The Order in which the Commissioners are to be summoned.

And, to the end that no undue Preference may be made and given in summoning the said Commissioners appointed, or to be appointed, in pursuance of this Act, to attend the said Court, be it further enacted by the Authority aforesaid, That the Serjeant of the said Court, for the time being, to be nominated or elected as herein after mentioned, shall summon the Mayor and One Alderman, or Two Aldermen together with Four other Commissioners, beginning with the Mayor and One Alderman and Four other Commissioners, who shall be first named in the List of Commissioners to be hung up in the said Court, to attend the said Court as Commissioners for Two Weeks then next ensuing; and shall, Once a Fortnight, summon the like Number of Commissioners, as they shall stand in Order and Rotation upon the said List.

Any Commissioner, tho' not summoned, &c. may sit in the Court.

Provided always, That nothing herein contained shall extend, or be construed to extend, to exclude or debar any of the Commissioners for the time being from sitting in the said Court, although such Commissioners shall not have been summoned, or stand in Rotation to be summoned; but that such Commissioners, if they shall think fit so to do, shall and may sit, hear, determine, give Judgement, and make Orders and Decrees in the said Court; any thing herein before contained to the contrary thereof, in any wise, notwithstanding.

Commissioners to take the following Oath.

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 to the Effect following; that is to say,

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Judgement, hear and determine such Matters and Things as shall be brought before me, by virtue of an Act of Parliament, intituled, *An Act for the more easy and speedy Recovery of Small Debts within the Borough and Soke of* Doncaster, *in the County of* York; *and for lighting the Streets, Lanes, and other open Passages and Places, within the said Borough,* without Favour, Affection, or Prejudice to either Party.

Which Oath the Clerk of the said Court, or any of the Commissioners who shall have taken such Oath, is hereby impowered and required to administer in open Court; and a Memorial thereof shall be entered in the Registers of the said Court, by the said Clerk. To be administered by the Clerk, and registered.

And be it further enacted by the Authority aforesaid, That Richard Shepherd, the Town Clerk of the said Borough, and the Town Clerk of the said Borough for the time being, shall be, and is hereby constituted and appointed Clerk of the said Court of Requests, during his good Behaviour in the said Office; and shall have Power and Authority, from time to time, to appoint a Deputy; which said Clerk, or his Deputy, are hereby impowered and required to issue out all Summonses, Warrants, and Precepts, and to register all Orders, Decrees, and Judgements of the said Court, and shall enter and register, or cause to be entered and registered, in proper Books, to be provided by him, and kept for that Purpose, all the Acts and Proceedings of the said Court. *Richard Shepherd* constituted Clerk of the Court; with Power to appoint a Deputy.

And be it further enacted by the Authority aforesaid, That the Serjeants at Mace of the said Borough for the time being, shall be, and are hereby constituted and appointed Serjeants of the said Court of Requests, during their good Behaviour, for the serving of Summonses, and executing such Orders, Warrants, and Precepts, and doing and performing such other Serjeants at Mace appointed Serjeants of the Court.

other Acts, Matters, and Things, as are herein appointed to be done by them.

Creditors may sue for any Debt under 40 s. in the said Court.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for any Person or Persons whatsoever, who now hath, have, or hereafter shall have, any Debt or Debts, under the Value of Forty Shillings, due, or owing, or belonging unto him, her, or them, in his, her, or their own Rights, or as Executor, Administrator, Guardian, or Trustee, to any other Person or Persons, by or from any other Person or Persons whatsoever, inhabiting or residing within the said Borough and Soke, or using or frequenting the Markets thereof, or usually buying or selling, or seeking a Livelihood therein, or sailing or navigating to or from the said Town, to apply to the Clerk of the Court for the time being, or his Deputy, who shall immediately make out and deliver to One of the Serjeants of the said Court for the time being (who is and are hereby authorized and required to execute all Warrants, Precepts and Processes of the said Court of Requests) a Summons in Writing, under his Hand, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, the Party demanding and requiring him, her, or them, to appear at a certain Time and Place, to be mentioned in such Summons, before the Commissioners of the said Court, to answer such Complaint: And such Serjeant shall forthwith cause such Summons to be served on such Debtor or Debtors, either personally, or by leaving the same at the Dwelling House, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of Dealing, Trading, or Working, of such Debtor or Debtors, being within the Limits of the said Borough and Soke, with his, her, or their Servant, or other Person belonging to him, her, or them; and that, upon Proof made, that such Summons hath been duly served, the said Commissioners, or any Three or more of them, assembled in Court, being a Majority of such Court, are hereby impowered and required to make due Enquiry concerning such Demands or Plaints, and make such Orders and Decrees therein, and pass such final Judgement or Sentence thereupon, and award Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience: And, for the better Discovery

And on Application to the Clerk, who shall summon the Debtor,

of

of the Truth, and more solemn Determination of Matters and Causes which shall be depending in the said Court, it shall be lawful for the said Commissioners, or any Three or more of them, assembled in Court, and they are hereby impowered to administer, or cause to be administered, an Oath or Oaths to either of the said Parties, willing to be examined touching the Matters then in Question, and to such Witness or Witnesses as shall be produced by each Party, and to the Officers of the said Court, and also to any other Person or Persons, whose Evidence shall seem necessary towards the hearing or determining any of the said Causes, or making any Order or Decree therein, or for any other Purposes requisite to the Execution of this Act.

and on Proof of Service of the Summons, the Commissioners are to enquire into the Demand, and pass final Judgement thereupon:

And may administer an Oath to Witnesses and Officers.

And be it further enacted by the Authority aforesaid, That if such Debtor or Debtors, who shall have been duly summoned as aforesaid, shall not appear before 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, so assembled, being a Majority of the said Court, after due Proof made, upon Oath, of the Service of the said Summons, in Manner aforesaid, to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgement, and to award reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience.

Debtor not appearing, Court may hear the Cause on the Part of the Plaintiff, and pass Judgment thereon,

with Costs.

And be it further enacted by the Authority aforesaid, That if, upon the Day of Return of the Summons, or at any Continuation or Adjournment of the said Court, the Plaintiff or Plaintiffs shall not appear, or, appearing, shall not make Proof of his, her, or their 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, being a Majority of the said Court, 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, ordered and decreed by the said Court.

Plaintiff not appearing, or being nonsuited,

Costs to be awarded to the Defendant.

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

Upon Order for Payment of Money, Execution is to be awarded against the Body or Goods of the Party.

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, being a Majority of the said Court, 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 for the Clerk of the said Court, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal, by Way of Capias ad satisfaciendum, or Fieri facias, to One of the Serjeants of the said Court; who, by Virtue of any such Precept, issued upon Execution awarded against the Body of such Party, shall and may, and is hereby impowered to take such Party, being within the said Borough and Soke, and carry him, her, or them, to the common Gaol or Prison for the said Borough and Soke, 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 a longer Space than Three Calendar Months. And such Serjeant, by Virtue of any such Precept, issued upon 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 said Borough and Soke, such Sum or Sums of Money, and Costs, as shall be so ordered, decreed, and adjudged. And if the Party, against whose Body or Goods any such Execution shall be awarded, and Process thereupon shall issue, shall, by absconding, or by secreting or removing his, her, or their Goods, or by any other Means prevent or evade the Service or Effect of any such Execution, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, assembled in such Court, being a Majority of the said Court, upon due Proof thereof made to them, by the Oath or Oaths of 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 served by One of the Serjeants of the said Court, in Manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied. And in case the said Court shall, at any Time, upon the

Confinement on Execution not to exceed 3 Months.

If the Execution be prevented, or evaded,

the Court may award another.

Upon the first Default of Payment,

the Request, and for the Ease and Convenience of the Defendant or Defendants, order, decree, or adjudge a Debt due to the Plaintiff or Plaintiffs, to be paid by several Payments; then, upon the first Default or Failure of any of the said Payments so ordered, decreed, and adjudged, the said Commissioners, or any Three or more of them, assembled in such Court, being a Majority of the said 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 Methods and Means as are herein provided for the Recovery of the Debt and Costs first decreed, the former Order, Decree, or Judgement to the contrary notwithstanding.

the Court may award Execution for the whole Debt with further Costs.

And be it further enacted by the Authority aforesaid, That upon every Precept to be issued upon Execution awarded against the Body or Goods of any Person or Persons, the Clerk of the said Court shall indorse, or cause to be indorsed, the Sum or Sums, and Costs, so ordered, decreed, or adjudged: And if the Party or Parties against whom such Execution shall be awarded respectively, shall, before any actual Sale of the Goods, or before he, she, or they, is or 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, 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 of Satisfaction in full for the Sum; and also the Sum of Two Shillings and Six Pence for Gaol Fees, (in case such Person or Persons shall have been committed to Prison); then, and in any such Case, the Execution shall be superseded, and the Body or Goods of the said Party or Parties shall be discharged and set at Liberty.

Debt and Costs to be marked on the Back of the Precept.

On paying in the same to the Clerk, before Execution takes Effect, with the Fee due to Officers, &c.

Execution is to be superseded.

And be it further enacted by the Authority aforesaid, That no Privilege, or pretended Privilege, shall be allowed to exempt any Person 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,

Attornies and Solicitors not exempted.

Attorney, or Solicitor of any of the Courts at Weſtminſter, or of any other Court whatſoever.

Officer neglecting his Duty, liable to pay the Debt.

And be it further enacted by the Authority aforeſaid, That if the Serjeant of the ſaid Court, who ſhall be employed to ſerve an Execution, ſhall, by wilful or notorious Neglect or Connivance, cauſe or ſuffer the Party againſt whom ſuch Execution ſhall be awarded, to eſcape or abſcond, or the Goods of ſuch Party to be carried away or ſecreted, ſo that ſuch Execution ſhall not have its due Effect, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, aſſembled at any ſuch Court, being a Majority of the ſaid Court, upon Complaint made, and due Proof thereof, 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 inforce the Payment thereof, by the ſame Methods and Means as are herein provided for the Recovery of other Debts.

Fees allowed to the Clerk and Serjeants.

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 Clerk and Serjeants, for their ſeveral and reſpective Services, in the Execution of this Act; that is to ſay,

	£.	s.	d.
For iſſuing every Summons, to the Clerk,	0	0	6
For Service of every Summons in the Town, and attending the Court with Return, to the Serjeants,	0	0	3
And for Service of every Summons out of the Town, and within the Soke, and attending the Court with Return, to the Serjeants,	0	0	6
For entering the Cauſe, to the Clerk,	0	0	3
For every Hearing, to the Clerk,	0	0	3
For every Order, to the Clerk,	0	0	3
For entering every Order and making, to the Clerk,	0	0	3
For Service of every Order againſt a Party (in Town) not in Court, and attending with Return, to the Serjeants,	0	0	3
For Ditto, out of Town, and within the Soke,	0	0	6
For a Nonſuit on the Plaintiff's not appearing, to the Clerk,	0	0	2

For

For an Attachment against the Defendant for not appearing, to the Clerk,	0	0	6
To the Serjeants, for Service thereof in Town,	0	0	3
For Ditto, out of Town, and within the Soke,	0	0	6
For acknowledging Satisfaction thereof, to the Clerk,	0	0	4
For an Execution, to the Clerk,	0	1	0
To the Serjeants, for Service thereof in Town,	0	0	3
For Ditto, out of Town, and within the Soke,	0	0	6
For a Subpœna, to the Clerk,	0	0	3
To the Serjeants, for Service thereof in Town,	0	0	2
For Ditto, out of Town, and within the Soke,	0	0	6
For paying Money into Court, to the Clerk,	0	0	6
For every Search of the Books, to the Clerk,	0	0	2

A Table of which Fees shall, from time to time, be hung up by the Clerk of the said Court, in some conspicuous Part of the said Court or Place where the said Commissioners shall meet, so that all Persons who shall attend the said Court may see and read the same. A Table thereof to be hung up in the Court;

And be it further enacted by the Authority aforesaid, That if the said Clerk of the said Court for the time being, or his Deputy, or the Serjeants of the said Court for the time being, or any of them, shall knowingly take or demand any greater or other Fee or Fees than as herein mentioned, upon Complaint and due Proof thereof, upon the Oath or Oaths of One or more credible Witness or Witnesses, made in open Court, the said Commissioners, or any Three or more of them, being a Majority of the said Court, shall, and are hereby required and impowered, from time to time, to punish such Offender by Fine, not exceeding Forty Shillings, nor less than Ten Shillings, for One Offence, to be levied by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hands and Seals of the said Commissioners, or any Three or more of them, rendering to the Owner the Overplus, if any, after the Charges of such Distress and Sale are deducted; which Fine and Fines, when recovered, shall be paid to the Mayor of the said Borough and Soke for the time being, to be by him distributed amongst the Poor of the said Borough and Soke, in such Manner as he shall think fit; and if the Clerk or Serjeants of the said Court, or any or either of them, Penalty of demanding or taking greater or other Fees; not exceeding 40 s. nor less than 10 s. Clerk or Serjeants guilty of notorious Misbehaviour,

them, for the time being, shall be guilty of any notorious Misbehaviour, either by frequently taking or demanding greater or other Fees as aforesaid, or otherwise, in the Execution of their respective Offices; upon Complaint made, the said Commissioners, or any Three or more of them, shall, in open Court, hear and enquire into the Matter of the said Misbehaviour, by the Oath or Oaths of One or more credible Witness or Witnesses, and shall, if they, being a Majority of the said Court, think fit, certify the Particulars of the said Misbehaviour, with the Proofs thereof, unto the Mayor of the said Borough for the time being, who shall thereupon cause all the said Commissioners to be summoned to meet at a convenient Time and Place, and shall lay the same before the Commissioners assembled pursuant to such Summons, who shall take the same into Consideration; and may, according to their Discretion, suspend or remove the said Clerk, or Serjeant or Serjeants, so offending, from his and their said Office or Offices, and nominate and appoint another or other fit and able Person or Persons, to exercise the said Office or Offices respectively, in the Place and Stead of him or them so removed.

Court may enquire into the same, and certify the Particulars to the Mayor, who shall summon a General Meeting, who may remove the Delinquent.

And be it further enacted by the Authority aforesaid, That if any 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 or determining the said Cause, or making any Order, Decree, or Judgement therein, but after being heard in the said Cause, shall withdraw until the same is finally determined; and if the Clerk or other Officer 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 other Officer, 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, being a Majority of the said Court, shall and may appoint another Person to exercise the Office of such Clerk, or other Officer respectively, in all Things relating to such Cause.

A Commissioner interested in any Cause depending, is to withdraw after being heard, till the same is determined:

And Officer being interested, the Court is to appoint another Person to act *pro tempore*.

And, for the more effectual Establishment of the said Court, and that the Commissioners thereof may be vested with a proper Authority, and be free and exempt from Insult and Abuse, be it enacted by the Au-

thority aforesaid, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the Commissioners, or other Officers of the said Court, for the time being, during their sitting in the said Court, or going to or from the said Court, or shall interrupt or obstruct the Proceedings of the said Court, it shall and may be lawful for the Serjeant or Serjeants of the said Court, with or without the Assistance of any other Person or Persons, by Order of the said Commissioners, or any Three or more of them, being a Majority of the said Court, to take such Offender or Offenders into Custody, and carry him, her, or them, before the Mayor, or any other Justice or Justices of the Peace for the said Borough and Soke; and upon the Insult, Abuse, or other Misbehaviour as aforesaid, being duly proved by the Oath or Oaths of One or more credible Witness or Witnesses, the said Mayor, Justice or Justices, shall punish every such Offender, either by Fine, not exceeding Forty Shillings, nor under Five Shillings, upon any One Person, for any One Offence, to be levied by Distress and Sale of the Goods of such Offender, or Imprisonment in the Gaol or Prison of the said Borough and Soke, for any Space of Time not exceeding Two Months: And where the said Mayor or Justices shall have imposed a Fine upon such Offender, and there shall not be found sufficient Goods of such Offender, whereupon such Fine can be levied, the said Mayor, Justice or Justices, shall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, commit the said Offender to the Gaol or Prison of the said Town, there to remain for any Space of Time not exceeding Two Months: And all such Fines as aforesaid shall, when raised or levied, be paid and applied in like Manner as the Fines herein before-mentioned are directed to be paid and applied; and the said Clerk of the said Court for the time being shall, from time to time, cause a true Copy of this Clause to be fixed up in the said Court, or Place where the said Commissioners shall meet, in some conspicuous Part thereof, where the Persons resorting to the said Court may see and read the same.

Persons insulting the Court while sitting, or any Members thereof going to or from the same, or interrupting the Proceedings, may be punished by Fine or Imprisonment.

Where Fine cannot be levied, Offender is to be committed.

Application of the Fines.

Copy of this Clause to be fixed up in the Court.

And be it further enacted by the Authority aforesaid, That no Action or Suit for any Debt, not amounting to the Value of Forty Shillings, and recoverable by virtue of this Act in the said Court of Requests, shall be

Actions for Debt recoverable in this Court, are not to be brought in any other.

be brought against any Person or Persons in any other Court whatsoever, and concerning which any Order, Decree, or Judgement, shall have been before made or given in the said Court of Requests, such Order, Decree, or Judgement, being pleaded or given in Evidence, on the General Issue of such Action or Suit, shall, as to the Matters contained therein, be an effectual Bar to the Plaintiff or Plaintiffs in such Action or Suit; and the Registers or Books of Entry of the said Court, or true Copies, attested under the Hand of the Clerk of the said Court of Requests for the time being, and proved by the Oath or Oaths of One or more credible Witness or Witnesses, shall be deemed legal Evidence of the Acts and Proceedings of the said Court of Requests; and no Suit which shall be commenced in the said Court of Requests, in pursuance of this Act, nor any Proceedings therein, shall or may be removed into any superior Court; but the same shall be final and conclusive to all Intents and Purposes.

The Registers of the Court, or true Copies thereof, deemed legal Evidence.

Proceedings, &c. not to be removed.

Provided always, and be it enacted by the Authority aforesaid, That this Act, or any thing herein contained, shall not extend to any Debt for Rent, upon any Lease or Contract, where the Title of any Lands, Tenements, or Hereditaments, can or may come in Question; nor to any Debt, Matter, or Thing, that shall or may arise upon, or in any wise relate to or concern any Cause of Testament, or Matrimony, or any Thing concerning or properly belonging to the Ecclesiastical Courts; nor for any Debt for any Money or Thing 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 By-law; nor to any Debt whereof there has not been a Contract, Acknowledgement, Undertaking, or Promise, to pay, within Six Years before the taking out the Summons, although the same shall be under the Value of Forty Shillings.

Specification of Debts, &c. not suable in this Court.

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

Penalty of wilful and corrupt Perjury.

And

And be it further enacted by the Authority aforesaid, That the respective Keepers, for the time being, of the common Gaol or Prison within the said Town, shall, and they are hereby required to receive and take into their Custody, respectively, all and every Person and Persons who shall be committed, or ordered to stand committed, by any Three or more of the said Commissioners, present in Court, being the Majority of such Court, or by virtue of any Warrant, Attachment, Execution, or other Process, issuing out of the said Court of Requests; and in case the Keeper of the said Gaol or Prison respectively, shall neglect or refuse to receive and take into his Custody any Person or Persons committed by virtue of this Act; or shall, before the Expiration of the Time for which any Person or Persons shall be committed to his Custody, discharge such Person or Persons out of his Custody, or wilfully suffer such Person or Persons to go at large, without a Warrant or Order for that Purpose, in Writing, signed in Court by Three or more of the said Commissioners, being a Majority of the said Commissioners present; such Keeper respectively offending in either of the said Cases, and being thereof convicted before any One or more of His Majesty's Justices of the Peace for the said Borough and Soke, upon the Oath of One or more credible Witness or Witnesses, or upon his 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 before whom such Offender shall be convicted; or, in Default thereof, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any be) to such Offender, the Charges of such Distress and Sale being thereout first deducted; which Forfeiture, when paid or levied, shall be immediately paid and applied in like Manner as the Fines herein before-mentioned are directed to be paid and applied.

Keepers of the common Gaol are to receive and keep in safe Custody, &c. all Persons committed by Order of the Court;

on Penalty of forfeiting not exceeding 5*l.* nor less than 40*s.*

to be levied by Distress and Sale of the Offender's Goods,

and to be paid and applied as other Fines.

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 admitted to speak in any Cause or Matter before the said Court, in which such Attorney

No Attorney to speak in the Court, where he is not a Party or Witness, on Penalty of 20*l.*

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

not to act as a Commissioner.

Witness duly summoned, refusing to appear and give Evidence,

And be it further enacted by the Authority aforesaid, That in case any Person or Persons, residing within the said Borough and Soke, shall be duly served with a Subpoena or Summons, to be issued by the Clerk of 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, and shall neglect or refuse to appear, pursuant to such Subpoena or Summons; 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 present at the Court to which such Person shall be, by such Subpoena or Summons, required to appear; and Oath being made before the same Commissioners, by the Party or Parties at whose Instance or on whose Behalf, such Subpoena or Summons issued, that the Person or Persons served therewith, was or were a material Witness or Witnesses for such Party or Parties; it shall and may be lawful to and for the said Commissioners, or any Three or more of them, assembled in such Court, and being a Majority of them, to impose a Fine not exceeding Fifty Shillings, nor less than Five Shillings; to be levied 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, rendering the Overplus (if any) to such Offender, the Charges of such Distress and Sale being first deducted; which Fine, when paid or levied, shall be paid over to the Party or Parties at whose Instance, or on whose Behalf, such Subpoena or Summons issued.

may be fined not exceeding 50s. nor less than 5s.

to be levied by Distress and Sale of the Offender's Goods,

and paid over to the Party injured.

No Writ may be sued out against any Commissioner or Officer, for any Thing done in the Execution of their respective Offices,

And be it further enacted by the Authority aforesaid, That no Writ shall be sued out against, nor any Copy of any Process, at the Suit of any Person or Persons, shall be served on, any of the said Commissioners, or any of the Officers of the said Court for the time being, for any Thing by him or them done in the Execution of his or their respective Office

or

or Offices, until Notice, in Writing, of such intended Writ or Process, shall have been delivered to him or them, or left at the usual Place of his or their Abode, by the Attorney or Agent for the Party who intends to sue, or cause the same to be sued or served, at least One Calendar Month before the suing out or serving the same; in which Notice shall be clearly and explicitly contained the Cause of Action, which such Party hath or claimeth to have against such Commissioner or Officer; on the Back of which Notice shall be indorsed the Name of such Attorney or Agent, together with the Place of his Abode; who shall be intitled to have the Fee of Twenty Shillings for the preparing and serving of such Notice, and no more.

until they have been served with due Notice.

Attorney's Fee for preparing and serving such Notice.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Commissioner, or Officer, at any Time within One Calendar Month after such Notice given as aforesaid, to tender Amends to the Party complaining, or to his Attorney or Agent; and in case the same shall not be accepted, to plead such Tender, in Bar to any Action to be brought against him, grounded on such Writ or Process, together with the Plea of Not Guilty, and any other Plea, with Leave of the Court: And if, upon Issue joined thereon, the Jury shall find the Amends, so tendered, to have been sufficient, then they shall give a Verdict for the Defendant: And in such Case, or in case the Plaintiff shall become nonsuited, or shall discontinue his or her Action; or in case Judgement shall be given for such Defendant or Defendants, upon Demurrer; such Defendant shall be intitled to the like Costs as he would have been intitled unto in case he had pleaded the General Issue only: And if, upon Issue so joined, the Jury shall find that no Amends were tendered, or that the same were not sufficient; and also against the Defendant or Defendants in such other Plea or Pleas; then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, which he or she shall recover, together with his or her Costs of Suit.

Defendant tendering sufficient Amends;

Verdict to be given for him.

If none, or insufficient Amends are tendered, &c.

Plaintiff to recover Damages and Costs.

And be it further enacted, That no such Plaintiff shall recover any Verdict against such Commissioner or Officer, in any Case where the Action shall be grounded on any Act of the Defendant, as a Commissioner or Officer, unless it is proved, upon the Trial of such Action,

If Notice has not been given, Defendant to recover.

Action, that such Notice was given as aforesaid; but, in Default thereof, such Commissioner or Officer shall recover a Verdict and Costs, as aforesaid.

Defendant may pay Money into Court before Issue joined.

And be it further enacted by the Authority aforesaid, That in case such Commissioner or Officer shall neglect to tender any Amends, or shall have tendered insufficient Amends, before the Action brought, it shall and may be lawful for him, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit; whereupon, such Proceedings, Orders, and Judgement, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

No Evidence to be given on the Trial, but what is contained in the Notice.

And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff, on the Trial of any such Action as aforesaid, of any Cause of Action, except such as is contained in the Notice hereby directed to be given.

Corporation, at their own Expence, to light the Streets, &c. within the Borough.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Mayor, Aldermen, and Capital Burgesses of the said Borough, for the time being, or the major Part of them, in Common Council assembled, from time to time, if they shall think proper, at the Costs and Charges of the said Corporation, to provide, set up, and fix at such Places, and against such Houses, or other Buildings or Walls, or otherwise, within the said Borough, such a Number of Lamps, with Posts, Irons, and other Furniture thereto, and to cause the said Lamps to be lighted and maintained in such Manner, as they the said Mayor, Aldermen, and Capital Burgesses, for the time being, or the major Part of them, assembled as aforesaid, shall think fit; all which Lamps, together with the Posts, Irons, and other Furniture thereunto belonging, or therewith used, shall be, and the same are hereby vested in the Mayor of the said Corporation, for the time being: And if any Person or Persons shall wilfully and maliciously remove, take away, break, throw down, or otherwise damage any of such Lamps, Posts, Irons, or other Furniture thereof; or extinguish any of the said Lamps, when lighted; every Person so offending, and being thereof convicted, by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said Borough and Soke, or for the West Riding

Lamps, &c. vested in the Mayor;

Penalty on Persons injuring them.

of

of the said County of York, or upon Confession of the Party accused, or upon the View of any One or more of the said Justices, shall, for the First Offence, forfeit the Sum of Five Shillings, for each Lamp so extinguished; or for every Post, Iron, or other Furniture thereto belonging, so removed, taken away, broke, thrown down, or otherwise damaged; and for the Second Offence, the Sum of Ten Shillings; and for the Third, and every other Offence, the Sum of Fifteen Shillings; and shall likewise make full Satisfaction to the Mayor for the time being, for the Charges and Expences of reinstating such Lamps, Posts, Irons, or other Furniture as aforesaid; or in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise damage any of the said Lamps, so to be set up or fixed as aforesaid; or the Irons, Posts, or other Furniture thereof; or extinguish any such Lamp, and shall not immediately, upon Demand, make Satisfaction for the Damage thereby sustained; in every such Case it shall be lawful for any One or more of the said Justices, upon Complaint to him or them made by the Mayor for the time being, to summon before him or them the Person or Persons so complained of; and upon hearing the Matter of the said Complaint, or upon the Non-appearance of the Party or Parties complained of, to award such Sum or Sums of Money, by way of Satisfaction for such Damage, as such Justice or Justices shall think reasonable; and in case of Refusal or Neglect to pay the Sum or Sums of Money so awarded, within Three Days after demanded, to cause the same by Warrant under his Hand and Seal, or their Hands and Seals, to be levied by Distress and Sale, of the Goods and Chattles of the Person or Persons who shall so have done such Damage, rendering to him, her, or them, the Overplus, if any shall be, after deducting the Costs and Charges of such Warrant, and of such Distress and Sale, when demanded: And in case no sufficient Distress can be found, such Justice or Justices shall and may, by like Warrant, commit the Person or Persons so neglecting or refusing, to the House of Correction, there to remain, until he, she, or they, shall make such Satisfaction as aforesaid, or for any Time not exceeding the Space of One Calendar Month; One Moiety of which Penalties, when recovered, shall go to the Person or Persons who shall inform and prosecute for

the same, and the other Moiety thereof shall be paid to the Mayor of the said Borough for the time being, and be applied, in the First Place, in making good all such Damages as aforesaid, and the Remainder to be distributed amongst the Poor of the said Borough and Soke, in such Manner as the said Mayor shall think fit.

Limitation of Actions. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be 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 Cause of Action shall arise, and not afterwards; and shall be laid and brought in the County of York, and not elsewhere; and the Defendant or Defendants on such Action or Suit shall and

General Issue. may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and if it shall happen to be done in pursuance of this Act, or that such Action or Suit shall be brought after the Time herein before limited in that Behalf, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit; or if, upon Verdict or Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or

Treble Costs. Defendants shall and may recover Treble such Costs as are usually taxed and allowed between Party and Party; and have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

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 whomsoever, without the same being specially pleaded.

FINIS.