



# *Court Case*



*Benefits of the Small Debts Act* – The following case shows in a strong light the benefits of the new act, when carried out by an acute and upright judge.

**Larkham v. Davis** – The plaintiff, Mr Edward Larkham, is a dealer in poultry, at Sutton Mandeville: the defendant, George Nathaniel Davis, formerly carried on business as a poulterer, in the Fish-market, Salisbury. Plaintiff's claim was for 19 l. 18 s. for sundry turkeys and geese, the last item of the account bearing date Dec. 16, 1841. Judge to Defendant – Do you dispute this debt? Defendant – Certainly. Judge – Show me, then, how much is right, and how much is wrong. Defendant – I wish the delivery of the goods to be proved. Plaintiff was then sworn. Judge – The delivery is now proved – now what have you to say? Defendant – I plead, your honour, the statute of limitation; the six years were expired the very day I received the summons. Judge – Did you give notice at the office of \_\_\_\_\_ intention? Defendant – Your honour, I was not aware it was necessary. Judge – Certainly it was, and had you looked on the back of your summons, you would have seen \_\_\_\_\_. Well that point has failed. What next have you to say? Defendant – but, your honour, I was an insolvent, and all my debts, to my knowledge, were put down on my schedule. I answered one since (Mr Piper's), but that was in error. Judge – Let me see your schedule. Defendant – (handing it across) you will find this debt at No. 50. Judge to plaintiff – Larkham, what is your Christian name? Plaintiff – Edward, your honour. Judge to defendant – You have got down James Larkham, 10 £ : that is not this man. The defendant was mute. Judge – Well, Davis, you must pay; the case is a very clear one. How do you purpose to pay this 19 £ 18 s. ? Defendant – Pay it , your honour ? I can't pay it; I have not a farthing in the world to help myself. Mr Norton – Whose business is that in the Fish-market, then ? Defendant –My daughter's; every thing is hers; she keeps me for what I do, and if I want sixpence or a shilling, she gives it to me. Plaintiff – But, sir, he comes out of the market, and offers to buy this thing and that, and tells everybody he has got plenty of ready money, and as he seemed to be very "flush," I thought there would not be any harm in his paying me (great laughter.) Judge (to Defendant) – This debt does not appear on your schedule. You have no good defence to make. Defendant – Then I await the judgement of the Court. I have not a shilling in the worls. Judge to the Clerk – Enter it formally to be paid on the 8<sup>th</sup> January; that will give defendant time to consider what he means to do, and then, Mr Norton, if not paid, you can try what you can do with an execution.

*(Salisbury and Winchester Journal – Saturday 8 January, 1848)*