ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lxxvi.

An Act for the more ſpeedy and eaſy Recovery of Small Debts, in the City and County of the City of *Briſtol*, and the liberties thereof, and in the ſeveral Pariſhes and Places therein mentioned, in the Counties of *Glouceſter* and *Somerſet*.

[25th *June* 1816.]

WHEREAS the City and County of the City of *Briſtol*, and the ſeveral Pariſhes and Out Pariſhes of *Clifton*, *Saint James*, and *Saint Paul*, and *Saint Philip*, and *Jacob*, and the Tithing of *Stoke Biſhop*, in the Pariſh of *Weſtbury-upon-Trym*, in the County of *Glouceſter*, and the Pariſh of *Bedminſter*, in the County of *Somerſet*, adjoin or are near together, and the Inhabitants of the ſaid City, Pariſhes, and Places have of late Years very much increaſed in Number, and during certain Parts of the Year many Perſons reſort thereto from all Parts of the United Kingdom, and from Foreign Countries: And whereas the Aſſizes for the ſaid City of *Briſtol* are held only once a Year, and the Courts held in the ſaid City have no Juriſdiction in Cauſes ariſing out of the local Limits thereof, and the ſaid other Pariſhes and Places are ſituate at the Extremities of the Counties of *Glouceſter* and *Somerſet*, and at ſuch a Diſtance from the Places where the Aſſizes for the ſaid Counties of *Glouceſter* and *Somerſet* are holden, that the Inhabitants are, for the Purpoſe of recovering Small Debts, obliged to wait the Annual Aſſizes at *Briſtol*, or to try their Cauſes at ſuch Aſſizes at *Glouceſter* or *Somerſet*, whereby they are obliged, together with their Witneſſes, to travel a Diſtance of more than Forty Miles at leaſt, and at an Expence ſometimes far exceeding the Value of the Sum in Conteſt: And whereas an Act was paſſed in the Firſt Year of the Reign

1 W. & M. c. 18.

of their late Majeſties King *William* and Queen *Mary*, intituled *An Act for erecting Courts of Conſcience in the Cities of* Briſtol *and* Glouceſter, *and the Liberties thereof, for the Recovery of Debts contracted therein not amounting to the Sum of Forty Shillings:* And whereas it would be highly beneficial, and greatly tend to the Improvement and Encouragement of Trade and Commerce in the ſaid City and County of the ſaid City of *Briſtol*, and in the ſaid other Pariſhes and Places, and to the neceſſary Support and Protection of uſeful Credit within the ſame, and Prevention of Fraud and Delay, if a Court of Requeſts were eſtabliſhed in the ſaid City and County of *Briſtol*, for the more ſpeedy and eaſy Recovery of Small Debts contracted therein, and in the ſaid other Pariſhes and Places, above the Sum of Forty Shillings, and not amounting to any Sum for which an Arreſt on Meſne Proceſs may by Law take place, with proper Powers and Proviſions: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Aldermen, and Common Council of the ſaid City of *Briſtol* for the Time being, and ſuch Perſons as the ſaid Mayor, Aldermen, and Common Council, at ſome Corporate Meeting to be held for that Purpoſe as ſoon as conveniently may be after the paſſing of this Act, ſhall elect and appoint to be Commiſſioners for One Year from the Time of ſuch Election and Appointment, and afterwards as the Mayor, Aldermen, and Common Council of the ſame City for the Time being in Common Council aſſembled, ſhall annually elect and appoint in Manner herein-after mentioned (ſuch Perſons being reſpectively qualified as directed by this Act), ſhall be and are hereby appointed Commiſſioners for the Recovery of Small Debts above Forty Shillings and not amounting to any Sum for which an Arreſt on Meſne Proceſs may by Law take place, within the ſaid City and County of the ſaid City, and the Liberties thereof, and in the ſeveral Pariſhes and Out Pariſhes of *Clifton*, *Saint James*, and *Saint Paul*, and *Saint Philip*, and *Jacob*, and the Tithing of *Stoke Biſhop*, in the Pariſh of *Weſtbury-upon-Trym*, in the County of *Glouceſter*, and the Pariſh of *Bedminſter*, in the County of *Somerſet*; and the ſaid Commiſſioners and their Succeſſors are hereby conſtituted a Court of Juſtice, by the Name of "The Court of Requeſts for the City and County of the City of *Briſtol*, and the Liberties thereof, and the ſeveral Pariſhes and Out Pariſhes of *Clifton*, *Saint James*, and *Saint Paul*, and *Saint Philip*, and *Jacob*, and the Tithing of *Stoke Biſhop*, in the Pariſh of *Weſtbury-upon-Trym* in the County of *Glouceſter*, and the Pariſh of *Bedminſter*, in the County of *Somerſet*;" and the ſaid Commiſſioners are hereby empowered and required to meet and to hold the ſaid Court on every *Tueſday*, in the Guildhall of the ſaid City, or any of the Rooms and Apartments thereto adjacent, or in ſome other convenient Place within the ſame City, to be appointed by the Mayor, Aldermen, and Common Council for that Purpoſe; and the Firſt Meeting of the ſaid Commiſſioners ſhall be holden on the *Tueſday* next after the Appointment of the ſaid Commiſſioners by the ſaid Mayor, Aldermen, and Common Council; and the ſaid Commiſſioners, or the major Part of them who ſhall be preſent, ſuch Number preſent not being leſs than Five, whereof the Mayor, or an Alderman, or a Member of the Common Council of the ſaid City, ſhall be One, at their Meetings to be holden in purſuance of this Act, are hereby authorized and empowered to hear and determine all ſuch Actions and Cauſes as are herein-after mentioned, and to give Judgments, and to make ſuch Orders and

Commiſſioners of the Court.

The Style of the Court, and its Powers, &c.

Decrees therein, and to award Execution thereupon, with the Coſts (ſuch Coſts to be in the Diſcretion of the ſaid Court, as to the Party by or to whom the ſame ſhall either wholly or in part be paid) againſt the Body or Bodies, or againſt the Goods of all and every the Perſon and Perſons againſt whom they ſhall give any ſuch Judgment, or make any Order or Decree as to them ſhall ſeem juſt in Law or Equity; and the Mayor, if preſent, or otherwiſe the ſenior Alderman preſent, and in the Abſence of an Alderman, the ſenior Member of the Common Council preſent, ſhall always be Chairman to the ſaid Commiſſioners at their ſeveral Meetings; and in caſe of an Equality of Votes in any Action, Cauſe, Complaint, Matter, or Thing that ſhall come before the ſaid Commiſſioners, ſuch Chairman ſhall have the deciſive or caſting Vote, although ſuch Chairman ſhall have voted before.

A Barriſter of Six Years ſtanding to be appointed.

II. And be it further enacted, That it ſhall and may be lawful to and for the Mayor, Aldermen, and Common Council of the ſaid City for the Time being, to nominate and appoint a practiſing Barriſter at Law, who ſhall have been called to the Bar for the Space of Six Years at the leaſt, and who ſhall have actually practiſed as a Barriſter for the Space of Six Years at leaſt, as Aſſeſſor to the ſaid Commiſſioners; and ſuch Barriſter, or in caſe of his Abſence, a like Barriſter to be ſubſtituted by him for each particular Occaſion, and to be approved by the Chairman of the ſaid Commiſſioners for the Time being, ſhall ſit at every Court; and in caſe any ſuch Barriſter nominated and appointed, or any Barriſter to be nominated and appointed by virtue of this Act, to be Aſſeſſor to the ſaid Commiſſioners, ſhall die, refuſe, or neglect to act, or be incapable of acting as ſuch Aſſeſſor, or ſhall be removed from ſuch Office, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, and Common Council, to nominate and appoint ſome other practiſing Barriſter at Law, who ſhall have been called to the Bar for the Space of Six Years at leaſt, and who ſhall have actually practiſed as a Barriſter for the Space of Six Years, as Aſſeſſor to the ſaid Commiſſioners and ſo *toties quoties*; and every Barriſter ſo appointed ſhall have the like Powers and Authorities as the Barriſter in whoſe Room or Stead he ſhall be nominated or appointed.

Barriſter may be removed on a Petition from the Commiſſioners.

III. And be it further enacted, That it ſhall and may be lawful to and for the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, to remove or diſplace any ſuch Barriſter ſo nominated or appointed from ſuch Office of Aſſeſſor, in caſe it ſhall ſeem right and proper to the ſaid Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal, upon a Petition to be preferred to them reſpectively for that Purpoſe, ſigned by any Five or more of the ſaid Commiſſioners.

Five Commiſſioners to be preſent.

IV. Provided always, and be it enacted, That on the Deciſion of each and every Cauſe or Queſtion Five at leaſt of the ſaid Commiſſioners ſhall be preſent in Court.

How new Commiſſioners ſhall be choſen

V. And be it further enacted, That each and every Commiſſioner to be elected and appointed by the ſaid Mayor, Aldermen, and Common Council, by virtue of this Act reſpectively, ſhall continue in Office for One

One Year, and no longer; and that it ſhall be lawful to and for the Mayor, Aldermen, and Common Council of the ſaid City of *Briſtol* for the Time being, in Common Council aſſembled, annually from Year to Year to elect and appoint the like or a greater or leſs Number of Commiſſioners, as they ſhall ſee fit, in the Room and Stead of the Commiſſioners going out of Office by Effluxion of Time; and every ſuch Commiſſioner ſo elected and appointed ſhall have the like Powers and Authorities for carrying this Act into Execution, and ſhall be ſubject and liable to the ſame Rules, Regulations, and Reſtrictions, as fully and effectually, to all Intents and Purpoſes whatſoever, as if he had been particularly named herein as a Commiſſioner: Provided nevertheleſs, that if any of the Commiſſioners to be elected and appointed by virtue of this Act ſhall die, or refuſe to act, or ſhall ceaſe to be qualified in Manner herein directed to act in the Execution of this Act, then and in every ſuch Caſe, and as often as the ſame ſhall ſo happen, it ſhall be lawful to and for the Mayor, Aldermen, and Common Council of the ſaid City of *Briſtol* for the Time being, in Common Council aſſembled, to elect and appoint another Commiſſioner in the Room or Stead of every ſuch Commiſſioner ſo dying, or refuſing to act, or ceaſing to be ſo qualified; and the ſeveral Commiſſioners ſo as laſt aforeſaid to be elected and appointed ſhall continue in Office for ſuch Time or reſpective Times, and no longer, as the Commiſſioner or Commiſſioners, in whoſe Stead he or they ſhall be ſo reſpectively elected and appointed, ought to have continued in Office, if ſuch Death, Refuſal, or Diſqualification had not happened.

Commiſſioners may be re-elected.

VI. Provided always, and be it further enacted, That each and every Perſon or Perſons who ſhall have ſerved the Office of Commiſſioner ſhall and may, if otherwiſe properly qualified, be eligible to be re-elected and appointed from Time to Time to the ſaid Office.

Commiſſioners Oath.

VII. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, ſave and except in adminiſtering the Oath herein mentioned to the ſaid Commiſſioners, until he ſhall have taken an Oath to the Effect following; (that is to ſay).

'I *A. B.* do ſwear [*or*, being one of the Perſons called *Quakers*, do ſolemnly affirm [*according to the Form in that Caſe provided*], That 'I will faithfully, honeſtly, and impartially, according to the beſt of my 'Skill and Judgement, hear and determine ſuch Matters and Things as 'ſhall be brought before me by virtue of an Act made in the Fifty-ſixth 'Year of the Reign of King *George* the Third, intituled *An Act* [*here 'inſert the Title of this Act*] without Favour or Affection, Prejudice or 'Malice, to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath or Affirmation the Mayor, or any one of the Aldermen of the ſaid City of *Briſtol* for the Time being, is hereby empowered and required to adminiſter in open Court; and each and every ſuch Commiſſioner ſhall and he is hereby required (after taking the ſaid Oath or Affirmation) to ſign and ſubſcribe his Name upon a Roll or Rolls of Parchment to be provided for that Purpoſe, with the ſaid Oath or Affirmation written or printed thereon; and ſuch Roll or Rolls ſhall be carefully kept among the Records of the ſaid Court.

VIII. And

Qualification of Commissioners.

VIII. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act (except the said Mayor, Aldermen, and Common Council), unless he shall at the Time of acting be a Householder within the Jurisdiction of the said Court, and possessed of a Real Estate of the annual Value of One hundred Pounds, or of a Personal Estate of the Value of Three thousand Pounds, above all Charges and Incumbrances whatsoever; and if any Person (except as aforesaid), not being qualified as aforesaid, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and in every such Action, Bill, Plaint, and Information, the Proof of such Qualification shall be on the Defendant; and it shall be sufficient for the Plaintiff or Prosecutor to prove that the Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Judgments, Orders, Decrees, Acts, and Proceedings of all and every Person and Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of such Offence, shall notwithstanding such Offence be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Acts of Commissioners good before Conviction.

Appointment of Officers.

IX. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Common Council, and they are hereby required, at some Corporate Meeting to be held for that Purpose, as soon as conveniently may be after the passing of this Act, to nominate and appoint a fit and proper Person for a Clerk, and also fit and proper Persons for Criers, Sergeants, and other necessary Officers of and in the said Court of Requests; such Clerk, Criers, Sergeants, and other Officers, to continue in their respective Offices for One Year, and no longer, unless re-elected; and that the Mayor, Aldermen, and Common Council of the said City of *Bristol* for the Time being, in Common Council assembled, shall annually from Year to Year nominate and appoint a Clerk, Criers, Sergeants, and other necessary Officers for the Year ensuing: Provided nevertheless, that the same Person or Persons shall be eligible to be re-elected and appointed to the said respective Offices as often as the said Mayor, Aldermen, and Common Council shall see fit; and that it shall and may be lawful to and for the said Clerk for the Time being, immediately after his Appointment, and from Time to Time, to nominate and appoint a Deputy to act in his Room or Stead in case of Sickness, or for other sufficient Cause to be allowed by the said Commissioners, but not otherwise; and such Clerk or his Deputy is and are hereby empowered and required to issue all Summonses, Warrants, and Precepts, and to register all Orders, Decrees, and Judgments of the said Court, and to do all such Acts, Matters, and Things as are directed or required to be done by the said Clerk by virtue of this Act, and shall enter and register, or cause to be entered and registered, in proper Books to be provided by such Clerk, and kept for that Purpose, all the Acts and Proceedings of the said Court, of whatever Nature or Kind soever.

If ſufficient Commiſſioners, Barriſter or his Subſtitute, do not attend, Court may be adjourned.

X. And be it further enacted, That in caſe a ſufficient Number of the ſaid Commiſſioners, or the ſaid Barriſter or his approved Subſtitute, ſhall not be preſent to act in the Execution of this Act, as is herein directed, on any of the Days appointed for holding of the ſaid Court, then and in every ſuch Caſe it ſhall and may be lawful to and for any of the ſaid Commiſſioners who ſhall be preſent, and if no Commiſſioner ſhall be preſent, then it ſhall and may be lawful to and for the ſaid Clerk, or his Deputy for the Time being, to adjourn the ſaid Courts to the next *Tueſday*, or to ſome earlier Day.

Offices of Clerk, Crier, and Sergeants.

XI. And be it further enacted, That the Clerk and Crier of the ſaid Court ſhall do and perform in their reſpective Offices as they ſhall be directed or appointed by the ſaid Commiſſioners; and the ſeveral Sergeants of the ſaid Court ſhall ſerve all Summons, and execute ſuch Orders, Warrants, and Precepts, and do and perform all ſuch other Acts, Matters, and Things, as may be required to be done by them reſpectively by virtue of this Act.

Appointing new Officers in caſe of Death, Reſignation, &c.

XII. And be it further enacted, That it ſhall and may be lawful for the Mayor, Aldermen, and Common Council of the ſaid City of *Briſtol* for the Time being, on the Death, Reſignation, or Removal of any Clerk, Crier, Sergeant or Sergeants, or other Officer nominated or appointed by virtue of this Act, and they are hereby authorized and required, to elect another Perſon or Perſons in the Room or Stead of every ſuch Clerk, Crier, Sergeant, and other Officer ſo dying, reſigning, or removed as aforeſaid, for the Uſes and Purpoſes in this Act contained, and ſo from Time to Time when and as often as any Clerk, Crier, Sergeant, or other Officer ſhall die, reſign, or be removed from their reſpective Offices; and if it ſhall at any Time appear neceſſary to the Mayor, Aldermen, and Common Council of the ſaid City of *Briſtol*, from the Increaſe of the Buſineſs of the ſaid Court, or for any other Reaſon, that more Sergeants or other inferior Officers of the ſaid Court are wanting, it ſhall and may be lawful to and for ſuch Mayor, Aldermen, and Common Council to appoint any additional Sergeants, or other inferior Officers, who may appear to the ſaid Mayor, Aldermen, and Common Council to be wanting or neceſſary for carrying any of the Purpoſes of the ſaid Act into Execution; and it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, and Common Council, from Time to Time, at their Will and Pleaſure, to remove all ſuch Clerks, Criers, Sergeants, and other Officers, or any of them, for Miſbehaviour in their reſpective Offices, or any other ſufficient Cauſe.

And additional ones, if wanted.

Commiſſioners to enter their Proceedings in a Book.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to make or cauſe to be made fair and regular Entries, in a Book or Books to be provided by them for that Purpoſe, of all the Judgments, Acts, Orders, Directions, Regulations, and Proceedings of them the ſaid Commiſſioners, relative to the Execution of the ſeveral Powers and Authorities veſted in them by this Act, and alſo the Names of the Commiſſioners who ſhall be preſent at their reſpective Meetings, and ſuch Entries ſhall be ſigned by the Chairman of each reſpective Meeting; and ſuch Entries when ſo ſigned, and ſuch Book and Books, ſhall be allowed to be read in Evidence, in Proof of the Proceedings of ſuch Court, in all Courts whatſoever.

XIV. And

What Debts shall be decided by the said Commissioners.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered and enabled, to decide and determine all Disputes and Differences between Party and Party for any Sum exceeding Two Pounds, and not amounting to any Sum for which an Arrest on Mesne Process may by Law take place, in all Actions or Causes of Debt or Contract whereon Money would be recoverable in the Courts of Common Law under the Common Money Counts in an Action of Assumpsit.

Court not to determine any Cause where the Title to Land is to be brought in question.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to enable the said Court to determine the Right or Title to any Lands, Tenements, or Hereditaments, or Real Estates whatsoever, or to judge, determine, or decide on any Debt where the Title of the Freehold or Lease for Years of any Lands, Tenements, or Hereditaments, or for any Chattels Real whatsoever, shall be brought, or come into Question, or to judge, determine, or decide on any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments situate elsewhere than within the Jurisdiction of the said Court, or any of them, or by reason of any Cause concerning Testament or Matrimony, or any Thing concerning or properly belonging to the Ecclesiastical Court, or for or concerning any Agreement by way of Composition for or by way of Retainer of Tithes, or for or concerning any Matter of Account between Parties where the Demand on either Side shall have originally exceeded the Sum of Fifteen Pounds.

This Act not to alter the Powers of 20 & 31 G. 2.

XVI. And whereas by an Act made in the Twentieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices*, it is enacted, that all Complaints, Differences, and Disputes which should arise between Masters or Mistresses and Servants in Husbandry, who should be hired for One Year or longer, or which should happen or arise between Masters and Mistresses and Artificers, Handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glassmen, Potters, and other Labourers employed for any certain Time, or in any other Manner, should be heard and determined by One or more Justice or Justices of the Peace for the Place where such Master or Mistress should inhabit; and by one other Act, made in the Thirty-first Year of the Reign of His said late Majesty, intituled *An Act to amend an Act made in the Third Year of the Reign of King* William *and Queen* Mary, *intituled 'An Act for the better Explanation and supplying the 'Defects of the former Laws for the Settlement of the Poor, so far as the same 'relates to Apprentices gaining a Settlement by Indentures; and also to empower 'Justices of the Peace to determine Differences between Masters and Mistresses 'and their Servants in Husbandry touching their Wages, though such Servants 'are hired for less Time than a Year,'* it is enacted, that all and every Clause, Matter, and Thing in the said recited Act contained shall be deemed and construed to extend to all Servants employed in Husbandry, though hired for a less Time than One Year: Provided therefore, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend so as to enable the said Commissioners to hear or determine any such Complaint, Difference, or Dispute; but all such Complaints, Differences, and Disputes shall be heard and determined in such and the like Manner, by such Justice or Justices, as if this Act had not been made;

made; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Actions not to be split for the Purpose of bringing them before the Court as Two Debts.

XVII. And be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable any Plaintiff to split or divide any Cause or Action for Recovery of any Debt where the whole Sum that shall appear to be due and owing shall amount to any Sum for which an Arrest on Mesne Process may by Law take place, in order that the same may be made the ground of Two or more Causes or Actions, for the Purpose of bringing such Causes or Actions within the Jurisdiction of the said Court; and in case it shall appear to the said Commissioners that any Plaintiff shall have so split or divided his or her Cause or Action as aforesaid (except to bring it within the Proviso in that Behalf hereinafter contained), then and in every such Case the said Commissioners shall and they are hereby required to dismiss with Costs every such Cause or Action so split and divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his or her Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as he or they may lawfully proceed: Provided always, that in case any Plaintiff who shall have so split or divided such his or her Cause or Action shall be willing to accept such Sum of Money as the said Court is in and by this Act enabled to adjudge, decree, and pronounce, in full of the whole of his or her Demand in such Cause or Action so split or divided, then and in every such Case the said Commissioners shall and may adjudge, decree, and pronounce (on such Plaintiff proving his or her Cause or Case to the Satisfaction of the said Commissioners) such Sum to the said Plaintiff, not amounting to a Sum for which an Arrest on Mesne Process may by Law take place, as to the said Commissioners shall seem just and reasonable; and such Sum shall, in the Judgment or Decree to be pronounced by the said Commissioners, be declared to be and shall be in full Discharge of all Demands from the Defendant to the Plaintiff in such Cause or Case so split and divided.

But the Court may decree in such Action so split, if the Plaintiff shall be satisfied to receive the Money in full of all Demands in such Action.

For summoning the Commissioners to attend.

XVIII. And to the Intent that no undue Preference may be made and given in summoning the said Commissioners appointed or to be appointed in pursuance of this Act to attend the said Court (except as to the said Mayor, Aldermen, and Common Council), be it further enacted, That the Sergeant or Sergeants of the said Court for the Time being, to be nominated and appointed by virtue of this Act, shall and he and they is and are hereby required to summon, on the *Wednesday* in each and every Week (by Notice in Writing to be left at the respective last or usual Places of Abode of the Commissioners to be so summoned), Five of the Commissioners, not including the said Mayor, Aldermen, and Common Council, who, except as to the one necessary to form a Court, are to attend or not, as their Duties may admit, to attend the said Court as Commissioners for the Week then next ensuing; and the First Five Commissioners to be summoned shall be the Commissioners whose Names shall stand first in the List of the said Commissioners; and the next Five Commissioners to be so summoned shall be the Five Commissioners whose Names shall stand next in such List, and so in like Manner on every *Wednesday* Five Commissioners shall be summoned for the ensuing Week in Order and Rotation, until such List shall be gone through, and then such List shall be gone through again.

XIX. Pro-

But this not to exclude any other Commissioners from acting.

XIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to exclude the said Mayor, Aldermen, and Common Council, or any of them, or any other of the said Commissioners for the Time being, from sitting in the said Court, although such Commissioners shall not have been summoned, or stand in Rotation to be summoned; but that each and every such Commissioner, if he shall think fit so to do, shall and may sit, hear, and assist in determining, giving Judgment, and making Orders and Decrees in the said Court, and shall have the like Powers and Authorities as any Commissioners so summoned as aforesaid can or may have; any Thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

Debtor to be summoned before Commissioners, who may make Orders between Parties as they think fit.

XX. And be it further enacted, That from and after the First Meeting of the said Commissioners, it shall be lawful for any Person or Persons (whether such Person or Persons shall reside within the Jurisdiction of the said Court or not) having any Debt or Debts as aforesaid recoverable by this Act due or owing by or from any other Person or Persons whatsoever inhabiting, residing, or being within the said City or County of the same City, or the Liberty or Precincts thereof, or within either of the several Parishes, Tithing, or Places aforesaid, or keeping or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or generally using or frequenting the Markets there, or seeking a Livelihood within the same, to apply to the Clerk of the Court for the Time being, or his Deputy, who shall immediately make out and deliver to One of the Sergeants of the said Court for the Time being a Summons in Writing, under the Hand of the said Clerk or his Deputy, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, and stating the Particulars of such Demand, or Cause of Action, together with the Name of the Party demanding the same, and requiring him, her, or them to appear, at a certain Time or Place to be mentioned in such Summons, before the Commissioners of the said Court, to answer such Demands; and such Sergeants shall forthwith serve or cause such Summons to be served on such Debtor or Debtors, either personally, or by leaving the same with his, her, or their Servant, or other Person belonging to him, her, or them, or Master or Mistress of the House, at the Dwelling-house, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working of such Debtor or Debtors, being within the Jurisdiction of the said Court, Three clear Days at least, and not exceeding Ten Days (exclusive of *Sundays*), previous to the Day when the Matter or Cause shall be heard or tried; and upon due Proof made of such Summons having been duly served in Manner aforesaid, the said Commissioners present in Court (such Number present not being less than by this Act directed) are hereby empowered and required to make due Inquiry concerning such Demands or Plaints, and make such Orders and Decrees therein, and pass such final Sentence or Judgment thereupon, and award such Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience; and for the better Discovery of the Truth, and more solemn Determination of the Matters and Causes which shall be depending in the said Court, it shall and may be lawful to and for the said Commissioners present in the said Court to administer an Oath or Oaths, or Affirmation or Affirmations, to any Officer of the said Court, or to either of the said Parties whom they the said Commissioners shall think proper to examine touching the Matters then in question; and also

to such Witness or Witnesses as shall be produced by each Party; and also to any other Person or Persons whose Evidence shall seem necessary towards the hearing or determining any of the said Causes or Actions, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

If Debtor does not appear, Commissioners may proceed.

XXI. And be it further enacted, That if any Debtor or Debtors who shall have been duly summoned as aforesaid shall not appear, either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, before the said Court, at the Time and Place mentioned in the said Summons (such Time not being earlier than Three Days, exclusive of *Sunday*, after the serving of such Summons), then and in every such Case it shall and may be lawful to and for the said Commissioners, assembled in the said Court, after Proof made upon Oath of the Service of the said Summons in Manner aforesaid, to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgment therein as to them shall seem just and equitable, and to appoint some certain Time and Place, according to their Discretion, for such Debtor or Debtors to shew Cause before the said Commissioners against such Order, Decree, or Judgment so pronounced *ex parte* as aforesaid; at which Time and Place, or at any subsequent Court or Courts, it shall and may be lawful to and for the said Commissioners, whether such Debtor or Debtors shall then appear and shew Cause or not, upon Proof upon Oath made that a Copy of such Order, Decree, or Judgment had been given to such Debtor or Debtors, or left with his, her, or their Servant, or other Person belonging to him, her, or them, or Master or Mistress of the House, at the Dwelling-house, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working of such Debtor or Debtors, being within the Jurisdiction of the said Court (Three Days at the least, exclusive of *Sunday*, before the final Order, Decree, or Judgment shall be made or pronounced), to make and pronounce such final Order, Judgment, or Decree therein, and to award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience.

Clerk of the Court not to issue out Summons, until the Plaintiff shall deposit a certain Sum of Money to prosecute the Suit.

XXII. And be it further enacted, That the Clerk of the said Court, or his Deputy, shall not issue any Summons unless the Plaintiff or Plaintiffs shall at the Time of issuing out such Summons deposit with the Clerk of the said Court, for every Debt exceeding Forty Shillings, and not exceeding Five Pounds, the Sum of Twenty Shillings; and for every Debt exceeding Five Pounds, and not exceeding Ten Pounds, the Sum of Thirty Shillings; and for every Debt exceeding Ten Pounds, and not amounting to Fifteen Pounds, the Sum of Forty Shillings; and if upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the said Court, or of the Cause for or on account of which the said Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear, either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demand to the Satisfaction of the said Court, but shall become nonsuited, or Judgment shall be pronounced against him, her, or them by the said Court, then and in every such Case it shall and may be lawful to and for the said Commissioners present in Court, and they are hereby required, to award to the Defendant or

Defendants

Defendants a Part or the whole of such Deposit Money, by way of Costs and Satisfaction for his, her, or their Trouble and Attendance, together with such further Sum, if any, as they the said Commissioners in their Discretion shall think fit; and to order and compel the Plaintiff or Plaintiffs to pay such further Sum by such Ways and Means as any Debt or Debts ordered or decreed by the said Court can or may be recovered; and if there shall be any Overplus remaining in the Hands of the said Clerk after the Sum or Sums awarded to the Defendant or Defendants shall have been paid, or if the Plaintiff or Plaintiffs shall on the Return Day of any such Summons appear and make Proof of his, her, or their Demand or Demands, to the Satisfaction of the said Court, then and in every such Case such Overplus, or Sum or Sums of Money so deposited with the said Clerk as aforesaid, shall be by the said Clerk returned and repaid into the Hands of such Plaintiff or Plaintiffs accordingly.

Commissioners may award Executions against the Body or Goods.

XXIII. And be it further enacted, That in any Cause, Action, or Case, where the said Commissioners shall have made an Order or Decree for the Payment of Money, it shall and may be lawful to and for the said Commissioners present in Court to award Execution, either against the Body or Goods and Chattels of the Party against whom such Order or Decree shall be made, and thereupon it shall and may be lawful to and for the Clerk of the said Court, or his Deputy, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal, by way of *Capias ad satisfaciendum*, or *Fieri Facias*, to one of the Sergeants of the said Court, who by virtue of such Precept issued upon Execution awarded against the Body of such Party, shall and may and is hereby empowered to take such Party, being within the Jurisdiction of the said Court, and carry him, her, or them to the Common Gaol of the City of *Bristol*, there to remain until he, she, or they shall perform and obey such Order, Decree, or Judgment, for the Space of Time herein in that Behalf particularly directed; and in case any such Precept shall be issued upon Execution against the Goods and Chattels of such Party, such Sergeant shall and may and he is hereby empowered to levy by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such Sum or Sums of Money, and Costs, as shall be so ordered, decreed, or adjudged; and if the Party against whose Body or Bodies any such Execution shall be awarded, and Process thereupon shall issue, shall by absconding, or by secreting or removing his, her, or their Goods or Chattels, or by any other Means, prevent or evade the Service or Effect of any such Execution, it shall and may be lawful to and for the said Commissioners present in the said Court, upon due Proof thereof made before them by the Oath or Oaths of One or more credible Witness or Witnesses, at their Discretion to award further Execution either against the Body or Goods and Chattels of such Party; and Process shall issue thereupon, and be served by One of the Sergeants of the said Court in Manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied; and it shall and may be lawful to and for the said Commissioners from Time to Time, in case they shall think fit, for the Ease and Convenience of the Defendant or Defendants, and they are hereby authorized and empowered, to order, decree, or adjudge any Debt due to the Plaintiff or Plaintiffs to be paid by several Payments or Instalments, and under such Terms and Conditions as may appear reasonable and just to them the said Commissioners, for the Ease of the Defendant or Defendants, and the Security of the Plaintiff or

In case Parties shall abscond or secrete their Goods.

Plaintiffs;

Plaintiffs; and it shall and may be lawful to and for the said Commissioners present in Court, in case any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, and directed, shall afterwards be made, and they are hereby authorized and empowered, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure, to award Execution against the said Defendant or Defendants, or against any other Person or Persons who may have given Security to the said Plaintiff or Plaintiffs, under the Directions of the said Commissioners, for the Payment of such Payments or Instalments in Manner aforesaid, for the whole Debt, or such Part thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable, and such Debt, or such Part thereof, and such further Costs, shall be recovered by the same Ways and Means as are herein provided for the Recovery of the Debt and Costs first decreed.

Clerk to indorse Debt and Costs on the Precept, and if paid before Sale, Execution to be superseded.

XXIV. And be it further enacted, That upon each and every Precept to be issued upon Execution awarded against the Body or Goods and Chattels of any Person or Persons whomsoever, the Clerk of the said Court or his Deputy shall indorse or cause to be indorsed the Sum or Sums of Money and the Costs so ordered, decreed, and adjudged; and if the Party or Parties against whom such Execution shall be awarded respectively shall, before any actual Sale of the Goods and Chattels, or before he, she, or they is or are apprehended, or before the Expiration of the Term of his, her, or their Imprisonment as herein mentioned, pay or cause to be paid or tendered unto the Clerk of the said Court such Sum or Sums of Money and Costs, together with the Fee or Fees herein directed to be paid to the Clerk, as a Compensation for his Trouble in receiving the same, and in entering an Acknowledgement and Satisfaction in full for such Sum or Sums of Money and Costs, then and in every such Case the Execution shall be superseded, and the Body or Goods and Chattels of the said Party or Parties shall be discharged and set at Liberty.

Process not to issue against the Person and Goods and Chattels of the same Persons at the same Time.

XXV. And be it further enacted, That it shall not be lawful to or for the said Commissioners to issue any Process against the Body or Bodies of any Person or Persons in any Case or Cases where the Party entitled to the Benefit of any Order, Judgment, or Decree shall at the same Time have obtained any Warrant or Process against the Goods and Chattels of the same Person or Persons, unless there shall be a Return of no Goods to such Warrant, or unless the Goods sold under any Execution shall not be sufficient to defray the Sum or Sums of Money and Costs so ordered, decreed, and adjudged; in either of which Cases, any Process against the Body or Bodies of any such Person or Persons shall be issued only for the Deficiency.

Penalty on Keeper of Prison neglecting his Duty.

XXVI. And be it further enacted, That the Keeper or Keepers for the Time being of the Common Gaol or Prison within the said City of *Bristol* shall and he and they is and are hereby required to receive and take into their Custody respectively all and every Person or Persons who shall be committed or ordered to stand committed by the said Commissioners, or any Three or more of them present in Court; and in case the Keeper or Keepers of the said Gaol or Prison respectively shall neglect or refuse to receive and take into his or their Custody any Person or Persons committed by virtue of this Act, or shall, before the Expiration of the Time for which any Person or Persons shall be committed to his or their Custody, discharge

charge such Person or Persons out of his or their Custody, and wilfully suffer such Person or Persons to go at large, without a Warrant or Order for that Purpose in Writing, signed in Court by the said Commissioners or any Three or more of them, such Keeper and Keepers respectively so offending in either of the said Cases, and being thereof convicted before any one or more of His Majesty's Justices of the Peace for the said City and Liberties, upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby authorized or required to administer), or upon his or their own Confession, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, at the Discretion of the said Justice or Justices; and in case such Sum shall not be immediately paid by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender or Offenders shall be convicted, then and in every such Case such Sum shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal, or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) to such Offender or Offenders, after deducting the Costs and Charges of such Distress and Sale, and such Forfeiture, when so paid, levied, or recovered, shall be distributed amongst the Poor of the said City, and Parishes and Places within the Jurisdiction of the said Court in like Manner as the several other Fines and Penalties are by this Act directed to be distributed; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justice or Justices to commit such Offender or Offenders to the Common Gaol or House of Correction for the City and County of *Bristol* for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged.

No Privilege to be allowed to Attornies.

XXVII. And be it further enacted, That no Privilege shall be allowed to exempt any Person liable to be summoned by virtue of this Act from the Jurisdiction of the said Court of Requests on account of his being a sworn Attorney or Solicitor, or other Officer of any of His Majesty's Courts of Record at *Westminster*, or of any other Court whatsoever; but that all such Attornies, Solicitors, and other Officers, shall be subject to the several Processes, Orders, Judgments, and Executions of the said Court of Requests, in the same Manner as any other Person or Persons is and are subject to the same.

No Person to be an Advocate for another.

XXVIII. And be it further enacted, That no Person shall be permitted to appear in the said Court of Requests as an Advocate for or on Behalf of any Plaintiff or Defendant, or any other Person, except in Case of total Incapacity in the Party by bodily Infirmity or mental Derangement.

Fees to be taken.

XXIX. And be it further enacted, That the several Fees herein-after limited and expressed (exclusive of Stamps) shall be taken by the said Barrister, Clerk, Sergeants, and Crier, for their several and respective Services in the Execution of this Act, for the Recovery of all Sums not amounting to Fifteen Pounds; (that is to say),

	From 40s. to £5 inclusive.		To £10 inclusive.		To £15 exclusive.	
	s.	d.	s.	d.	s.	d.
To the Barrister:						
For every Summons	1	0	1	6	2	0
For every Hearing or Trial	2	6	5	0	7	6
For every Order, Decree, or Judgment on Hearing	1	0	1	6	2	0
On paying Money into Court	1	0	1	6	2	0
On taking same out of Court by Plaintiff	1	0	1	6	2	0
For every Subpœna, including not more than Two Witnesses	1	0	1	6	2	0
For every Attachment, Precept, Execution, or Order	1	6	2	0	2	6
For every Nonsuit	2	6	3	0	4	0
For the Clerk:						
Entering every Cause	1	6	2	0	2	6
Issuing every Summons	0	6	0	9	1	0
Entering and drawing up the Judgment, Decree, or Order	1	0	1	6	2	0
For Copy of Ditto, where necessary to be served	0	6	0	9	1	0
Paying Money into Court, and entering same in his Book, and paying same out of Court, in full	0	9	1	0	1	6
Ditto, if by Instalments	1	0	1	6	2	0
Issuing Subpœna	0	6	0	9	1	0
Issuing every Attachment, Precept, Order or Execution	0	9	1	0	1	6
For every Nonsuit	1	0	1	3	1	6
Every Search in the Book	0	3	0	4	0	6
Swearing every Witness	0	3	0	4	0	6
Acknowledging Satisfaction on Record	1	0	1	6	2	0
To the Sergeant:						
Serving every Summons, Order or Subpœna, and attending at the Office to make Return	0	9	1	0	1	6
Execution of every Warrant, Precept or Attachment against the Goods or Body	1	6	2	0	2	6
If an Assistant is necessary for the Sergeant, for the Assistant	1	0	1	6	2	0
For keeping Possession of Goods, with or without Assistant, and selling the same if necessary	2	6	5	0	7	6
For the Cryer:						
Calling every cause	0	2	0	3	0	4
Calling every Plaintiff or Defendant by Order of the Court	0	1	0	2	0	3

And the ſaid Commiſſioners ſhall and they are hereby required to hang up and affix, or cauſe to be hung up and fixed, a Table of all ſuch Fees in ſome conſpicuous Place of the ſaid Court or Place of Meeting of the ſaid Commiſſioners, in order that all Perſons concerned may be enabled to peruſe the ſame.

Power for the Juſtices at their Quarter Seſſions to reduce the ſaid Fees, &c.

XXX. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Juſtices of the Peace in and for the ſaid City and County of *Briſtol*, at any General Quarter Seſſions of the Peace, or any Adjournment thereof, to be held after ſome preceding Court of Quarter Seſſions ſhall have determined that it would be adviſable ſo to do, to leſſen or reduce all or any of the Fees limited and allowed to be demanded as aforeſaid, and afterwards from Time to Time in the ſame Manner to advance all or any of the ſaid Fees ſo leſſened or reduced to any Sum not exceeding the ſeveral and reſpective Sums for Fees herein-before mentioned and ſpecified.

Time of Imprisonment limited.

XXXI. And be it further enacted, That no Perſon or Perſons whomſoever, who ſhall be committed to the ſaid Gaol or Priſon by Order of the ſaid Court for any Debt or Debts, ſhall be kept or continued in Cuſtody on any Pretence whatſoever (except in the Caſes herein-after provided for) for any longer Space or Spaces of Time, from the Time of his, her, or their Commitment to Priſon, than is or are herein-after limited, (that is to ſay) where the Debt (excluſive of Coſts) does not exceed the Sum of Five Pounds, then he, ſhe, or they ſhall not be kept or continued in Cuſtody for more than Sixty Days; and where the Debt (excluſive of Coſts) is above Five Pounds, and does not exceed Ten Pounds, then no more than Eighty Days; and where the Debt (excluſive of Coſts) is above Ten Pounds, and does not amount to Fifteen Pounds, then not more than One hundred Days from the Time of his, her, or their Commitment; and the ſaid Keeper and Keepers of the ſaid Gaol or Priſon is and are hereby directed and required to diſcharge ſuch Perſons accordingly.

Time of Impriſonment ſhall extend ſeparately and ſucceſſively for each Execution.

XXXII. And be it further enacted, That all and every Perſon and Perſons who ſhall be taken in Execution under or by virtue of any Proceſs iſſuing from or out of the ſaid Court of Requeſts, and who at the Time of his, her, or their being taken into Cuſtody, or during his, her, or their Impriſonment, ſhall have more than One Execution againſt him, her, or them in the ſaid Court, ſhall be impriſoned the Time by this Act limited, for and in reſpect of ſuch Execution; and after the Time ſo limited in the Firſt Execution is expired, the Impriſonment on the Second Execution ſhall commence; and after the Time ſo limited on the Second Execution is expired, the Impriſonment on the Third Execution ſhall commence, and ſo on until he, ſhe, or they ſhall have been impriſoned the Time by this Act limited for and in reſpect of each ſeparate Execution to be iſſued againſt him, her, or them in the ſaid Court previous to his, her, or their being taken into Cuſtody, or during his, her, or their Impriſonment; any Law, Statute, or Uſage to the contrary notwithſtanding.

Sergeant neglecting his Duty to pay the Debt.

XXXIII. And be it further enacted, That if any Sergeant or Sergeants or other Officer or Officers of the ſaid Court, employed to ſerve any Execution, ſhall by wilful Neglect, Omiſſion, or Connivance, cauſe or ſuffer the Party, againſt whom ſuch Execution ſhall be awarded, to eſcape or abſcond,

abſcond, or the Goods of ſuch Party to be carried away or ſecreted, ſo that ſuch Execution ſhall not have its due Effect, it ſhall and may be lawful to and for the ſaid Commiſſioners, upon Complaint, and due Proof thereof made upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, to order ſuch Sergeant to pay the Sum or Sums of Money for which ſuch Execution was awarded, or ſuch Part thereof as the ſaid Commiſſioners may think proper, to the Party complaining, and to enforce the Payment thereof by the ſame Ways and Means as are herein provided for the Recovery of their Debts; and it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby enabled, to impoſe any Fine, not exceeding Twenty Pounds, for every ſuch Offence, on ſuch Sergeant or Sergeants, Officer or Officers, and ſuch Fine, if not forthwith paid, ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hands and Seals of the ſaid Commiſſioners, rendering the Overplus (if any), after deducting ſuch Fine, and the Coſts and Charges of ſuch Diſtreſs and Sale, to the Owner or Owners of ſuch Goods and Chattels; and ſuch Fine when ſo levied and recovered ſhall be paid to and diſtributed by the ſaid Commiſſioners, in ſuch Shares and Proportions and in ſuch Manner amongſt the Poor of the ſaid City and the Liberties thereof, and the ſeveral Pariſhes and Places within the Juriſdiction of the ſaid Court, as they the ſaid Commiſſioners may think fit and proper.

Officers taking any Fee, beſides the Fees allowed by the Act, to be diſcharged, and forfeit 10l.

XXXIV. And be it further enacted, That if any Clerk, Sergeant, or Crier, or any other Officer or Servant employed by the ſaid Commiſſioners in putting this Act or any of the Powers thereof in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than and except ſuch Fees as are appointed and allowed to them reſpectively by virtue of this Act, for or on account of any Thing done or to be done by virtue of this Act, or on any account whatſoever, relative to putting this Act into Execution, every ſuch Perſon ſo offending ſhall, upon Conviction thereof before the ſaid Commiſſioners at any of their Meetings, or upon Verdict or Judgment being had againſt him in ſuch Action as next herein-after mentioned, be for ever incapable of ſerving or being employed under this Act in any Office of Profit or Emolument, and ſhall over and above forfeit and pay the Sum of Ten Pounds to any Perſon or Perſons who ſhall ſue for the ſame by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, within Three Calendar Months after the Offence committed, in which Suit no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Clerk or Sergeants neglecting to iſſue or ſerve Summons in proper Time, or for other Miſconduct, may be ſuſpended or removed.

XXXV. And be it further enacted, That if any Clerk or Sergeant of the ſaid Court ſhall neglect to iſſue or ſerve any Summons in the due or proper Time for ſerving the ſame, or ſhall be guilty of any Neglect or Miſbehaviour, or otherwiſe miſconduct himſelf in the Execution of his Office, then and in every ſuch Caſe, upon Complaint made, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby empowered in open Court, to hear and inquire into the Matter of ſuch Neglect, Miſbehaviour, or Miſconduct, by the Oath or Oaths of One or more credible Witneſs or Witneſſes; and in caſe it ſhall appear to the ſaid Commiſſioners on ſuch Hearing and Inquiry, that ſuch Clerk or Sergeant has been guilty of ſuch Neglect, Miſbehaviour, or Miſconduct, it ſhall and may be lawful to

to and for the said Commissioners, and they are hereby empowered to suspend or remove the said Clerk or Sergeant or Sergeants so offending from his or their said Office or Offices, and nominate or appoint some other fit and able Person or Persons to exercise the said Office or Offices respectively in the Place or Stead of him or them so removed.

Punishing Witness not attending if summoned.

XXXVI. And be it further enacted, That in case any Person or Persons residing or being within the Jurisdiction of the said Court, after being duly served with a Subpœna or Summons to be issued by the Clerk of the said Court of Requests, or his Deputy, and paid or tendered his or her reasonable Expences, to attend and give his, her, or their Evidence at a Time and Place in such Subpœna or Summons mentioned, on Behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Subpœna or Summons, due Proof being made of the Service of such Subpœna or Summons, and no sufficient Cause for his, her, or their Absence or Non-appearance being shewn to the Satisfaction of the said Court, and Oath being made before the said Commissioners, by the Party or Parties at whose Instance and on whose Behalf such Subpœna or Summons issued, that the Person or Persons served therewith was or were a Witness or Witnesses by such Party or Parties judged necessary for the Proof of his, her, or their Cause or Causes, Action or Actions, Complaint or Complaints, Defence or Defences, then and in every such Case it shall and may be lawful to and for the said Commissioners to impose any Fine, not exceeding Twenty Pounds, on such Person or Persons; and in case such Fine shall not be paid forthwith, such Fine shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hands and Seals of the said Commissioners, rendering the Overplus (if any) after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and such Fine, when so paid, levied, or recovered, shall be paid over to the Party or Parties at whose Instance or on whose Behalf such Subpœna or Summons shall have been issued; and in case sufficient Distress shall not be found, it shall and may be lawful to and for any Three or more of the said Commissioners to commit such Offender to the Common Gaol or House of Correction in and for the said City, for any Time not exceeding the Space of One Calendar Month.

Punishing Persons guilty of Perjury.

XXXVII. And be it further enacted, That if any Person or Persons, upon Examination on Oath or Affirmation before the said Commissioners in any Action, Cause, or Matter depending in the said Court of Requests, or before any Justice or Justices of the Peace acting in Execution of this Act, shall wilfully and corruptly give false Evidence, or shall wilfully and corruptly swear any Matter or Thing which shall be false or untrue, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law or Statute, Laws or Statutes, in force and effect against Persons guilty of Perjury, are subject and liable to.

Commissioners not to sit when they are interested.

XXXVIII. And be it further enacted, That if any Commissioner of the said Court for the Time being shall be Party to or concerned or interested in any Cause, Action, or Matter depending in the said Court, such Commissioner shall not be capable of acting as a Commissioner on the hearing or determining such Cause, Action, or Matter, or making any Order,

Order, Decree, or Judgment therein; but such Commissioner shall withdraw from the Bench of Commissioners until the same is finally determined; and if the Clerk or his Deputy, or other Officer of the said Court for the Time being, shall be a Party, or interested in any Cause, Action, or Matter depending in the said Court, such Clerk, Deputy, or other Officer, shall not exercise his said Office in such Cause, Action, or Matter, or in any Thing relating thereto; but the said Commissioners forming the said Court shall and may appoint another Person to exercise the Office of such Clerk or Deputy, or other Officer respectively, in all Things relating to such Cause, Action, or Matter.

For supporting the Dignity of the said Court, and preventing Insults.

XXXIX. And for the more effectual Establishment of the Dignity and Consequence of the said Court, and to protect the Commissioners, Barrister, or any of the Officers of the said Court from Insult, be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the said Commissioners, Barrister, or any of the Officers of the said Court for the Time being, during his or their Sitting or Attendance in the said Court, or shall interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall and may be lawful to and for the Sergeant or Sergeants of the said Court, with or without the Assistance of any other Person or Persons, by the Order of the said Commissioners, to take such Offender or Offenders into Custody; and the said Commissioners shall then examine into such Insult, Abuse, or Misbehaviour, either from their own View or Knowledge of what passed, or by the Oath or Oaths of One or more credible Witness or Witnesses; and upon such Insult, Abuse, or Misbehaviour being duly proved as aforesaid, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to impose a Fine not exceeding Ten Pounds, for each and every such Offence, on each and every such Offender or Offenders; and in case such Fine shall not be forthwith paid, such Fine shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the said Commissioners, rendering the Overplus, (if any) after deducting such Fine, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the said Fine, when so paid, levied, or recovered, shall be paid to and distributed by the Commissioners, in such Shares and Proportions, and in such Manner, amongst the Poor of the said City and the Liberties thereof, and the several Parishes and Places within the Jurisdiction of the said Court, as they the Commissioners shall think fit and proper; and in case sufficient Distress shall not be found, it shall and may be lawful for any Three or more of the said Commissioners to commit such Offender or Offenders to the Common Gaol or House of Correction of the said City, for any Time not exceeding the Space of Six Calendar Months.

Concurrent Jurisdiction with the Tolzey Court, &c.

XL. And be it further enacted, That all Actions and Proceedings which before the passing of this Act might have been brought in the Court of the *Tolzey* of the said City of *Bristol*, or in any of His Majesty's Courts at *Westminster* or otherwise, may still, notwithstanding this Act and the Powers hereby granted, be brought and determined in the said Court of the *Tolzey*, or in either of the said Courts at *Westminster* or otherwise, at the

the Election of the Party ſuing or proceeding, in the ſame Manner as if this Act had not been paſſed.

Defendants ſued in the Court of Requeſts may remove the Cauſe into the Tolzey Court, on depoſit of Plaintiff's Demand, and 10l. towards Coſts.

XLI. And be it further enacted, That in caſe any Perſon ſued in the ſaid Court of Requeſts ſhall be deſirous of having the Cauſe tried in the ſaid Court of the *Tolzey* inſtead of the ſaid Court of Requeſts, and ſhall, upon being ſerved with the Proceſs out of the ſaid Court of Requeſts, or within Two Days afterwards, depoſit in the Hands of the Prothonotary of the ſaid Court of the *Tolzey* the Sum of Five Pounds on account of the Plaintiff's Coſts, to abide the Event of the Suit, and ſhall give Notice thereof in Writing to the ſaid Plaintiff, any further Proceeding in the ſaid Suit in the ſaid Court of Requeſts ſhall be thereupon ſtayed, and the Plaintiff ſhall proſecute his Action in the ſaid Court of the *Tolzey*, as though the ſame had been originally commenced in the ſaid laſt-mentioned Court; and the ſaid Court of the *Tolzey* ſhall have full Juriſdiction thereof: Provided nevertheleſs, that if the Plaintiff or Plaintiffs ſhall not commence Proceedings in the ſaid Court of the *Tolzey* within One Calendar Month from the Time of ſuch Depoſit, it ſhall and may be lawful to and for the ſaid Prothonotary, and he is hereby required to return the Monies ſo depoſited to the Defendant, deducting a reaſonable Charge for his Trouble therein; and that it ſhall and may be lawful to and for the Clerk of the ſaid Court of Requeſts, or his Deputy, and he is hereby required to return to the Plaintiff the Money ſo depoſited with him by the ſaid Plaintiff on the iſſuing of his Summons as required by this Act.

Statute of Limitations ſhall be pleaded.

XLII. And for removing all Doubts whether the Statute of Limitations may be pleaded in the ſaid Court of Requeſts, it is hereby further enacted and declared, That all Defendants in the ſaid Court ſhall be allowed to plead or claim the Benefit of any Statute of Limitations in force and effect; and every Defendant ſo pleading or claiming ſhall have and receive ſuch and the like Advantage and Relief thereby as ſuch Defendant would have been entitled to in caſe this Act had not been made, and he, ſhe, or they had been ſued for the ſame Debt, or other Cauſe of Action, in any of His Majeſty's Courts at *Weſtminſter*, or any other Court, and had there pleaded ſuch Statute in Bar to the Action or Suit.

Recovery and Application of Penalties.

XLIII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the ſaid Commiſſioners (which Warrant ſuch Commiſſioners are empowered to grant), upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath, and the Overplus (if any) of the Money ariſing by ſuch Diſtreſs and Sale ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels, after deducting ſuch Fines and Penalties, and the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures, when recovered, (if not herein-before directed to be otherwiſe applied) ſhall be paid to the Clerk to the ſaid Commiſſioners, and ſhall be by the ſaid Commiſſioners diſtributed amongſt the Poor of the ſaid City and Liberties thereof, and the ſaid Pariſhes and Places within the Juriſdiction of the ſaid Court of Requeſts,

queſts, in ſuch Shares and Proportions, and in ſuch Manner, as the ſaid Commiſſioners, or any Three or more of them, ſhall think right and proper; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for the ſaid City, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Twenty-one Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

XLIV. And be it further enacted, That in all Caſes where any Conviction ſhall be had for any Offence or Offences committed againſt this Act, the Form of Conviction ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Conviction.

'BE it remembered, That on this Day of in the Year of the Reign of *A. B.* is 'convicted before of His Majeſty's Juſtices of the 'Peace for the City and County of the City of *Briſtol* and Liberties thereof, '[*or*, before of the Commiſſioners for the Recovery 'of Small Debts within the City of *Briſtol* and Liberties thereof, and the 'Pariſh of in the County of], of 'having [*as the Offence ſhall be*], and I [*or*, we] the ſaid do adjudge him [her *or* them] to forfeit and pay for 'the ſame the Sum of Given under my Hand and 'Seal [*or*, our Hands and Seals] the Day and Year aforeſaid.'

Diſtreſs not unlawful for Want of Form.

XLV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall afterwards be done by the Party or Parties ſo diſtrained; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for Want of Form.

XLVI. And be it further enacted, That no Order, Verdict, Aſſeſſment, or Judgment, or other Proceedings made touching or concerning any of the Matters aforeſaid, or the Conviction of any of the Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for Want of Form.

Plaintiffs not to recover without Notice, or after Tender of Amends.

XLVII. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Forty-two Days before ſuch intended Action be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or

or their Attorney, by or on the Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit; whereupon ſuch Proceedings, Order, and Judgment ſhall be made and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLVIII. Provided always, and be it enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, after Three Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County of *Somerſet*, or in the County of *Glouceſter*, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Thirty Days Notice ſhall have been given, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgment ſhall be given againſt ſuch Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Coſts, and have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Compelling Payment of Subſcriptions.

XLIX. And be it further enacted, That if any Perſon or Perſons who hath or have already ſubſcribed any Money towards the Expences of obtaining and paſſing this Act, and carrying the ſame into Execution, or any other Perſon or Perſons who hath or have agreed to be a Subſcriber or Subſcribers, or who ſhall hereafter become or agree to become a Subſcriber or Subſcribers for the Purpoſes aforeſaid, ſhall, after Fourteen Days previous Notice in Writing, under the Hand of the Clerk of the ſaid Court, or his Deputy, to him, her, or them given, or left at his, her, or their Dwelling Houſe or uſual Place of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſubſcribed or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, to bring or cauſe to be brought, in the Name of their Clerk for the Time being, an Action of Debt or on the Caſe, Bill, Plaint, or Suit, againſt ſuch Perſon or Perſons ſo neglecting or refuſing as aforeſaid, his, her, or their Executors or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the ſaid Court of the *Tolzey*, or Court of Conſcience in the ſaid City of *Briſtol*, according to the reſpective Amounts recoverable in ſuch Courts, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and after Proof of ſuch Perſon or Perſons having ſubſcribed or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, ſuch Perſon or Perſons, his, her, or their Heirs, Executors, or Adminiſtrators, ſhall be compelled to pay the Sum or Sums of Money by him, her, or them ſubſcribed or agreed to be ſubſcribed as aforeſaid, together with full Coſts of Suit.

For paying the Expences of this Act.

L. And be it further enacted, That the Charges and Expences attending the obtaining and paſſing of this Act ſhall be paid and defrayed from and out of the Monies which have already been or ſhall hereafter be ſubſcribed, in preference to all other Payments whatſoever.

Saving the Rights of the City.

LI. Provided always, That nothing herein contained ſhall in any Manner abridge, infringe, or leſſen any of the Rights, Privileges, Powers, or Authorities of the Court of Conſcience eſtabliſhed in the ſaid City of *Briſtol*, under the ſaid Act of the Firſt Year of the Reign of their late Majeſties King *William* and Queen *Mary*, or any of the Rights, Franchiſes, Immunities, Powers, or Authorities of the Mayor, Burgeſſes, and Commonalty of the ſaid City, or any of the accuſtomed Rights and Privileges of the ſaid City, any Thing herein-before contained to the contrary notwithſtanding.

Public Act.

LII. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1816.