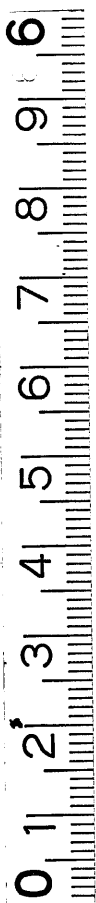


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21 A *M*
DRAUGHT of a Bill,

For the more

Easy and Speedy Recovery

OF

Small DEBTS,

Humbly offer'd

To the Consideration of the Parliament
of *Great Britain*, for its being intro-
duced and pass'd into a Law the - - -
ensuing Sessions.

By CHRISTOPHER TANCRED,
of *Whisely* in the County of *York*, Esq;

Author of a late Treatise, intitl'd, *An Essay for a
General Regulation of the Law, and the more easy
and speedy Advancement of Justice.*

L O N D O N :

Printed for J. ROBERTS in *Warwick-Lane*.
M.DCC.XXX.

5



THE
DEDICATION.

To the Right Honourable the Lords
Spiritual and Temporal, and
Commons of *Great-Britain* in
Parliament Assembled.

My Lords and Gentlemen,



*IS with the highest Reve-
rence and Respect that I ap-
proach the two August As-
semblies to which I now ad-
dress myself; and the Pleasure of so
doing would in a most superlative De-
gree be increased, if so ample a Tri-
bute could be paid, as to atone for such
an Intrusion: Yet, when I reflect on
the Advances I have already made, in
A exerting*

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exerting my weak Abilities towards new-framing the whole Structure of the Municipal Laws of the Kingdom, I must, in some Measure, esteem myself intitled, by natural Right, to offer an helping Hand in this particular Branch of Reformation.

I am appriz'd that a Bill with such a Title as is now humbly presented, has very lately been attempted in Parliament; and when I consider the many gross Impurities and Imperfections with which the same abounded, am not a little surpriz'd that it could procure an Introduction; and much more so, for its receiving the Sanction of one Part of the Legislature, before it met with a final Repulse on a second Disgestion. I conceive a true Idea of what great Use a Law of this Nature would prove to the Nation, if fix'd on a reasonable Foundation, which I have taken some Pains to accomplish: But whether my Endeavours in this Undertaking have answered the present Design, must be submitted to the Determination of that Great Power

[iii]

Power to whom I now apply, who is the best able to judge of its Perfection or Defects; and who alone can give Life and Force to whatever may be projected in the Behalf of Publick Service.

I must confess, that I have ever had strong Inclinations, attended with weak Abilities, to relieve my Fellow-Subjects from Oppressions in every Kind, but quite destitute of the least Means of putting the same in Execution; by which I have always been obliged to have Recourse to Superior Powers, to promote what my Labours have produced for National Advantage: But was I placed in such a Situation as to be a Member of the Common Senate-House, I should esteem myself no otherwise there than as an Advocate sent by the People to represent, in an impartial Light, the State of their Affairs to that Great Council; to have my Thoughts in continual Motion how Publick Grievances might be redress'd, and to provide Remedies for that Purpose; and when such Measures were concerted as would effectually reach the

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Roots

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Roots of the Diseases complain'd of, then strenuously and boldly to promote the Progress of such necessary Regulations, without having any Regard whose private Incomes they might impair, or whose Resentments they might create.

And when such Resolutions as these shall be diffus'd, if not so already, universally thorough the Minds of our Law-Makers, such a Franchise as is now presented in the Behalf of the People, could then possibly meet with no Opposition, nor they fail of reaping a glorious and joyful Harvest from the Great Council of Parliament.

*And, peradventure, a more favourable Period of Time could never have been embraced, for bringing to Perfection any Act of Indulgence in Favour of a British People, than the present happy Conjunction; when 'tis to be hop'd, or at least much wish'd, that all self-interested Views amongst our Legislators, whether those of accumulating Wealth, or attracting Honours, have long since vanished with some
of*

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of the past Leap-Years, and that true Patriotism is now the only Dress in Vogue.

*And that this last Conjecture, in Honour of a British Parliament, may appear to be more than possible, I should apprehend, that if a Parallel was drawn between the Virtue existing in our Modern Patriots, and those of ancient Rome, the Preference might, on a strict Scrutiny, be given in Favour of the former; yet it may not be amiss to remark, that the Business transacted in a Roman Senate did not entirely consist in levying Publick Taxes, repairing Decay'd High-Ways, or making Rivers navigable for promoting the Growth of Commerce, (which have been the principal, if not the Only Transactions of late in other popular Assemblies,) but that the greatest Regard was had to the redressing Grievances of all Kinds, and particularly those affecting the Administration of Justice; by which their Laws arriv'd to that Degree of Excellency in their Institution, that having once got Footing in
the*

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the Countries where their Conquests extended, have maintain'd their Ground, and remain in full Force and Esteem to this Time, tho' the Roman Acquisitions have been regain'd, and their Power diminish'd.

And after so many signal Proofs that a British Legislature has given of their Resolutions to relieve their Country from Oppressions affecting them in other Kinds, in their concerting proper Measures to discharge gradually the immense National Debt, and alleviating the Burthen of Publick Taxes, as far as may be consistent with Publick Faith, and as soon as the Circumstances of Affairs will permit; a pleasing Prospect may be entertained, that no Proposition, if grounded on reasonable Terms, for the general Ease and Conveniency of the People, can be with more Alacrity presented, than the same will meet with a favourable Reception: And when it is with due Attention consider'd, what great Hardships the Subject labours under, (in every Age and
Reign

[vii]

Reign complain'd of, and no effectual Remedy provided) by the excessive Delays and Expences attending the Determination of Property, and how greatly such an Institution, as is prescrib'd in the Bill here humbly offer'd to a Legislative Consideration, would contribute to Publick Advantage, in having Disputes that would generally arise from small Debts, or Breaches of Contracts relating to the lowest sort of Commerce, carried on in so easy and familiar a Method, determined in so quick a Circuit of Justice, and at so inconsiderable an Expence; such Considerations will prove of too much Weight to be controul'd by any Oppositions from private Parties, influenced by the exorbitant Profit arising by such tedious and expensive Proceedings, or from any Insinuations that may be brought, whether from the Woolfacks, or the Bar, to divert the Legislature in so beneficial and noble a Pursuit; which would have been long since compleated, if every Subject, who is vested with Power, would have been as zealous for
pro-

[viii]

*promoting its Progress, as Him, who has
no other Means than by applying in this
humble Manner, and at an awful Dis-
tance, subscribing Himself,*

My Lords and Gentlemen,

Your most Obedient

And devoted Servant,

Chris. Tancred.

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A

DRAUGHT of a Bill,

For the more

Easy and Speedy Recovery

OF

Small DEBTS.



WHEREAS the Delays Preamble en-
tirely added.
and Expences in Suits at
Law and in Equity have
hitherto been found most
grievous and burthensome
to the Subjects of this Kingdom; and the
Continuance of such Oppressions in the
Admi-
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Administration of Justice a Reproach and Scandal to this Constitution; **And** whereas it becomes absolutely necessary, for the Advancement of Commerce, and the general Ease and Advantage of the Kingdom, to make some Provision, that Actions and Suits, under such a Value as may not be sufficient to bear the Expences incident to the superior Courts at *Westminster*, shall and may be determined in a short and summary Way, twice a Year, in the Center of the Counties or Jurisdictions where such Suits shall arise, and both Parties most usually reside, by the Judges Itinerant thorough the same, at the Assizes and Grand Sessions of such respective Counties, Cities, and Jurisdictions; and the Determination and Judgment there given to be final and conclusive to all Parties, without allowing any Appeal to be made from the same to any other Judicature whatsoever: **To the End**, therefore, that such Grievances that have too long subsisted may now meet with Redress,

Be

Be it Enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, that from and after the Twenty ninth Day of *September*, which shall be in the Year of our Lord One thousand seven hundred and thirty one, the *Judges of Nisi Prius*, or any of them, in their respective Circuits within *England*, and at their Sittings in *London* and *Middlesex*, and the Judges of the Grand Sessions in *Wales*, or in the Counties Palatine of *Lancaster*, *Chester*, or *Durham*, or the Royal Franchise of *Ely*, shall and may hear and determine, in a summary Way, by *English* Bill, or Paper Petition, in *English*, written in a plain and usual Hand and Character, with Words at Length, and not in any Character commonly call'd Court-Hand, (on which *English* Bill, or Petition, or any Proceedings subsequent or relating thereunto, no Stamp-Duties shall be imposed,) all Manner of Disputes and

This Clause much alter'd from that in the Bill brought in the last Session of Parliament.

No Stamp-Duties.

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Differences between Party and Parties, wherein no more than the Sum of Fifty Pounds is demanded, and for which any Action (except Actions of Slander, and Assault and Battery) might lie at Common Law, and so as the Title of Land be not thereby drawn in question. And the said Judges, Justices, or any of them, are hereby authoriz'd and requir'd to give Judgment and Decree, and to award Execution thereupon, with such Costs as are herein after limited, against the Bodies or Goods of all and every the Person, or Persons, against whom they, or any of them, shall give any Judgment, Decree, or Dismission, as to them shall seem just. And the Clerks of the Civil Bills, herein after appointed, of all Counties and Cities within *England* and *Wales*, and of the Counties Palatine of *Launcester*, *Chester*, and *Durham*, or the Royal Franchise of *Ely*, or their Deputies, are hereby required to underwrite or endorse on such *English* Bills, or Paper Petitions, (such Bills being first signed by the Plaintiff and a Sworn Attorney,) a Summons, requiring the

Slander and Assault excepted.

Process by *English* Bill, and Summons endorsed.

[5]

the Defendant, or Defendants, mention'd in such *English* Bill, to appear before the Judges, or Justices, or any of them, at such Sittings, Assizes, or Grand Sessions, as shall be specified in such Summons, to answer to and defend the Matters complain'd of in such *English* Bill, or Petition; and that no Cause shall be heard upon such *English* Bill, or Petition, until it shall be proved in open Court, upon Oath, that the Defendant, or Defendants, were personally served with such Petition and Summons twenty Days, ^{On Plaintiff's Oath of due Summons.} inclusive, before the first Day of every Sittings, Assizes, or Grand Sessions, by shewing the Defendant, or Defendants, the original Petition and Summons, and serving Him, Her, or Them, with a true Copy thereof; or in case the Defendants, or any of them, cannot be met with, and is not then out of the Kingdom, by shewing the original Petition and Summons to, and leaving a Copy of the same with such Defendant's Wife, Son, Daughter, or Menial Servant, (such Son, Daughter, or Menial Servant, being at the Age of sixteen Years,) at the Defendant's usual Place

[6]

Place of Abode; and if the Defendant, or Defendants, do not, or shall not appear in Person, or by His or Her Attorney, after Proof of the Service of such Petition and Summons as aforesaid, that then it shall and may be lawful to and for the said Judge or Judges, Justice or Justices, or any of them, after Examination of one or more Witnesses or Witnesses, in open Court, upon Oath, to hear and determine the said Suit, and to give Judgment or Decree for such Plaintiff, or Plaintiffs, or to dismiss the Bill, or Petition, with such Costs, in both Cases, as are hereafter limited and ascertain'd, as to such Justice or Justices shall seem just; and to issue one or more Execution or Executions, returnable forthwith, for the Recovery of all such Sum and Sums of Money so adjudged or decreed, together with such Costs as aforesaid, to be directed to the Sheriff and other Officers of all or any County or Counties, Cities, or Jurisdictions, against the Body or Goods of either Plaintiffs or Defendants, or any of them, accordingly as Judgment or Decree shall be given in the Be-

Judges to order Execution to the Sheriff.

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half of either Plaintiffs or Defendants; which the said Sheriffs and other Officers shall execute in like Manner as Executions sued out of any of his Majesty's Courts at *Westminster* have been usually executed; and such Sheriffs, or Officers, are hereby required to grant their special Warrants, when demanded, taking for the same the Sum hereafter limited, and no more. And if the said Plaintiff shall not proceed in his Cause, after serving the Defendant with Summons to appear as aforesaid, or countermand the same ten Days before the then next Assizes, Sitings, or Grand Sessions, then the said Judges or Justices, or any of them, upon Oath made, that the Defendant or Defendants were served with such *English* Bill and Summons, as aforesaid, shall, and may dismiss the said Defendant, or Defendants, and decree and award them such Costs as are hereafter limited and ascertain'd, and issue Execution for the Levying thereof, as aforesaid.

Relief in un-just Prosecutions.

Pro.

Either Party, before Witnesses sworn, may refer the Cause to a Jury.
* This Clause somewhat alter'd.

* **Provided always,** That if any Plaintiff or Defendant shall be desirous to have his or her Cause try'd by a Jury of twelve Men, and shall, (in Person, or by their Attorney,) before any Witness is sworn in the Cause, require a Jury to be sworn to try the said Cause; then, the Judge or Justice, before whom such Cause is to be try'd, shall immediately cause a Jury of Twelve Men, qualify'd according to Law to serve on Juries in Civil Cafes, and drawn by Way of Ballot, to be sworn; who shall try the said Cause in the same Manner as Juries do in other Cafes; and the Verdict given by such Jury, shall be recorded by the Clerks of the Civil Bills herein after appointed, and Judgment and Execution shall be given thereon, with such Cofts as are herein after limited and ascertain-

Decree, or Jury's Verdict final.

ed: Which said Judgment, whether grounded on Decree or Verdict, shall be absolutely final to all Parties, and shall not be removed by any Writ whatsoever, or controverted in any other Court, nor shall any new Trial be granted. And the

the Party requiring such Trial by Jury shall, at his own proper Expences, pay to such Jury Six Pence each, and to the Marshal of the Court for swearing such Jury Two Shillings.

And be it further Enacted by the Authority aforesaid, That the Courts held before the said Judges, or Justices, or any of them, for hearing and determining the said Causes by *English* Bill, as aforesaid, shall be, and are hereby declared to be Courts of Record: And in case any Person shall make Oath in a Cause to be heard and determined in any such Court, whereby He or She shall commit any wilful Perjury, and be thereof legally convicted, then every such Person shall incur and suffer the like Pains and Penalties as Persons convicted of wilful Perjury, according to the Laws and Statutes of this Realm.

Courts for hearing English Bills Courts of Record.

* **And be it further Enacted by the Authority aforesaid,** That a Summons for any Witnesses to attend and give Evidence at such Trials, sign'd by the Clerks of the Civil Bills, or their Deputies,

Penalty on neglecting to obey Summons.
* This Clause is much alter'd.

[10]

ties, herein after appointed, (which they are hereby required to issue upon Demand,) being duly served on such Witnesses in the Manner before described for summoning Defendants, shall be as effectual in Law, to all Intents and Purposes, as any *Subpœna*, or Summons, issuing out of any Court in *Westminster-Hall* now are; and the Witnesses attending at such Trials shall be paid by the Party summoning them in such Manner as the Judge, or Justice, shall direct: And the said Judges, or Justices, or any of them, may inflict such Punishment on any Sheriff, or Sheriffs, or other Officers, for any Contempt or Misbehaviour in their respective Offices, relating to the Execution of any Powers and Authorities derived from this Act, in like Manner as the Judges in *Westminster-Hall* are empower'd to do in the executing any Execution or Process issuing out of those Courts: And that if any Sheriff, or other Officer, shall permit any Person taken in Execution by Virtue of such Decree, Dismission, or Verdict, to escape; he or they shall be liable to an Action of Escape, and Payment of the Debt, Costs,

Penalty on
Sheriff for
Neglect:

On Officer for
Escapes.

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Costs, and Damages; to be recovered by the Parties, at whose Suit such Person was taken in Execution before the Judges, Justices, or any of them, at their Assizes, Sittings, or Grand Sessions, in such Manner as in other Causes herein before mentioned.

* And be it further Enacted by the Authority aforesaid, That if any Judgment, whether grounded on Decree or Verdict, be not executed before the then next Assizes, Sittings, or Grand Sessions, then it shall and may be lawful for the Parties to renew or revive the same at the then next, or any subsequent Assizes, Sittings, or Grand Sessions, the said Parties first making Oath in Court, or producing an Affidavit in Writing, before any One of his Majesty's Justices of the Peace of the said County, that they (or any Person in Trust for them, to their Knowledge) have not received any Part thereof; or, if any Part thereof be receiv'd, then to renew or revive for such Remainder only.

Causes may be
revived.

* This Clause
alter'd.

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* 120.

No Bill to be admitted after Decree in the same Cause. * This Clause alter'd.

*** Prohibited always, and be it Enacted by the Authority aforesaid,** That every Judgment, whether grounded on Decree or Verdict, on such *English* Bill or Petition, as aforesaid, shall be a good Bar to any other Action, Suit, Petition, or *English* Bill, to be brought for the same Matter or Thing: And that the Statute of the Twenty-first of King *James I.* [intituled, *An Act for Limitations of Actions, and for avoiding of Suits in Law*] shall extend, in like Manner, to all Proceedings for Recovery of small Debts, as if the Parties had brought their Actions at Law for the same.

Statute of Limitations confirm'd.

Places described where such Suits shall be tried.

* This entire Clause added.

*** And be it further Enacted by the Authority aforesaid,** That every Trial upon any such *English* Bill and Summons shall be had before the said Judges, and Justices, or any of them, at the respective Assizes, Sittings, and Grand Sessions of the County, City, or Jurisdiction, where such Plaintiff or Plaintiffs, Defendant or Defendants, shall both usually reside: But if it shall happen, that the said Plaintiffs and Defendants shall reside in different

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Places,

Places, then every such Trial shall be had at the Assizes, Sittings, or Grand Sessions of the respective Counties, Cities, or Jurisdictions, where the respective Plaintiff, or Plaintiffs, only shall usually reside.

* And the better to prevent the good Intents of this Act from being evaded, by having Suits commenced and prosecuted in any of the superior Courts of the Kingdom, whether of Law or Equity, in any Actions or Suits under such a Value as are limited to be determined in the Manner prescrib'd by this Act, for the general Ease and Advantage of the Kingdom, **Be it Enacted by the Authority aforesaid,** That from and after the Twenty-ninth Day of *September* aforesaid, no Writ on any personal Action (except on Actions of Slander, and Assault and Battery) shall be sued out of any of the superior Courts at *Westminster*, unless Affidavit be first legally made by the Plaintiff or Plaintiffs in such Suits, and filed in such Courts, setting forth, That the Debt, or Cause of Action, amounts to the Sum of Fifty Pounds, or more; and

^{50 l. not affecting Lands, cognizable only in the Courts established by this Act.}

* This entire Clause added.

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if any *English* Bill shall be filed in any of the Courts of Equity within this Kingdom, (unless the Matter demanded by such Bill, be for any Title to Lands and Hereditaments, or affecting the same,) and upon hearing the Merits of such Bill, it shall appear to the Court, that the Demand there in question doth not amount to the Value of Fifty Pounds, the Court shall dismiss such Plaintiff's Bill, and shall award treble Costs, to the Use of the Defendant, or Defendants, in the same; any Law, Statute, or Usage heretofore to the contrary notwithstanding.

Clerks of the
Civil Bills.

* This Clause
much alter'd.

* And be it further Enacted by the Authority aforesaid, That the Master of the *King's-Bench Office*, the Prothonotaries of the Court of *Common-Pleas*, and the Master of the Office of Pleas in the Exchequer, all for the Time being, shall be, and are hereby constituted Clerks of the Civil Bills in their respective Courts for the County of *Middlesex*; the two Secondaries of the Compters of the City of *London*, the several Prothonotaries of the Grand Sessions in *Wales*, and the several Prothonotaries of the Counties

[15]

Counties Palatine of *Chester*, *Lancaster*, and *Durham*, all for the Time being, shall be, and are hereby constituted, Clerks of the Civil Bills, for their respective Divisions and Counties; and the Clerks of the Assizes for the Time being of the several Circuits within *England*, shall be, and are hereby constituted Clerks of the Civil Bills in all Counties, Ridings, Cities, and Divisions, within their respective Circuits and Jurisdictions; all which said Clerks of the Civil Bills, or their sufficient Deputies, are hereby required to reside in the several Towns of the Counties, Ridings, Cities, or Divisions, within their respective Circuits, where the Assizes and Grand Sessions are or have been usually held, and to keep proper Books there for the Use of their said respective Counties, Ridings, Cities, or Divisions, wherein they shall enter all such *English* Bills, or Petitions, and Summons, and all Judgments, whether grounded on Decree or Verdict, and Proceedings thereon; to which Books all Persons may have Recourse at all Times, and take any Copy thereof, as Occasion shall require.

* And

* This Clause much alter'd.

* And be it further Enacted by the Authority aforesaid, That the several Fees or Sums following, and no more, shall be paid or taken from the Suitors in such Courts, or their Attorneys, than are hereafter limited and appointed, that is to say,

Fees. *The Plaintiff's Costs.*

The Attorney's Part.	* To the Attorney for drawing, engrossing, and signing the Bill, or Petition, Six Shillings and Eight Pence ; for copying and serving of such Bill and Summons upon the Defendant, or all the Defendants, Two Shillings and Six Pence; and for drawing Briefs for Council, (if any,) and attending the Hearing of the Cause, Ten Shillings,	} l. s. d.
		0 19 02

The Clerks of the Civil Bills Part.	To the Clerk of the Civil Bills for entering the Bill, or Petition, One Shilling; for signing the Summons Six Pence; for drawing up and entering the Judgment, Decree, Verdict, or Dismission, Two Shillings and Six Pence; and for making and signing every Execution One Shilling,	} l. s. d.
		0 05 00

To

To one Council, if any appear, for his Fee, Ten Shillings,	} l. s. d.	Council's Part.
	0 10 00	

To the Marshal for calling the Cause in Court Eight Pence, and swearing all the Witnesses on the Plaintiff's Side Four Pence,	} l. s. d.	The Marshal's Part.
	0 01 00	

Total	1 15 02
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The Defendant's Costs.

To the Attorney for copying the Plaintiff's Bill, or Petition, and close Copies, if any, for all Six Shillings and Eight Pence; and for drawing Briefs for Council, if any, and attending the Hearing of the Cause, Ten Shillings,	} l. s. d.	The Attorney's Part.
	0 16 08	

To the Clerk of the Civil Bills for every Search to copy the Plaintiff's Bill, or Petition, and for every other Search, or Entry of Satisfaction on any Judgment, Decree, or Verdict, Six Pence; and for making and signing every Execution One Shilling,	} l. s. d.	The Clerks of the Civil Bills Part.
	0 01 06	

To one Council, if any appear, for his Fee, Ten Shillings,	} l. s. d.	Council's Part.
	0 10 00	

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To

The Marshal's Part.	To the Marshal for swearing all the Witnesses on the De- fendant's Side Four Pence,	l. s. d.
		0 00 04
	Total	1 08 06

To the Sheriff, or his Depu-
ty, for executing every Exe-
cution, and for making the
Warrant, and for Return
thereof, One Shilling in the
Pound for the Whole.

Costs of Plaintiffs and Defendants limited to Sums in Gros.

* This entire Clause added.

* And to the Intent that the respective Plaintiffs and Defendants may, before they enter upon Suit, be appriz'd of the Costs and Charges which they are to expend or pay to each other in prosecuting and defending the same, according to the Powers limited in this Act; and that such Costs and Charges may be ascertain'd to Sums in Gros; **Be it Enacted by the Authority aforesaid,** That every Plaintiff, or Plaintiffs, shall, upon Dismission of every such *English* Bill, and Petition, as aforesaid, or upon every Judgment, whether grounded on Decree or Verdict, given on the Behalf of the Defendant, or Defendants, pay to such Defendant, or Defendants, or to their respective Attorneys for

for their Use, (besides the Poundage herein limited to the respective Sheriffs for levying Executions,) a Sum not exceeding the Sum of One Pound Eight Shillings and Six Pence, in full for all Manner of Costs for the Suit prosecuted against such Defendant, or Defendants: And every Defendant, or Defendants, shall, upon every Judgment, whether grounded upon Decree, or Verdict, given on the Behalf of the Plaintiff, or Plaintiffs, pay to such Plaintiff, or Plaintiffs, or to their respective Attorneys for their Use, (besides the Poundage herein limited to the respective Sheriffs for levying Executions,) a Sum not exceeding the Sum of One Pound Fifteen Shillings and Two Pence, in full for all Manner of Costs for the Suit prosecuted by such Plaintiff, or Plaintiffs: Which said respective Sums shall be, and are hereby declared to be, in full Payment and Satisfaction of all Costs and Charges whatever, to be claim'd as well by the respective Parties, Plaintiffs, and Defendants, from each other, as from the said Plaintiffs and Defendants by the respective Attorneys employ'd in such Suits: And every such Attorney, or Attorneys, are hereby

D 2 required

required and enjoin'd to demand or receive no other Fee, Gratuity, or Sum, whatsoever, directly or indirectly, than such Sum or Sums only as are hereby limited and ascertained, to be paid by such Plaintiff or Plaintiffs, Defendant or Defendants, for Costs, as aforesaid.

Causés tried in a Methodical Manner.

* This entire Clause added.

* And to the Intent that all Parties concerned in prosecuting and defending such Suits, may meet with no unnecessary Trouble in attending the said Judges and Justices, or any of them, for the Determination of the same; **Be it Enacted by the Authority aforesaid,** That the Clerks of the Civil Bills, or their Deputies, shall make exact Lists of all Causes to be tried by Virtue of the Limitations in this Act, before the said Judges and Justices, accordingly as such *English* Bills, or Petitions, shall be enter'd in their respective Offices; which said Lists the said Clerks of the Civil Bills shall sign, and return the same to the Sheriffs of the respective Counties of *England* and *Wales*, ten Days, at least, before the first Day of every Sittings in *London* and *Middlesex*, or first Day of every Assizes or Grand Sessions of the

the respective Counties and Cities aforesaid; which said Lists the said Sheriffs shall receive and fix up against the Bar of the said respective Courts three Days, at least, before the first Day of the said Sittings, Assizes, or Grand Sessions; to which said Lists all Persons may have Recourse *gratis*. And the said Judges and Justices, or any of them, are hereby required and directed to hear and determine all such Causes (whether in a Summary Way, or by Jury) without any undue Preferrance, in Order as the same shall be set down in such Lists; and to dispatch, in the first Place, all such Causes to be tried and determined according to the Directions of this Act, before any other Business shall be entered upon, at the said Sittings, Assizes, or Grand Sessions.

* **Provided always, and be it further Enacted by the Authority aforesaid,** That no more than one Council shall be heard for the Plaintiffs, and one for the Defendants, in each Cause; and that no Judge's Clerk, or Servant, Clerk of the Civil Bills, Sheriff, or his Deputy, or any other Perf-

None to act but sworn Attorneys or Solicitors in these Causes.

* This Clause much alter'd.

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Persons, (except sworn Attorneys and Solicitors,) shall be permitted to practise as Attorneys and Solicitors in any Causes to be heard and determined before the said Judges and Justices, or any of them, by Virtue of the Powers and Authorities in this Act limited and declared.

Penalty for Offences against this Act.

* This Clause much alter'd.

* And be it further Enacted by the Authority aforesaid, That if any Council, Attorney, Solicitor, Clerk of the Civil Bills, Sheriff, or his Deputy, or other Officers or Persons, shall wilfully do any Thing contrary to this Act, or shall demand or take any other or greater Sums than are herein limited and settled, he and they shall, for every such Offence, forfeit and pay the Sum of fifty Pounds, to be recovered by any Informer, to his own Use, in the summary Way prescrib'd by this Act: And every Council, Attorney, Solicitor, and Clerk of the Civil Bills, wilfully offending against the true Intent and Meaning of this Act, and being thereof legally convicted, shall, besides the Penalty before inflicted, be, and is hereby declared and deemed to be incapable for ever after to act as Council, Attorney,

Attorney, Solicitor, or Clerk of the Civil Bills, in any Court or Place, whatsoever, in that Part of *Great Britain*, call'd *England*.

* **Provided always, and be it further Enacted by the Authority aforesaid,** That Nothing in this Act contain'd shall

An Exception for Courts of Towns Corporate.

extend, or be construed to extend, to infringe, abridge, or take away any Privilege, Power, or Jurisdiction of any Courts holden before the Mayors, Sheriffs, or other Head-Officer, or Officers, of any Town Corporate, within that Part of *Great Britain*, call'd *England*; nor give any Power to the Judges of *Nisi Prius*, in their Sittings in *London*, to hear and determine any Debt under the Value of forty Shillings, to be due or owing from or to any Citizen or Freeman of the said City of *London*, or other Person or Persons inhabiting within the Precincts of the said City, being a Victualler, Trader, or labouring Man; and that the Powers, Authorities, and Jurisdictions of every Court belonging to any such Town Corporate, the Statute made in the third Year of King *James I.* [intituled, *An Act*

* This entire Clause added.

And Court of Conscience in *London*.

Act for the recovering of small Debts, and for relieving of poor Debtors in London,] shall be and continue, and have the same Force and Effect, as if this Act had never been made.

ACTIONS in Mayors or Sheriffs Courts under twenty Pound, not to be removed.

* This Clause alter'd.

* And whereas the frequent holding of the Mayors and Sheriffs Courts, within the City of *London*, as well as of the Courts of other Mayors, Sheriffs, or Head-Officers of the several Cities and Towns Corporate, within that Part of *Great Britain*, call'd *England*, have been found to be very beneficial and commodious to the Citizens, Freemen, and Inhabitants residing within the Precincts of the said City of *London*, and the other Cities and Towns Corporate aforesaid; notwithstanding which several vexatious Debtors do daily remove, by Writs of *Habeas Corpus*, Plaints and Actions commenced against them for small Debts, out of the said Courts into the Courts at *Westminster-Hall*, to the great Loss and Inconveniency of Plaintiffs prosecuting such Suits for small Debts, as well as Delay of Justice; for Remedy whereof, Be it Enacted by the Authority aforesaid, That

That if any Action or Suit, by Bill, or otherwise, shall be brought in any of the said Mayors or Sheriffs Courts, within the said City of *London*, or in the Courts of any other Mayor, Sheriffs, or Head-Officer of any Town Corporate, within that Part of *Great Britain*, call'd *England*, and it shall appear by the said Action, or be laid in the Declaration, that the Debt, or Matter in question, doth not exceed the Sum or Value of twenty Pounds, that then such Suit shall not be stayed, or removed into any of his Majesty's Courts at *Westminster*, by any Writ or Writs, whatsoever, to be sued out of the said Courts; but that the Judge or Judges of any such Mayors and Sheriffs Courts within the said City of *London*, or of the Courts of any other Mayors, Sheriffs, or Head-Officers of the several Cities and Towns Corporate, aforesaid, shall and may proceed in such Suits as shall appear not to exceed the said Sum of twenty Pounds, although there may be other Actions against such Defendant, or Defendants, which shall or may exceed the said Sum of twenty

E Pounds;

Pounds; any Law, Statute, or Usage, to the contrary notwithstanding.

This Act to be publicly read.

* This entire Clause added.

* And be it further Enacted by the Authority aforesaid, That this Act shall be publicly read, in open Court, the first Day of every Sittings in *London* and *Middlesex*, and at every Affizes and Grand Sessions, and at every Quarter Sessions of the Peace to be holden yearly next after *Easter*, and at every Leet, or Law-Day.

F I N I S.

