

the bounties shall have been paid.

paid, That no canvas or sail cloth shall be imported from *Ireland* into this kingdom but in whole or entire bolts or pieces; and if the loops or double threads of the said bolts or pieces so imported, which by the said act of parliament made in *Ireland*, in the nineteenth year of his present Majesty's reign, are directed to be part of the warp at the middle of that end of the web which is last in weaving, shall be cut off; or if such bolts or pieces be stamped with an impresson, importing the payment of either of the said bounties, then, and in either of the said cases, such canvas or sail cloth shall be deemed to have received the said bounty, and be liable to the payment of the respective duties laid and made payable by virtue of this act.

Duties to be paid as long as the bounties shall continue.

III. And be it further enacted by the authority aforesaid, That the said several duties of four pence and two pence a yard by this act imposed, shall continue and be paid on all such canvas and sail cloth imported into *Great Britain*, for so long time as the respective bounties allowed by virtue or in consequence of the said act of the parliament of *Ireland* shall continue, and no longer.

Officer of the customs may examine the pieces on importation, &c.

IV. And be it further enacted by the authority aforesaid, That upon the importation of any canvas or sail cloth from *Ireland* into this kingdom, it shall be lawful for the collector, comptroller, or other proper officer of the customs, to open, view, and examine the same; and if it shall appear that either of the said bounties has been paid, and no regular entry of such canvas or sail cloth has been made at such port where the same was so imported, then, and in such case, all the canvas or sail cloth so omitted to be entered as aforesaid, shall be forfeited and seized by any officer of the customs.

Method of ascertaining the duties.

V. And be it further enacted by the authority aforesaid, That if any dispute shall arise touching the duty which ought to be paid upon such canvas or sail cloth, such duty shall be ascertained in the same manner, and under the same forfeitures and penalties, as duties upon goods and commodities imported into this kingdom, and subject to payment of duties *ad Valorem*, are ascertained.

### C A P. XXXIII.

*An act for preventing delays and expences in the proceedings in the county court of Middlesex; and for the more easy and speedy recovery of small debts in the said county court.*

**W**HEREAS *sheriffs in their several county courts hold plea of all personal actions where the debt or damages do not amount to forty shillings: and whereas the proceedings in the county courts, in such actions have been found to be vexatious, expensive, and dilatory: for remedy thereof in the county of Middlesex, and for the more easy and speedy recovery of small debts within the said county; may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with*

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 fourth day of *June*, one thousand seven hundred and fifty, it shall and may be lawful to and for the suitors of the county court of *Middlesex*, together with the county clerk of the said county in county court assembled, or the major part of them the said county clerk and suitors so assembled, upon any plaint to be entered in the said county court in any suit where the debt or damages shall not amount to the sum of forty shillings, to proceed in a summary way, and from time to time to make such order or decree, orders or decrees, as shall seem to them, or the major part of them so assembled, to be just and agreeable to equity and good conscience; and for the better discovery of the truth, and more speedy obtaining the end of such suits, be it further enacted by the authority aforesaid, That it shall and may be lawful for the said suitors and county clerk in the county court aforesaid, to examine the plaintiff or plaintiffs, defendant or defendants, and their witnesses, *viva voce*, upon their several corporal oaths.

Suitors of the county court, and the county clerk, may determine suits for debt under 40s. in a summary way;

and examine the parties upon oath.

II. And be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, it shall and may be lawful for the sheriff of *Middlesex*, by his county clerk, to hold his county court, for the proceeding in pursuance of and under the authority of this act, on *Thursday* in every week, at some convenient place, within the hundred of *Ossulston* in the county of *Middlesex*, and on the first *Tuesday* in every month, at some convenient place within the hundreds of *Isleworth* or *Elthorne*, and on the last *Tuesday* in every month, at some convenient place within the hundred of *Edmonton*; provided always, That the monthly court of the said sheriff shall nevertheless be held and kept as has been accustomed.

Times and places appointed for holding the county court.

III. And be it enacted by the authority aforesaid, That such persons, and such persons only, shall be deemed and taken to be suitors of the said county court to be held by and under the authority of this act, as are qualified to serve on juries on trials at *Nisi Prius* in the courts of *King's Bench*, *Common Pleas*, and *Exchequer*, at *Westminster*, by virtue of the laws in being.

Who shall be deemed suitors.

IV. And be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, no plaint to be entered in the said county court, as aforesaid, nor any order or orders or other proceedings to be had thereupon by virtue of this act, shall be removed out of the said court by any writ of *Recordari facias Loquelam*, *Certiorari*, or false judgement, or otherwise howsoever; but such order or orders so to be made by the said suitors and county clerk shall be final and conclusive to all parties whatsoever; provided nevertheless, that all plaints in replevin shall be proceeded in, and removeable in the same manner, as if this act had not been made; provided also, That no person or persons shall be liable to be summoned to the said county court at the suit of any plaintiff or plaintiffs,

No plaints, or orders of the court, may be removed;

except plaints in replevin.

Who may be summoned to the court.

other

Jurisdiction of the county court, not extended by this act. other than such person or persons as was or were liable to be summoned to the county court of *Middlesex*, before this act was made, and that this act shall not extend to give the said county court any jurisdiction to hold plea of, or to hear or determine any action, cause or suit, other than such action, cause, or suit, as the county court of *Middlesex* might have held plea of by plaint before the making of this act.

Parties not conforming, may be committed.

V. And be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, after any plaint shall have been entered as aforesaid, and the defendant or defendants shall have been duly summoned, and either the plaintiff or plaintiffs in the said plaint named, or the defendant or defendants shall neglect or refuse to abide by and perform such order or orders, as the said suitors and county clerk shall, from time to time, make, pronounce, and set down in writing; then it shall and may be lawful to and for the county clerk for the time being, by warrant in writing under his seal, to commit such plaintiff or plaintiffs, defendant or defendants, to the county gaol of the said county, or any other common gaol within the said county, there to remain for the space of three calendar months, or any shorter space of time, at the discretion of the said suitors and county clerk; provided nevertheless, that if the person or persons so committed shall, before the expiration of the time for which he, she, or they shall be committed, perform such order or orders, then he, she, or they shall forthwith be discharged.

Where an order for payment of money shall be made, the county clerk may issue a precept for levying.

VI. And be it enacted by the authority aforesaid, That in any case where the said suitors and county clerk shall have made any order or decree for the payment of money, it shall and may be lawful for the said county clerk, at the prayer of the party prosecuting such order or decree, to issue a precept under his seal in the nature of a writ of *Fieri Facias*, which precept shall be directed to one of the bailiffs attending the said court, who is hereby authorized to levy the sum or sums of money mentioned in such precept, in the same manner as any sheriff may levy money by virtue of any writ of *Fieri Facias* issuing out of any of his Majesty's courts of record at *Westminster*.

Under sheriff to deliver every month, three lists of 12 freeholders, to attend.

VII. And be it enacted by the authority aforesaid, That the under sheriff of *Middlesex* for the time being, after the said twenty fourth day of *June*, shall, six days before the end of every month, deliver to the county clerk of the said county three several lists, each list containing the names and places of abode of twelve persons, to be by the said sheriff taken from the freeholders book of the said county of *Middlesex*, as suitors to attend the said county court for the succeeding month for the several divisions hereafter named; that is to say, one list for the hundred of *Ossulston*, one for the hundred of *Isleworth* and *Elthorne*, and one for the hundred of *Edmonton*; and the county clerk of the said county shall cause the said persons in the said several lists named, to be summoned to attend the said court at the time and place to be mentioned in the said summons; for each

each of which lifts the faid county clerk fhall pay the faid under fherriff the fum of four pence, and no more; and no other fuit- or, except the perfons fo summoned, fhall have any voice in the faid county court, held under the authority of this act; and no person fhall be liable to be put upon fuch lift to attend the faid court as a fuitor thereof, oftner than once in every year.

None to at- tend but once in a year.

VIII. And be it further enacted, That if any fuitor fo qualified as aforefaid, after having been duly summoned to attend the faid court, fhall neglect or refufe to attend according to fuch summons, and there fhall not be a fufficient number of fuitors to proceed in the bufinefs of the faid court, then it fhall and may be lawful for the faid county clerk to amerce fuch fuitor as fhall not attend in any fum not exceeding twenty fhillings, to the ufe of the poor of the parifh where the faid court fhall fit, to be recovered by the overfeers of the poor of the faid parifh for the time being, or any one of them, by plaint in the faid county court, in the fame manner as any other debt or demand may be recovered in the faid court under the authority of this act.

Suitors not attending, to be amerced 20 s.

IX. Provided always, and be it enacted by the authority aforefaid, That no person or perfons refiding or dwelling within the hundreds of *Goare, Elthorne, Spelthorne, or Ifleworth*, fhall be liable or obliged to attend the faid county court, either as a fuitor or defendant, in any other place than within the faid hundreds of *Ifleworth* or *Elthorne*; and no person or perfons refiding or dwelling within the hundred at *Edmonton*, fhall be liable or obliged to attend the faid court in any other place than within the faid hundred of *Edmonton*.

Where the inhabitants of particular places fhall be liable to attend.

X. And be it further enacted, That every fuitor attending the faid court, before he enters on the hearing or determining any matter in controversy, fhall take the following oath to be adminiftered by the faid county clerk or his deputy, who is hereby authorized to adminifter the fame, that is to fay,

Suitors to be fworn.

**I** Swear, That I will impartially and truly hear and determine the feveral matters in controversy which fhall be brought before me, as a fuitor of this court, according to the evidence, and the beft of my skill and judgement.

The oath.

So help me God.

XI. And be it enacted by the authority aforefaid, That if any person or perfons fhall be guilty of any contempt or difturbance of the faid court, fitting the court, then it fhall and may be lawful for the faid fuitors and county clerk to order fuch person or perfons to be taken into the cuftody of any officer or officers attending the faid court, which officer or officers is and are hereby required and authorized to detain fuch person or perfons in his or their cuftody during the fitting of the faid court, and the faid fuitors and county clerk may, if they think fit, amerce fuch person or perfons, in any fum, not exceeding forty fhillings, to the ufe of the poor of the parifh where the faid court

Penalty on contempt or difturbance of the court.

shall fit, to be recovered by the overseers of the poor of the said parish for the time being, or any one of them, by plaint, in the said county court, in the same manner as any other debt or demand may be recovered in the said court under the authority of this act.

County clerks,  
and officers  
fees.

XII. And be it further enacted, That the county clerk for the time being, and the other officers of the said court, shall receive and take the fees under-written, and no other or greater fees, that is to say,

The county clerk for entering the plaint, four pence.

For every warrant, four pence.

For every summons, four pence.

For every order, eight pence.

For entering every order, four pence.

For hearing, six pence.

For execution, four pence.

For entering the appearance of the defendant or defendants, six pence.

The crier for every call, one penny.

The officer for summoning, four pence.

The officer for execution on the goods, two shillings.

On the person, three shillings.

Table of fees to be hung up. A table of which fees shall be publickly hung up in every place where the said county court shall be held.

William  
Whittaker  
esquire, con-  
tinued county  
clerk.

XIII. And be it enacted by the authority aforesaid, That *William Whittaker* of the *Middle Temple, London*, esquire, the present county clerk of the said county of *Middlesex*, shall continue county clerk of the said county, so long as he shall behave himself well in the said office; and from and after the resignation, removal, or death of the said *William Whittaker*, and so often as the said office shall become vacant, the sheriff of the county of *Middlesex* for the time being, shall appoint a sufficient person to be county clerk of the said county, who at the time of such appointment shall be of the degree of an utter barrister of three years standing at the bar, and be approved by the lord high chancellor, lord keeper or commissioners of the great seal, the lord chief justice of the court of *King's Bench*, and the lord chief justice of the court of *Common Pleas* for the time being, or any two of them, which person so appointed and approved shall continue county clerk so long as he shall behave himself well.

Sheriff to ap-  
point future  
county clerks.

County clerk  
to be sworn.

XIV. And be it enacted by the authority aforesaid, That the said *William Whittaker* shall, within one month after the said twenty fourth day of *June*, and every succeeding county clerk of the said county, within one month after his appointment and approbation as aforesaid, take the following oath in the county court aforesaid, that is to say,

The oath.

I A. B. do swear, That I will well and truly execute the office of county clerk of the county of *Middlesex*, according to the best of my

my skill and knowledge, and that I will not deny or delay justice, and will not by myself, or knowingly by any deputies, clerks, or servants under me, or by any other person or persons, receive or take, or cause, or permit, or suffer to be received or taken, any greater or other fees in my said office of county clerk, than such as are directed to be taken in and by an act made in the twenty third year of the reign of his majesty King George the Second, intituled, An act for preventing delays and expences in the proceedings in the county court of Middlesex, and for the more easy and speedy recovery of small debts within the said county court.

So help me God.

Which oath shall and may be administered by any two suitors present, and shall be entered in the county court book, and signed by the said county clerk, and attested by the suitors present at the administration thereof.

XV. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the county clerk of the said county for the time being, to appoint his sufficient deputy to act for him in the said office of county clerk, which deputy in the absence of the said county clerk, shall have the same authority as if himself was present, provided nevertheless that such deputy be of the degree of an utter barrister of three years standing at the bar, and provided such deputy be nominated by the said county clerk in open court, three weeks at the least before his appointment, and the majority of the suitors present at the said appointment assent thereto; and the said deputy shall at every court before he proceeds to the hearing or determining any matter in controversy, take the oath herein before directed to be taken by the suitors of the said court, except the words, *As a suitor of this court*, which oath shall and may be administered by any two of the suitors present.

XVI. And be it enacted by the authority aforesaid, That if the said county clerk, or any other county clerk of the said county, shall not behave himself well in his said office, it shall and may be lawful for any twenty four or more freeholders of the said county, to apply by petition to the lord high chancellor, lord keeper or commissioners of the great seal for the time being, thereby complaining of the misbehaviour of the said county clerk, and upon such petition it shall and may be lawful for the said lord high chancellor, lord keeper or commissioners of the great seal, the lord chief justice of the court of *King's Bench*, and the lord chief justice of the court of *Common Pleas* for the time being, or any two of them, to meet together, and to hear and determine the said complaint in a summary way; and in case the said county clerk shall be found, upon due examination and proof before them, to have been guilty of any such misbehaviour in the said office, then and in such case, it shall and may be lawful for the said lord high chancellor, lord keeper or commissioners, and the said chief justices, or any two of them, to remove the said county clerk from his said office.

K 2

XVII. And

Penalty of perjury.

XVII. And be it enacted by the authority aforefaid, That if any perfon or perfons fhall make oath, or give evidence in any caufe depending in the faid county court, whereby he, ſhe, or they fhall commit wilful and corrupt perjury, and thereof be duly convicted, then every ſuch perfon or perfons fhall incur and ſuffer the like pains and penalties, as any other perfon or perfons convicted of wilful and corrupt perjury is or are liable to by the laws and ſtatutes now in being.

Officers, &c. ſued for acting,

may plead the general iſſue.

XVIII. And be it enacted by the authority aforefaid, That in caſe any action or ſuit ſhall at any time hereafter be commenced or brought againſt any member, officer, or miniſter of the faid county court, or againſt any other perfon or perfons, for or in reſpect of his or their acting in purſuance of or under the authority of this act, That it ſhall and may be lawful for ſuch perſon in every ſuch action or ſuit to plead the general iſſue, and give this act and the ſpecial matter in evidence, and the warrant or precept under the ſeal of the faid county clerk, being duly proved in any ſuch action or ſuit, ſhall be deemed a ſufficient proof of the authority of the faid county court, and of all other proceedings in the faid court, previous to the iſſuing of ſuch warrant or precept; and in caſe the plaintiff or plaintiffs in ſuch action or ſuit ſhall have a verdict paſs againſt him or them, be nonſuit, or diſcontinue his, her, or their action or ſuit the defendant or defendants ſhall, in any of the faid caſes, be allowed double coſts.

Double coſts.

In ſuits proſecuted at Weſtminſter, which are liable to be ſued in the county court,

the defendant to have double coſts.

This act not to extend to the Tower, or the Tower Hamlets,

or to the city and liberty of Weſtminſter.

XIX. And be it further enacted, That in caſe any action of debt, or action upon *Aſſumpſit*, ſhall be commenced and proſecuted after the faid twenty fourth day of *June*, in any of his Maſtey's courts of record at *Weſtminſter*, and the defendant or defendants, at the time of ſuch action brought, ſhall live or reſide in the faid county of *Middleſex*, and be liable to be ſummoned to the faid county court, and the jury upon the trial of ſuch caufe ſhall find the damages for the plaintiff under the value of forty ſhillings, unleſs the judge ſhall in open court certify on the back of the record, that the freehold, or title to the plaintiff's land, principally came in queſtion, or that an act of bankruptcy principally came in queſtion at ſuch trial, then, and in ſuch caſe, no coſts ſhall be awarded to the plaintiff in ſuch action, but the defendant or defendants ſhall be intitled to, and recover double coſts of ſuit.

XX. Provided always, and be it enacted by the authority aforefaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to his Maſtey's *Tower of London*, or the ſeveral pariſhes, liberties, precincts, hamlets, and places, within the *Tower Hamlets*.

XXI. Provided always, and be it enacted by the authority aforefaid, That nothing in this act contained, ſhall extend, or be conſtrued to extend, to the city and liberty of *Weſtminſter*, and the precincts of the ſame, and ſo much of the ſeveral pariſhes of *Saint Clement Danes*, and *Saint Mary le Strand*, in the county of *Middleſex*, as lies without the city and liberty of *Weſtminſter*; and alſo in the precincts of the *Savoy*, adjoining thereto.

XXII. And

XXII. And be it further enacted, That this act shall be deemed a publick act.

## C A P. XXXIV.

*An act for permitting raw silk of the growth or produce of Persia, purchased in Ruffia, to be imported into this kingdom from any port or place belonging to the empire of Ruffia.*

**W**HEREAS by an act made in the fourteenth year of his present Majesty's reign (intituled, An act for opening a trade to and from Persia through Ruffia) it is (amongst other things) enacted, That from and after the twenty fourth day of June, one thousand seven hundred and forty one, it shall and may be lawful to and for any person or persons, free, or to be free, of the fellowship of English merchants for discovery of new trades, commonly called The Ruffia Company, exclusive of all others, to bring and import into this kingdom, in British built shipping, navigated according to law, from any port or place of or belonging to the Czar or Emperor of Ruffia, raw silk, or any other goods or commodities of the growth, produce or manufacture of Persia (provided such manufacture be made of the growth or produce of Persia) being purchased by barter with woollen, or other manufactures, goods, or commodities, exported from Great Britain to Ruffia, and from thence carried into Persia (gold and silver in coin or bullion excepted) or with the produce arising from the sales of such manufactures, goods, or commodities; so exported to Ruffia, and carried into Persia, as aforesaid, and not otherwise: and it is by the said act also further enacted, That no silk, or other produce, commodities, or manufactures of Persia, shall be imported into Great Britain through Ruffia, by virtue of the said act, unless the importer or importers thereof do take an oath, or (being of the people called Quakers) a solemn affirmation, before the collector, customier, or comptroller of his Majesty's customs (who are by the said act impowered to administer the same) at the port or place of importation, that, to the best of his or their knowledge and belief, the silk, and other the produce, commodities, or manufactures of Persia, contained in his or their entry or entries, was or were really and truly purchased by barter with woollen, or other manufactures, goods, or commodities, exported from Great Britain to Ruffia, and from thence carried into Persia (not being gold or silver in coin or bullion) or with the produce arising from the sales of such woollen, or other manufactures, goods, or commodities, so exported as aforesaid, and not otherwise; and that in default of taking such oath or affirmation, all such silk, or other the produce, commodities, or manufactures of Persia, so imported from Ruffia, shall be liable to be seized and forfeited, in like manner, as if the same had been imported contrary to the act made in the twelfth year of the reign of King Charles the Second, intituled, An act for encouraging and increasing of shipping and navigation: and whereas, soon after the commencement of the said act made in the fourteenth year of his present Majesty's reign, a very beneficial trade between Great Britain and Persia, through Ruffia, was opened, by