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UC SOUTHERN REGIONAL LIBRARY FACILITY

A  
**LETTER**

ADDRESSED TO

**A NOBLE LORD**

ON

**The Bill**

FOR THE

**MORE CONVENIENT RECOVERY OF SMALL DEBTS**

IN

**ENGLAND AND WALES,**

POINTING OUT

**ITS IMPRACTICABILITY AND IMPOLICY.**

---

Niuna cosa è più facile, che urtare in un errore di legislazione; ma niente è più difficile a curarsi, niente è più pernicioso alle nazioni. Una provincia perduta, una guerra male intrapresa, sono flagelli di pochi momenti. Un istante felice, una vittoria d'un giorno può compensare le sconfitte di più anni: ma un errore politico, un errore di legislazione può produrre l'infelicità d'un secolo, e può preparare quella dei secoli avvenire.—FILANGIERI.

Nothing is more easy than to commit an error in legislation, though nothing is more difficult to rectify, and nothing so destructive to a country. The loss of a province, or an ill-conducted and injudicious war, is the scourge of a moment. A fortunate opportunity, the victory of a day, may compensate for and counter-balance defeats for years; but a political mistake, *an error in legislation*, involves the ruin of a nation, and prepares its misery for ages of futurity.

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**LONDON:**

PRINTED BY THOMAS DAVISON, WHITEFRIARS.

UNIVERSITY OF CALIF. LIBRARY, LOS ANGELES



STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

IN SENATE, JANUARY 11, 1907.

REPORT OF THE  
COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1906

## A LETTER,

&c.

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MY LORD,

I HAVE read the bill for the more convenient recovery of small debts, which your Lordship is about to introduce into Parliament. Whatever may be its tendency or wisdom, as an act of parliament, in regard to its immediate object, the advantages of its collateral tendencies are very manifest; and some of them I will point out. I am but a short-sighted individual, and my observations being necessarily limited from imperfect vision, I can only seize on a few of those advantages, leaving its general bearing to be pointed out by men more clear-sighted than myself. Its beneficial effect, in diminishing the stamp duties, is beyond all praise; because it will immediately merge at least one half of the revenue produced by the taxes on common law proceedings. In preparing this bill, it is evident your inventive mind must have taken an accurate view of the law as it stands, and being fully satisfied of its imperfections, it seems to have suggested to you facilities of amend-

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ment that ordinary men have despaired of discovering. But perhaps in your general and extensive grasp at this mighty subject your mind has been directed to the great, rather than to the little distinctions of legislation: permit me, therefore, to put you in possession of a few facts, which you may have passed over, and which are familiarised to me by my daily drudgery.

The nature of your Lordship's recent studies having prepared your mind for the reception of general legal truths, I shall trust to your concurring with me in some general assertions, that all lawyers are acquainted with, and about which I do not think any of competent judgment can differ. According to our present code of laws, on the commencement of an action in the courts at Westminster, the plaintiff pays to the revenue 10s., being 5s. for a retainer stamp, and 5s. for a writ stamp; and if the defendant appears, he also pays 5s. for a retainer, and 2s. 6d. for his appearance; and of the total number of writs issued into the country, if your Lordship will direct inquiry at any of the agency offices, you will find that more than two-thirds of such writs are issued on debts not exceeding 15*l*. The average number of writs, notailable, exceeds two-thirds of the total number issued; but as some are sued out on actions not within your act, I have made a hasty calculation, and I find that two-thirds of all the writs

sent into the country are for actions of debt, trover, or detinue, in amount under 15*l.* each. The other kind of stamps which are used in each action bear a similar proportion, and perhaps two-thirds in value of the entire consumption of stamps on common law proceedings, arises from the actions that your bill takes out of the jurisdiction of the superior courts.

I need not tell you that the remaining stamps, the use of which will, by your bill, be diminished in like proportion, are for bail pieces, declarations, pleas, summonses, orders, rules to plead, records, subpoenas, writs of venire, distringas, habeas corpus, and judgments; one stamp at least of each sort (and most of them are for 5*s.* or 10*s.* a piece) is used in every action which goes to trial. Therefore the beneficial operation of your bill, in taking away the produce of the stamp revenue, is very apparent; and as there will not be above half of the usual demand for law proceedings, the advocates for reform and retrenchment will perhaps be gratified by a great reduction of the expenses of the stamp office establishment. In return for the diminution your bill will produce in this department, it will be consoling to the mob politicians of the day to observe, that your proceedings, which are to supersede the present proceedings, will not require any stamp whatever. Perhaps you will read this part of my letter with pleasure,

because it tends to show that this result alone is sufficient to establish the excellence and propriety of your measure, and that its economical plan is too plain and admirable to be disputed or disapproved; but I wish you, my Lord, to suspend for a moment this pleasure; for in truth, I do believe, and I trust others will ere long believe, that your scheme is more expensive, and more detrimental to the ends of justice than the old mode. Your Lordship may perhaps exclaim, Can my plan be more expensive, which does not require even one stamp, than a proceeding which, in its commencement, requires at least several five shilling stamps? Yea, my Lord, and less efficient; and if you will be patient a little while, I will endeavour to prove to your Lordship the truth of this statement.

The greater part of contracts between man and man are made by persons whose wealth is very circumscribed; and the majority of them do not, on an average, relate to any thing exceeding in value the sum of 15*l*. It is for this reason, that so great a proportion of the actions commenced are in value less than the sum over which your new bill will establish a strange jurisdiction. The parties between whom these numerous bargains are made, are, from difference in their wealth, education, and principles, more prone to differ, dispute, and litigate about their claims, than the more opulent ranks of society; and a transaction of little

importance is as open to misunderstanding, intricacy, fraud, and litigation, as the more important dealings of mankind. Small debts too are of as much value to men of little substance as larger amounts are to men of greater capital, and they involve points as necessary to be disputed, discussed, and supported as any other. This outline will enable your Lordship to consider the grounds and the truth of my assertion, that two-thirds of the actions commenced are for sums within the scope of your bill. Of the practicability, utility, and economy of your novel jurisdiction I will add a word or two by and by.

The real operation of your bill on the stamp revenue cannot be mistaken; but, perhaps, your Lordship would be at a loss to point out any practicable arrangements to satisfy ministers that they can do without it; or to find out any other objects of taxation more fit in their judgments than those your bill will take away: and to such as it concerns, the hints I have given on this head will, I hope, have due weight, without my labouring farther to support the truth of my premises by a detail of evidence which would form unanswerable proofs of their accuracy. The decrease of revenue at the stamp office arising from your bill will be immediate and undeniable, and if that revenue cannot be spared, a substitute for it will not be easily found.

Now let us look to a collateral and remote effect which it will probably have on stamps, as connected with the profession of attorneys of the courts at Westminster. The present practising attorneys have expended great sums of money on the faith of the profession continuing what it has been, and from the 10th of October, 1808, to the 28th of April, 1819, the attorneys of these courts paid for stamps on articles of clerkship, admissions, and certificates (being direct taxes out of their pockets, totally unconnected with their profits), a sum exceeding in amount 1,115,730*l*. I have added to the end of this letter a detailed statement of this sum. If nearly two-thirds of the preliminary common law proceedings are taken from them by your scheme, do you think it possible that a similar revenue from the same body can be raised during the same period? or will the same number of persons enter into a profession, the emoluments of which your measure seeks to destroy? These are questions you may disregard; but they are questions which I expect Mr. Vansittart will like to see satisfactorily answered, before you get him to support this Utopian measure, and it is enough for me to put them, without troubling myself about answers; for it does not require a senator's wisdom to set them at rest.

As far as I have written I have written correctly; but more profitable occupation than the



present does not allow of my writing this letter otherwise than by way of loose hints, rather than by way of arguments supported by detailed proofs. The proofs of every thing that I have advanced may, however, be easily obtained at the Stamp Office, and by searching the number of precipes for writs of late years, and the proper offices for appearances to them. The proportion of actions under 15*l.* value may, as to such as are defended, be known by searching the common appearance books, and the judges' books, for the special bails entered in each term. If I do not state the precise evidence for my assertions, I give you, my Lord, the index to knowledge, which supports them, and you may prove them for yourself.

There is another class of persons which your bill will affect, who do more work for less money than any class of persons I know, if we take into consideration the nature of their situations, and the time, education, expenses and labour necessarily incurred to fit them for their duties: I allude to the judges of the superior courts. Their clerks and some of their attendants, (a very useful body of men), I apprehend, are at present supported by the fees incident to their respective situations; but if your bill passes into a law, judges will have cast upon them the burthen of paying their clerks and attendants out of their purses, by the operation of your bill. I have not

any intention of doing more than to give your Lordship and the promoters of this bill a few hints ; but if you wish to hear of other quarters from which your bill will sweep away several thousands a year, I refer you to the Lords Chief Justices, and the Lords Ellenborough and Kenyon, Mr. Markham, and Mr. Law ; the four last-named gentlemen being, I am informed, officers who have innumerable good reasons for being able to afford your Lordship considerable information on subjects of legislation connected with your present inquiries ; or if they, from not discharging the duties of their offices personally, should be at a loss on this head, their respective deputies "*can a tale unfold*" that will induce them to pause before they will aid your ingenious plan.

In addition to the increase of taxes to support the judges, which will be the consequence of your bill becoming the law of the land, the country will have to provide salaries for the Master of the King's Bench, the Prothonotaries, the Secondaries and all their clerks, whose income is dependent on fees, and who must, to be capable of discharging their duties, be selected from the well informed and the most respectable part of the profession, and whose future fees will be so much diminished, that their offices, if not favoured with grants from the revenue, by way of salary, will not be worth holding. It is necessary, that the public law officers

should be liberally paid, or their offices will not be properly filled, and we shall have the ignorant, and the illiterate, if not the dishonourable part of the profession, placed in the most important and the most delicate legal situations. Extraordinary low charges in law-suits are vices; and if you make law-suits very cheap, you make them very numerous, and introduce into the conduct of them scoundrels, totally destitute of every honest principle. If men are permitted to go to law for a trifling expense, the working classes will become litigious idlers, and will mix with the low practitioners of the law, and they will corrupt their principles as much as men's principles, at present, become corrupted by association with the dishonest debtors who fill our gaols under the provisions of the insolvent act. Many insolvents may go into a gaol honest men, but do many come out with untainted principles?

I am not ignorant that your Lordship, and those who think with your Lordship on this subject, will be ready to draw inferences from what I have written unfavourable to my own conclusions, and tending to support the principle of your extraordinary measure; but such inferences will be produced by a superficial and erroneous, rather than a solid and extensive view of the subject.

An erroneous notion has gone abroad as to the present system of our law, and the costs of suing for small debts; the fact is, that though two-thirds of the actions commenced, are for causes

of suit not amounting to 15*l.*, yet nine-tenths of such suits are settled, and the costs paid before they have proceeded so far as to subject the plaintiffs in them to any costs whatever; and the ruinous consequence of such suits does not depend on the law charges, or the difference between taxed costs and costs between attorney and client, if the suits are ended without going to the assizes. It is the practice of many attorneys not to charge any extra costs on proceedings for sums under 20 or 30*l.* which terminate as most of them do, before it is necessary to pass the record, and go to a jury. And it is only on the latter occasions, that the parties suing for small debts cannot be gainers by litigation.

Your bill, my Lord, has been settled by a committee of the lords of England, who, in the plenitude of their good nature, have given their judge six-pence for a judgment, and his bailiff a shilling for executing it. Oh, how just is senatorial wisdom! The principle of paying a judge according to the number of his judgments, was perhaps suggested to your lordship from the contemplation of our highest seat of justice, to which place if you would carry it, the suitors would have reason to thank you. There, despatch alone is wanted: on the excellence of the judgments all men are agreed. On that bench, it is only necessary to spur the ideas to a conclusion, for when they do move, it is without fault, favour or affection.

The law is a profession hated by the wicked, because it punishes them very severely; but there is not a hater of the profession, who can say on your Lordship's system, that the labourers are unworthy of their hire. Your lordship, as to fees, has a two-penny attorney, a sixpenny judge, and a shilling bailiff\*. This is as it should be, because to conduct the suit, and give the judgment, mind alone is required; but to execute it strength of arm is requisite, as well as understanding.

The votes of the House of Commons of the 14th instant inform me, that a committee, composed chiefly of lawyers by profession, is appointed to inquire into the practice of the law; and among other objects of inquiry, one is to consider on the propriety of permitting gentlemen with degrees from the University, to be admitted attorneys in three years; and your Lordship's bill kindly provides that when admitted, these Cantabs and Oxonians shall be entitled to about *2s. 6d.* "*and no more,*" for conducting a cause under your new bill, from its commencement to its close, including the pleadings and attending the hearing; and for this purpose forsooth, we are to have gentlemen *with academical degrees.*

I observe your bill, my Lord, prohibits counsel from practising in your court; and as it will take away most of their present fees on interlocutory motions, and many at the assizes, the committee in the House of Commons is providing, on their

\* These are the fees directed to be taken by the bill.

quitting the bar for their convenient admission (honoured by their university degrees) among the twopenny attorneys. Call you this backing your friends, my Lord? It is to be lamented, that the lords to whom this bill was committed never filled seats of justice, for if they had, I cannot believe they would have treated the bar and the judgment seat so unworthily.

It is trying causes for small sums at the assizes, upon the present system of taxation, my Lord, that prevents plaintiffs gaining any thing by verdicts for sums under fifteen pounds; and the absurdity of this system of taxation has been well explained in a pamphlet on the subject, by Mr. Frost, which is printed in the seventh volume of the Pamphleteer. The taxed costs on the proceedings, up to passing the record for trial, on all those petty actions, are almost the same between party and party, as between attorney and client; and it is not till the attorney necessarily seeks after and examines into the evidence (for which, between party and party, nothing is allowed) that a successful plaintiff finds any reason to complain. On every bill that is taxed, after a verdict at the assizes, an affidavit is produced of all payments, from passing the record to stamping the postea, previous to taxing the attorney's bill; and of those payments, though fairly and properly made, it is seldom that two third parts are allowed on taxation; and the attorney himself

has not any profit on them, though he makes the advances. His client suffers, and he does not gain. Indeed, he is never allowed half the expenses he is put to; and in general he is not allowed so much for loss of time, and his expenses, as he incurs in travelling to the assizes, and payment for his bed. At the assizes, the common charge is a guinea for a bed, and the attorney is only allowed, on taxation, that sum for his daily services. If your Lordship, instead of framing this impracticable law about which I am writing, had endeavoured to get fair allowances to suitors, for money paid to witnesses and counsel, in lieu of the petty sums now allowed, you would have more effectually served the country than by this act of parliament, which, if passed, cannot be carried into execution with any benefit to the public.

I have before stated, that your plan is more expensive and more oppressive than the old system; and it is so, my Lord, because the paltry saving in the interlocutory pleadings does not, in any manner, relieve the plaintiff from the enormous and unavoidable expenses of taking his witnesses to the court; who must be conveyed there at the same expense as to the assizes; but unless the costs are taxed on more liberal principles than at the superior courts at Westminster (which cannot be expected to be the case), the plaintiff will as vainly seek for benefit by a suit car-

ried to your Lordship's court of justice, as he now does by one carried to the assizes. And it is never to be forgotten, my Lord, that, upon your plan, a plaintiff has scarcely any chance of getting his debt, *without taking his cause into court* and incurring the heavy expenses incident to an assize trial, because his debtor can put him to this charge for less than sixpence; and yet, for debt and costs, when recovered according to your Lordship's theory, the defendant cannot be imprisoned in many cases more than twenty or forty days, and in no case more than two months.

On this system, my Lord, there are many idle rascals, who would make a trade of contracting debts for a few pounds; and, after living on the credit obtained, would gladly go to gaol for your limited time, to return again to the same plunder. A dishonest man may get more, and live better, on this principle, than by what can be earned by the wages paid for ordinary labour; and to such men your Lordship's bill holds out temptations to idleness and fraud. If a vagabond, too idle to work, and too poor to live without it, can gain credit for ten or fifteen pounds, he may let judgment go against him, and live till trial, and during his confinement in gaol, *more luxuriously* than by applying himself to industrious habits. Your bill, viewed in this light alone, sufficiently manifests that it is erroneous and impolitic.

It is very common for a debtor to inquire for how much money he can drive his creditor to



trial; and the costs of doing so frequently induce the debtor to let judgment go by default, when an honest principle affords no such influence. On your Lordship's system, a debtor is enabled, for a few pence, to drive his creditor into court, with his witnesses; and, by doing so, in nine cases out of ten, for want of proper advice, the plaintiffs will be put to more costs in recovering their debts than they are at present. Your bill, indeed, my Lord, in addition to the necessity of producing witnesses in the first instance, requires the parties to be examined themselves; and thus it seeks to introduce innumerable perjuries and frauds, by the novel proceeding of permitting a party to give testimony, for his own benefit, in his own cause. If the balance of testimony requires the parties' own evidence, and it is contradictory, will not your Lordship's sixpenny paid judge and his jury be placed in a labyrinth from which his three years standing at the bar cannot easily extricate them? Indeed, my Lord, I hope I shall never live to see this principle introduced into any English court of justice, because when once admitted, God only knows into what courts it may travel.

\*Twill be recorded for a precedent,

And many an error, by the same example,

Will rush into the state: it cannot be.

Why, my Lord, are the majority of the subjects of this kingdom to have their petty disputes settled

on different rules of evidence from those adopted in the higher courts? The superior courts surely adopt the best. And would you thrust upon the poor different principles of decision, and different modes of extracting evidence, than the legislature applies to the rich? This never ought to be done.

To go minutely through your Lordship's bill the limits of my letter will not permit, but I could not look without surprise at the strange judge who is about to be created, and I turned to all the writers on jurisprudence in my own library to find his prototype; I examined in vain these writers, from Grotius and Montesquieu down to Filangieri and Jeremy Bentham, till in my dilemma I turned to Boccaccio, whose writings are more than any other in unison with your Lordship's bill, and there I discovered, in the fifth novel of the eighth day's entertainment, the exact prototype of the judge, the suitors, and the court, which this bill, if it passes, will establish. Pray, my Lord, turn to the text on which your Lordship's bill is a worthy commentary, for I know not whether a man of understanding will find more amusement in the pleasant tale of Boccaccio than in your Lordship's printed bill, which the united talents of the committee have ushered into notice.

I am surprised to find that this judge, of double duties; who is directed in his judgment seat, *immediately after judgment*, to settle the costs, is

to be nothing more than a journeyman to their worships the justices of the quarter sessions (a), who have power given them to move him about as they do vagrants under the existing poor laws; and looking to his fees, which will be on an average about 10% on a hundred causes, it is to be hoped, for the sake of the poor judge's purse, that their worships will find him a pass-cart, since out of his fees he cannot pay travelling charges; and as the bill is silent on this head, I recommend that he and his clerk, his bailiff, and the crier of the court, be huddled into one cart, when this new court (*by the nod of the justices*) is decreed to be itinerant.

I cannot but admire the brevity of the pleadings suggested by the bill, but the perusal of them forces on my mind the hackneyed phrase of Horace,

Brevis esse laboro,  
Obscurus fio;

and the pleadings are kept in countenance by the summary introduction of a defendant to the court, who, if he lives twenty miles off, must in general be there with his evidence in three days (b), and if his witnesses cannot then attend, the worthy plaintiff and his party must go home and be re-

(a) See Bill, fo. 20, p. 7.

(b) See Bill, fo. 24, p. 8.

turnable to try this mighty cause at some future day: and yet we are told this bill is to regulate and lessen the expenses of law proceedings.

The clause in the bill at fo. 26. p. 8. is a merciful one indeed; it almost obliges a defendant, in justice to himself, to put the plaintiff to the expense of taking his witnesses to the court, for if he does not do so, and thereby secure himself from a greater verdict than the evidence of witnesses will warrant against him, he subjects himself to the mercy of his creditor's conscience, who is literally to take a verdict for as much, not as he can prove to be due (as under a writ of inquiry), but for as much, to use the words of this bill, "as he shall swear to be actually due to him," and thus by this bill it is intended to give a man a judgment according to the extent of his own oath, right or wrong. It would be as just to give a man a verdict according to the size of his foot, at 20s. for an inch in length, as to measure it out to him according to his conscience; for what the learned Selden has said on a different occasion is applicable to this subject, with the alteration of a single word: "'Tis all one, as if they should make the standard for the measure, a creditor's foot. What an uncertain measure would this be! One creditor has a long foot, another a short foot, a third an indifferent foot. It is the same thing with a creditor's conscience."

It is scarcely possible, my Lord, more effectually to injure society, or to open wider the dreadful floodgates of perjury and general wickedness, than by multiplying men's oaths on subjects which affect their interest. To be sworn in such cases, is commonly to be perjured; and it is cruel, ay, and wicked too, my Lord, to put the sacred Word of God into a man's right hand, and at the same time to hold out the temptation that, by basely profaning it, he may immediately fill his pocket with his left.

This bill forbids suits in other courts for sums under 15*l.*, but it has not any provision whatever that can be practicable with regard to debts contracted by parties living in different counties; and it is well known that the ribbon-makers in Coventry contract debts generally for less than 15*l.* in many different counties of the kingdom, and similar trades must make similar contracts. None but attorneys can practise in this new court, and as they can only claim half a crown for conducting a plaintiff's cause, it is puerile to suppose that any one of good character will practise in it; and thus parties left to conduct their own suits, will win or lose them not according to their merits, but according to the ability, ingenuity, and integrity of the respective debtors and creditors. It is well known, my Lord, that in common law causes an able man often wins a bad cause, and that an incompetent man frequently loses a good one, and

this is an imperfection for which no legislative enactment can provide a remedy.

Your act, my Lord, provides, I observe, at fo. 87, pa. 29, for Writs of false judgment; but your court being one where, as in the novel referred to Boccaccio observes, "*di così piccola cosa, come questa è, non si dà libella in questo terra,*" I am at a loss to know how the parties are to avail themselves of this gracious boon.

The clause in your Lordship's bill, fo. 91, pa. 31, will do much mischief, for it will deter men from bringing actions for twenty or thirty pounds, about which there is any doubt, lest the jury reduce their demand to fifteen pounds; and by that means they may lose their costs; your Lordship's certificate being too hazardous a thing to depend on.

I shall not make any comments on some clauses which admit of contradictory construction—on several others, particularly fo. 35. and 36. p. 11. fo. 77. p. 23. which I cannot understand—on the poor jury-men's journeys at their own cost—on the bailiffs travelling 10 or 20 miles to execute process for a shilling fee—on the impossibility of filing or delivering the papers in the causes according to your Lordship's bill—nor on the absurdity of supposing distant attorneys can transact the business for the prescribed fees, or that the attorneys resident about the courts can act as agents on a division of fees,

amounting, according to the schedule, in some cases to twopence or fourpence, *and in none to more than one shilling* ; because I presume the ingenious in the profession may (nothing being allowed for term fee) train carrier-pigeons to convey the proceedings from the parties to the court or to each other, and such letter-carriers may, in mercy to the suitors, be held not to have evaded any of the sections of the post-office revenue acts. And, now having a desire to save print and paper, and to keep my letter within two sheets, I shall not say more on this Bill for the Recovery of Small Debts than that it is one which, if I had time and opportunity, I think I could satisfy any individual, (even the father of the child) that it ought not to live ; and if it now sinks into oblivion, I do not expect that it will hereafter be inquired for by the public or the profession with a view to its revival, though it may be by the poet or the wit as a fit subject for satirical verse, or waggish merriment.

But before parting, my Lord, in serious sincerity of heart, I do advise your Lordship to get some bills of costs after a trial at the assizes, with the taxation marked, and the affidavits of payments filed in their support, and from these your Lordship will discover the real defect of our legal code in regard to the imprudence of going to the assizes with actions for small sums of money, and

if your Lordship agrees with me, you will think it right to amend that part of the practice of our courts. The profession is not chargeable with this mischief, and does not in any manner profit by it, though the vulgar, who are too idle to inquire, or too foolish to understand, attribute all imperfections connected with the administration of justice to the practitioners rather than to the law itself, and thus censure usurps the province of thought, and the inconveniences remain unremedied, because they are at present unknown or misunderstood by such statesmen as your Lordship, who might easily remove them, without shaking the solid foundations of our laws.

When I reflect on the relative and very distant situations in life of your Lordship and myself, I deem it necessary to conceal my name; and though I, perhaps, ought to blush for my presumption in offering your Lordship advice, yet this humility I have overcome, that what I write for private distribution may induce others, as well as your Lordship, maturely to reconsider, and on reconsideration, I doubt not, to abandon this strange and injudicious attempt at innovation in our legal code. I highly respect your Lordship, and I have received pleasure from tracing your progress in the various ranks through which your industry, your talents, and your merits, have advanced you; and which progress, I have pride in



saying, under our happy constitution, is open to every man. I admired and applauded the spirit, and the mind, which prompted you to stand forth on a late occasion, against a decision which you believed to be made erroneously in favour of his present Majesty, and to the prejudice of one of his subjects. I know, my Lord, you have a mind admirably formed to comprehend and explain the principles of our equity law; but, notwithstanding the respect I bear you, I doubt, when I look to the effect of the insolvent act and this bill, if your lordship's mind is equally well formed to alter the old, or frame anew, the common law. Your course of life has not, on this subject, afforded you the best opportunities of acquiring information on its extent, its intricacy, its rules, and its peculiar and particular application to the affairs of mankind. Whether I be right or wrong in this opinion I leave others to decide, and refer them to your Lordship's bill, and this letter, the text and its commentary, for I am too humble an individual, and too little known, to hope any deference to my judgment from personal consideration. I never saw your Lordship's bill till late on the 15th instant, and I have written this letter amid continual interruptions, in great haste, and sent it to the printer as it was written, page by page, without revision, because I felt strongly the effect of your bill, and thought its subject too important

for delay; and I mention this fact, not without hope that your Lordship will pardon any apparently (though if there be any, it is unintentional) improper or offensive expression, which in such haste may have escaped me.

I have the honour to be, my Lord, with every sentiment of respect and gratitude for such obligations as, in common with many other men, I owe to your Lordship,

Your Lordship's

most obedient servant,

W.

19th February, 1821.

## APPENDIX.

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By Papers laid on the Table of the House of Commons, pursuant to an Order dated 11th May, 1819, it appears the following Amount of Stamp Duties have been paid to the Revenue by Attorneys and Solicitors, practising in England and Wales, upon their Articles of Clerkship, Admission, and Annual Certificates, during the last Ten Years.

### PAID ON ARTICLES OF CLERKSHIP.

	£.	s.	d.	£.	s.	d.
From 10th Oct. 1808, to 10th Oct. 1809....	35,104	7	5			
From do. 1809, to do. 1810....	42,026	18	2			
From do. 1810, to do. 1811....	49,401	18	8			
From do. 1811, to do. 1812....	53,489	5	1			
From do. 1812, to do. 1813....	54,320	16	11			
From do. 1813, to do. 1814....	47,241	8	3			
From do. 1814, to do. 1815....	63,930	1	4			
From do. 1815, to do. 1816....	48,594	17	1			
From do. 1816, to do. 1817....	65,492	6	5			
From do. 1817, to do. 1818....	73,164	18	11			
From do. 1818, to 28th Apr. 1819....	41,859	1	1			
				574,625	19	4

### PAID ON ADMISSIONS.

From 10th Oct. 1808, to 10th Oct. 1809....	1,420	0	0			
From do. 1809, to do. 1810....	2,860	0	0			
From do. 1810, to do. 1811....	780	0	0			
From do. 1811, to do. 1812....	860	0	0			
From do. 1812, to do. 1813....	1,920	0	0			
From do. 1813, to do. 1814....	4,800	0	0			
From do. 1814, to do. 1815....	5,620	0	0			
From do. 1815, to do. 1816....	6,975	0	0			
From do. 1816, to do. 1817....	6,375	0	0			
From do. 1817, to do. 1818....	7,350	0	0			
From do. 1818, to 7th May, 1819....	5,800	0	0			
				44,760	0	0

## PAID ON ANNUAL CERTIFICATES.

No. annually.			£.	s.	d.	£.	s.	d.
5,624—From	Mich. T. 1808, to	Mich. T. 1809..	39,152	3	0			
5,706—From	do. 1809, to	do. 1810..	39,587	0	0			
5,712—From	do. 1810, to	do. 1811..	39,540	0	0			
5,763—From	do. 1811, to	do. 1812..	39,811	0	0			
5,751—From	do. 1812, to	do. 1813..	39,820	0	0			
5,928—From	do. 1813, to	do. 1814..	40,888	0	0			
6,058—From	do. 1814, to	do. 1815..	41,543	0	0			
6,088—From	do. 1815, to	do. 1816..	52,856	0	0			
6,194—From	do. 1816, to	do. 1817..	53,500	0	0			
6,379—From	do. 1817, to	do. 1818..	54,876	0	0			
6,358—From	do. 1818, to	Easter T. 1819..	54,774	0	0			
						496,347	0	0
						1,115,732	19	4

*A List of Fees payable under the intended Act for the more convenient Recovery of small Debts in England and Wales.*

And be it further enacted, That the Judge of every Court established by this Act, or his Deputy, shall not demand or receive any Fee, Gratuity, or Reward whatsoever, in respect of his Office, under any Pretence whatsoever, except the Fees hereby directed or authorized to be paid to every such Judge and Deputy respectively.

And be it further enacted, That the Judge and Clerk of every such Court, and the Attorneys practising therein, and the Officers thereof, shall take no other or greater Fees than such as are hereinafter mentioned; that is to say,

*The Judge of such Court shall receive,*

For every Plaintiff entered,

If for forty shillings or under - - Two-pence.

If for above Forty Shillings and under Five

Pounds - - Four-pence.

If for above Five Pounds - - Sixpence.

## For every Judgment,

If the Plaintiff shall be for Forty Shillings or  
under - - - - - Two-pence.

If the Plaintiff shall be for above Forty Shil-  
lings and under Five Pounds - - - Four-pence.

If the Plaintiff shall be for above Five  
Pounds - - - - - Sixpence.

## For every Order,

If the Plaintiff shall be for Forty Shillings or  
under - - - - - Two-pence.

If the Plaintiff shall be for above Forty Shil-  
lings and under Five Pounds - - - Four-pence.

If the Plaintiff shall be for above Five  
Pounds - - - - - Sixpence.

## For every Precept in Execution,

If the Plaintiff shall be for Forty Shillings or  
under - - - - - Two-pence.

If the Plaintiff shall be for above Forty  
Shillings and under Five Pounds - - - Four-pence.

If the Plaintiff shall be for above Five  
Pounds - - - - - Sixpence.

For every Oath of Service of a Plaintiff, or other  
Oath,

If the Plaintiff shall be for Forty Shillings or  
under - - - - - Two-pence.

If the Plaintiff shall be for above Forty Shil-  
lings and under Five Pounds - - - Four-pence.

If the Plaintiff shall be for above Five Pounds  
Sixpence.

## For a Recognizance,

If for Forty Shillings or under - - - Two-pence.

If above Forty Shillings and under Five  
Pounds - - - - - Four-pence.

If above Five Pounds - - - - - Sixpence.

*The Clerk of the Court shall receive,*

- For entering a *Plaint*,
- |  |   |             |
|--|---|-------------|
| If Forty Shillings or under                    | - | One Penny.  |
| If above Forty Shillings and under Five Pounds | - | Two-pence.  |
| If above Five Pounds                           | - | Four-pence. |
- For a *Recognizance*,
- |  |   |              |
|--|---|--------------|
| If for Forty Shillings or under                    | - | One Penny.   |
| If for above Forty Shillings and under Five Pounds | - | Two-pence.   |
| If for above Five Pounds                           | - | Three-pence. |
- For every *Order*,
- |   |   |              |
|---|---|--------------|
| If the <i>Plaint</i> shall be for Forty Shillings or under                    | - | One Penny.   |
| If the <i>Plaint</i> shall be for above Forty Shillings and under Five Pounds | - | Two-pence.   |
| If the <i>Plaint</i> shall be for above Five Pounds                           | - | Three-pence. |
- For entering a *Plea*,
- |   |   |             |
|---|---|-------------|
| If the <i>Plaint</i> shall be for Forty Shillings or under                    | - | One Penny.  |
| If the <i>Plaint</i> shall be for above Forty Shillings and under Five Pounds | - | Two-pence.  |
| If the <i>Plaint</i> shall be for above Five Pounds                           | - | Four-pence. |
- For every *Judgment* upon a *Verdict* or *Nonsuit*,
- |   |   |              |
|---|---|--------------|
| If the <i>Plaint</i> shall be for Forty Shillings or under                    | - | Two-pence.   |
| If the <i>Plaint</i> shall be for above Forty Shillings and under Five Pounds | - | Three-pence. |
| If the <i>Plaint</i> shall be for above Five Pounds                           | - | Four-pence.  |
- For every *Judgment* on *Default*,
- |  |   |            |
|--|---|------------|
| If the <i>Plaint</i> shall be for Forty Shillings or under | - | One Penny. |
|--|---|------------|



If the Plaintiff shall be for above Forty Shillings and under Five Pounds - Two-pence.  
 If the Plaintiff shall be for above Five Pounds Three-pence.

For every Precept in Execution,

If the Plaintiff shall be for Forty Shillings or under - - - - - Two-pence.  
 If the Plaintiff shall be for above Forty Shillings and under Five Pounds - Three-pence.  
 If the Plaintiff shall be for above Five Pounds Four-pence.

*The Crier of the Court shall receive,*

For every Cause entered for Trial,

If the Plaintiff shall be for Forty Shillings or under - - - - - One Penny.  
 If the Plaintiff shall be for above Forty Shillings and under Five Pounds - Two-pence.  
 If the Plaintiff shall be for above Five Pounds Three-pence.

*The Attorneys shall receive,*

For a Plaintiff and Copy, without Notice of the Particulars of the Demand - Four-pence.  
 For a Plaintiff and Copy, with Notice of the Particulars of the Demand - Sixpence.  
 For a Plea and Copy - Sixpence.  
 For a Plea with Set-off and Copy - Eight-pence.  
 For attending the Hearing of a Cause - One Shilling.  
 For Copy of Summons to each Witness - Two-pence.  
 For Service of each Witness - One Shilling.  
 For attending a Motion in Court - Sixpence.

*The Sheriff or his Bailiff shall receive,*

For executing a Capias or Fieri Facias or Warrant of Distress - One Shilling.  
 For taking any Person into Custody for Contempt of Court - One Shilling.

## For summoning a Jury

For each Cause entered for Trial, if the Plaintiff shall be for Forty Shil- lings or under	-	-	Two-pence.
If the Plaintiff shall be for above Forty Shillings, and under Five Pounds	-	-	Three-pence.
If the Plaintiff shall be for above Five Pounds	-	-	Four-pence.
For a Tales in any Case	-	-	Two-pence.

THE END.

LONDON:

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