



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxxiv.

An Act for granting more effectual Powers for the Regulation of the Court of Conscience within the City of *Bristol*. [30th June 1837.]

WHEREAS an Act was passed in the First Year of the Reign of Their Majesties King *William* and Queen *Mary*, intituled *An Act for certain Courts of Conscience in the Cities of Bristol and Gloucester, and the Liberties thereof*: And whereas by an Act passed in the Sixth and Seventh Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in certain Boroughs*, the Jurisdiction of the Court of Conscience within the said City of *Bristol* was extended to the enlarged Boundary of the City of *Bristol* and County of the same City: And whereas the Powers and Provisions of the said first-recited Act, so far as the same relate to the said City of *Bristol*, have been found in many respects defective and insufficient for the Purposes thereby intended, and it is expedient that the said Act, osfar as it relates to the said City of *Bristol*, should be repealed, and further, better, and more effectual Powers granted instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it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 from and after the First Day of *September* next after the passing of this Act the said first-recited Act, and all the Clauses, Powers, and Provisions therein contained, so far as the same relate to the City of *Bristol* and County of the same City, shall be and the same are hereby repealed.

1 W. & M. c. 18. Pr.

6 & 7 W. 4. c. 105.

Recited Act 1 W. & M. repealed.

[*Local.*]

34 I

II. And

This Act to
be put in
execution.

5 & 6 W. 4.
c. 76.

Acts of Com-
missioners
under former
Act to be
valid.

Registrar and
Clerk, &c.
appointed
under former
Act to ac-
count.

Books, &c.
under former
Act vested
in the
Council.

Members of
the Council
appointed
Commis-
sioners.

II. And be it further enacted, That from and after the said First Day of *September* this Act shall commence and take effect and be put in execution for the more easy and speedy Recovery of Small Debts not amounting to Forty Shillings within the City of *Bristol* and County of the same City, according to its Metes and Bounds as extended by an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*.

III. Provided always, and be it further enacted, That all Proceedings, Acts, Judgments, Orders, and Decrees made or to be made by the Commissioners acting under and by virtue of the said first-recited Act, so far as the same relates to the said City of *Bristol*, before the Commencement of this Act, and all Acts, Executions, Distresses, Imprisonments, Penalties, Forfeitures, and Proceedings to be done, suffered, incurred, recovered, or executed in pursuance of such Judgments, Orders, and Decrees, or any or either of them, shall be valid and effectual in the same Manner to all Intents and Purposes as if the said first-recited Act, so far as the same relates to the said City of *Bristol*, had not been repealed, and may be continued, executed, and enforced against all Persons liable thereto by the Commissioners and the Officers acting in the Execution of this Act, in the same Manner to all Intents and Purposes, as if such Proceedings, Acts, Judgments, Orders, and Degrees respectively had been commenced, carried on, and made by the Commissioners acting in the Execution and under the Authority of this Act.

IV. And be it further enacted, That each and every Registrar and Clerk, Deputy Registrar, or other Officer appointed or employed under or by virtue of the said first-recited Act, so far as the same relates to the said City of *Bristol*, who at the Time of the Commencement of this Act shall have in his Hands, Custody, or Control any Money belonging to the Suitors of the said Court, shall be liable to pay over, deliver up, and account for the same to the Council of the said City and County in the same Manner as if such Money had come into the Hands, Custody, or Control of such Registrar and Clerk, Deputy Registrar, or other Officer, under and by virtue of this Act.

V. And be it further enacted, That all Books, Papers, and Writings containing an Account of the Proceedings of the Commissioners acting under and by virtue of the said first-recited Act, and of all Monies paid into the Court established by the said Act within the said City of *Bristol* on account of the Suitors of the said Court, shall be and are hereby vested in the Council of the said City and County, and shall be delivered over by and be recovered from any Person in whose Custody the same or any of them shall be in such and the same Manner as if such Books, Papers, and Writings had been kept under the Authority of this Act.

VI. And be it further enacted, That the Members of the Council for the Time being of the said City and County shall be and they are hereby appointed Commissioners to hear and determine all such Matters of Debt as are herein-after mentioned, and such Commissioners are hereby constituted and appointed a Court of Justice by the Name of "The Court of Conscience for the City and County of *Bristol*;" and the said Court is hereby

hereby authorized and empowered to make such Judgments, Orders, and Decrees in the Matters aforesaid, and to award Execution or Attachment thereupon, with or without Costs, against the Goods and Chattels, or against the Body of every Person against whom any such Judgment, Order, Decree shall be given, as to the said Commissioners shall seem just in Law or Equity.

VII. Provided always, and be it further enacted, That no Person shall be qualified to act as a Commissioner of the said Court of Conscience unless he shall be a Householder within the said City and County, nor shall any Commissioner be qualified to act as such unless he shall at the Time of acting be seised or possessed of Real or Personal Estate, or both together, to the Amount of One thousand Pounds, or be rated to the Relief of the Poor upon the annual Value of not less than Thirty Pounds; nor shall any Person be qualified to act as a Commissioner of the said Court of Conscience until he shall have made and subscribed the Declaration following; (that is to say,)

Qualification
of Com-
missioners.

‘ I DO solemnly and sincerely declare, [*or, being one of the People called Quakers, do solemnly and sincerely affirm,*] That I will faithfully, honestly, and impartially, according to the best of my Skill and Judgment, hear and determine such Matters and Things as shall be brought before me by virtue of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], without Favour or Affection, Prejudice or Malice, to any Person whomsoever.’

Form of
Declaration.

Which Declaration or Affirmation shall be made before the Mayor or before One of His Majesty’s Justices of the Peace of the said City and County by every Member of the Council within One Calendar Month after the Commencement of this Act, and in like Manner by every new Member of the Council within One Calendar Month after his Admission into the said Council, provided such Members respectively are not absent from the said City, or if absent then within One Calendar Month after their Return to the said City, and are qualified in other respects to act, and not incapacitated by Illness or other bodily Infirmity; and every Commissioner, after making such Declaration or Affirmation, is hereby required to sign and subscribe his Name to the same, written in the Book for recording the Proceedings of the said Commissioners; and if any such Member of the Council shall not make such Declaration or Affirmation as aforesaid within the Time aforesaid he shall for every such Omission forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person who shall sue for the same, to be recovered by Action of Debt in any of His Majesty’s Courts of Record at *Westminster*; and if any Person not being qualified as herein is directed and prescribed shall act as a Commissioner of the said Court of Conscience, every such Person shall for every Day he shall sit as a Commissioner forfeit and pay the Sum of Ten Pounds: Provided nevertheless, that all Judgments, Orders, Decrees, Acts, and Proceedings of every Person acting as a Commissioner of the said Court of Conscience, though not duly qualified as aforesaid, previous to his being convicted of such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been duly qualified as aforesaid.

Penalty for
acting if not
qualified.

VIII. Pro-

Commissioners interested, not to act.

VIII. Provided always, and be it further enacted, That if any Commissioner of the said Court of Conscience for the Time being shall be a Party to or concerned or interested in any Cause, Action, or Matter depending in the said Court or before the said Commissioners, such Commissioner shall not be capable of acting as a Commissioner on the hearing or determining such Cause, Action, or Matter, or making any Judgment, Order, or Decree therein.

Regulating Meetings of Commissioners.

IX. And be it further enacted, That all Powers and Authorities by this Act given to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at any Meeting held in pursuance of this Act, the Number of Commissioners present at such Meeting not being less than Three (except in Cases where any greater Number of Commissioners is by this Act particularly required for doing any Act or executing any of the Powers hereby vested in the said Commissioners); and at all Meetings of the said Commissioners the Mayor of the said City and County, if present, or in his Absence such other Commissioner as the Commissioners then assembled shall choose, shall be Chairman of the said Commissioners; and in case of an Equality of Votes in any Action, Cause, or 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.

For summoning Commissioners to attend.

X. And to the Intent that no undue Preference may be made and given in summoning the said Commissioners to attend the said Court, be it further enacted, That the Beadle of the said Court for the Time being shall and he is 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 or Business of the Commissioners to be so summoned) Three at least of the Commissioners to attend the said Court as Commissioners for the Week then next ensuing; and the first Three Commissioners to be summoned shall be the Three Commissioners whose Names shall stand first in the List of the said Commissioners, and the next Three Commissioners to be so summoned shall be the Three Commissioners whose Names shall stand next in such List, and so in like Manner on every *Wednesday* Three Commissioners shall be summoned for the ensuing Week in Order and Rotation until such List shall be gone through, and such List shall be gone through again when and as often as all the Commissioners shall have been summoned.

Commissioners may sit without being summoned.

XI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to exclude any other of the said Commissioners 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 herein-before contained to the contrary thereof in anywise notwithstanding.

Times of Meeting.

XII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to meet and assemble together on *Monday*

Monday in every Week, or on such other Day or Days as the said Commissioners shall think proper, and in such Place as shall be appointed by the Council for the Time being.

XIII. And be it further enacted, That if on any Day appointed for a Meeting of the said Commissioners Three of the said Commissioners shall not attend, it shall be lawful for any Commissioner then present, and if no Commissioner be present it shall be lawful for the Registrar and Clerk to the said Commissioners, or for the Person who shall act in the Stead of such Registrar and Clerk, to adjourn the said Court to some future Day.

If Commissioners do not attend, Court to be adjourned.

XIV. 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 to be provided by them for that Purpose of all Judgments, Orders, Decrees, Acts, 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 Courts and Meetings, and such Entries in such Books shall be signed by the Chairman of each respective Court and Meeting, and when so signed shall be received in Evidence in Proof of the Proceedings of the said Court and Meeting in all Courts whatsoever.

Commissioners to enter their Proceedings.

XV. And be it further enacted, That any Five or more of the said Commissioners (although not assembled at any Meeting) may at any Time, by Writing signed by them and left at the Office of the said Court, require the said Registrar and Clerk to call a Special Meeting of the said Commissioners on a Day to be specified in such Notice, so as such Requisition fully express the Object for which such Special Meeting is required to be called, and be so left Three clear Days before the Day on which such Meeting is proposed to be held; and on the Receipt of such Notice such Registrar and Clerk is hereby required to call, and in case of any Default or Omission of the said Registrar and Clerk therein any Five or more of the said Commissioners may call such Meeting by giving Two clear Days Notice thereof, written or printed, or partly written and partly printed, and leaving the same at the respective Places of Abode or Business of the said Commissioners; and the Commissioners who shall assemble in pursuance of such Notice (provided the Number of Commissioners shall amount to One Third of the then Commissioners) shall proceed to the Execution of any of the Powers by this Act vested in them with respect to the Matter specified in such Notice, in such Manner as the said Commissioners shall think proper; and every such Meeting of the said Commissioners may be adjourned from Time to Time as the major Part of the said Commissioners shall think proper: Provided always, that it shall be lawful for the said Registrar and Clerk, if he shall think it necessary, without any such Requisition from the Commissioners, at any Time to call any such Special Meeting by giving such Notice as aforesaid.

For calling Special Meetings.

XVI. And be it further enacted, That the said Council shall and may make such Rules, Orders, and Regulations as to them may seem meet for the better Management, Conduct, and Practice of the said Court of Conscience, and for regulating and enforcing the due Attendance of the

Power to make Rules and Regulations for the Management of the Court.

Commissioners, and the Government and Direction of the Registrar and Clerk, and of the Deputy Registrar, Officers, and Persons employed in and about the said Court, and also as to the keeping the Accounts and the Entries of the several Proceedings therein of the said Court, and all other Matters relating thereto, and to inflict and impose such reasonable Fines and Forfeitures upon the said Commissioners, Registrar, and Clerk, Deputy Registrar, Officers, and Persons, for the Nonperformance of any such Rules, Orders, and Regulations, as to the said Council shall seem meet, not exceeding Five Pounds for any One Offence, and from Time to Time to vary, alter, extend, amend, or annul the said Rules, Orders, and Regulations relating to or in any Manner concerning any or either of the several Matters aforesaid.

Present
Officers to
continue in
Office.

XVII. And be it further enacted, That the Registrar and Clerk, Deputy Registrar and other Officers of the said Court, nominated or appointed before the Commencement of this Act, shall hold and enjoy their several and respective Offices and Employments until they shall be removed therefrom respectively; and such Registrar and Clerk, Deputy Registrar and other Officers, shall be subject to the like Rules and Regulations, Pains and Penalties, as if they had been nominated and appointed under and by virtue of this Act; and it shall be lawful for the said Council from Time to Time or at any Time, at their Pleasure, to remove or suspend the present or any future Registrar and Clerk, Deputy Registrar, or any other Officer of the said Court.

Power of
Removal
vested in the
Council.

Appointment
of new
Officers in
case of
Death, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Council, upon the Death, Resignation, or Removal of any Registrar and Clerk, Deputy Registrar, or other Officer of the said Court, from Time to Time, when and so often as such Death, Resignation, or Removal shall happen, to elect another Person during Pleasure in the Room or Stead of every such Registrar and Clerk, Deputy Registrar, or other Officer so dying or resigning or removed as aforesaid, or to discontinue the Election of any Deputy Registrar or other Officer (except the Registrar and Clerk) which the Council may not consider necessary to be appointed for the Purposes of this Act, and again from Time to Time to re-appoint and discontinue any such Deputy Registrar or other Officer (except as aforesaid) at the Discretion of the said Council: Provided always, that in case the Appointment of any additional Officer shall become necessary it shall be lawful for the said Council to appoint during Pleasure such additional, fit, and proper Person for executing the Duties of the said Court as they may deem advisable: Provided likewise, that in the event of the Discontinuance of any such Deputy Registrar it shall be lawful for the said Council from Time to Time to appoint a Deputy Registrar to act during their Pleasure in the Room or Stead of the Registrar and Clerk in case of Sickness or other sufficient Cause to be allowed by the said Council: Provided also, that it shall be lawful for the said Council, and they are hereby empowered and required, either in the Name of the Mayor, Aldermen, and Burgesses of the said City, or otherwise, to take such Security from the present and every future Registrar and Clerk, Deputy Registrar, and other Officer of the said Court, for the due and faithful Performance of their respective Duties, as they the said Council shall think reasonable.

XIX. And

XIX. And be it further enacted, That the said Registrar and Clerk, Deputy Registrar, and such Officers as shall be appointed or employed as aforesaid, shall and they are hereby respectively empowered and required to issue all Summonses, Orders, and Executions, and to register all Judgments, Orders, Decrees, Acts, and Proceedings of the said Court, and to serve all Summonses, and execute such Orders and Executions, 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.

Duties of
Officers.

XX. Provided always, and be it further enacted, That the said Registrar and Clerk, Deputy Registrar or Officer shall not issue any Summons as aforesaid unless the Plaintiff shall at the Time of issuing out such Summons, deposit with the Person issuing the same the Sum of Two 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 Action or Cause for or on account of which the said Summons shall have been issued, the Plaintiff shall not appear either in Person or by his Agent or some other Person on his Behalf, or appearing shall not make Proof of his Demand to the Satisfaction of the said Court, but shall become nonsuited, or Judgment shall be pronounced against him by the said Court, then and in every such Case it shall be lawful for the said Court and they are hereby empowered to award to the Defendant a Part or the Whole of such Deposit Money by way of Costs and Satisfaction for his Trouble and Attendance, together with such further Sum as they the said Court in their Discretion shall think fit, and to order and compel the Plaintiff to pay such further Sum by such Ways and Means as any Debt 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 Registrar and Clerk, Deputy Registrar, or other Officer, after the Sum awarded to the Defendant shall have been paid, or if the Plaintiff shall, on the Return Day of any such Summons, appear and make Proof of his Demand to the Satisfaction of the said Court, or that the Debt has been settled or paid, then and in every such Case such Overplus or Sum of Money so deposited with the said Registrar and Clerk, Deputy Registrar, or other Officer as aforesaid, shall be returned and repaid into the Hands of such Plaintiff accordingly: Provided also, that in case such Plaintiff, at the Time of such Judgment of the said Commissioners, or any Time afterwards, or his Goods and Chattels, shall be out of the Jurisdiction of the said Court, then the Sum so awarded as aforesaid may be levied and recovered as is herein provided in case any Defendant or his Goods and Chattels shall, after final Judgment given in the said Court, be removed out of the Jurisdiction thereof.

Deposit to
be made
before Sum-
mons issued.

XXI. And be it further enacted, That the Deputy Registrar, in the Absence of the Registrar and Clerk, shall have the same Authority as if the Registrar and Clerk himself was personally present; and such Deputy is hereby empowered and required, in the Absence of the said Registrar and Clerk, to issue all Summonses, Orders, and Executions, and to register all Judgments, Orders, Decrees, Acts, and Proceedings of the said Court, and to do all such Acts, Matters, and Things as can or may be done by the said Registrar and Clerk by virtue of this Act.

Duties of
Deputy
Registrar.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to hear and

Debts to be
decided by
the Com-
missioners.

Certain Debts
to which this
Act is not
to extend.

and determine all Matters of Debt and Disputes and Differences betwée Party and Party for any Sum of Money not amounting to Forty Shillings, and to make such Judgment, Order, and Decree in the Matter, and to award Execution thereupon, with or without Costs, and against the Goods and Chattels or against the Body of every Person against whom any such Judgment, Order, or Decree shall be given: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable the said Commissioners to entertain or 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, not being a Lease by Parole, of any Lands, Tenements, or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come in question, nor to any Debt which shall arise 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 by or by way of Retainer of Tithes.

Statute of
Limitations
may be
pleaded.

XXIII. And for removing all Doubts whether the Statute of Limitations may be pleaded in the said Court of Conscience, be it further enacted, That all Defendants in the said Court shall be allowed to plead or claim any Statute of Limitation now in force or hereafter to be made, 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 passed, and he 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.

No Actions to
be brought
in any other
Court for a
Debt under
40s.

Not to
prevent
Distress or
Action for
Rent.

XXIV. And be it further enacted, That no Action or Suit for any Debt not amounting to Forty Shillings, and recoverable by virtue of this Act, shall be recovered against any Person in any other Court whatsoever: Provided always, that nothing herein contained shall extend or be construed to extend to prevent or restrain any Person from making Distress or bringing any Action whatsoever for Rent, and thereby recovering such Rent, with Costs, although the same Rent shall not amount to the Sum of Forty Shillings.

For prevent-
ing the
dividing of
Debts.

XXV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Plaintiff to split or divide any Cause of Action for Recovery of any Debt or Demand where the whole Sum that shall appear to be due and owing shall amount to Forty Shillings, in order that the same may be made the Ground of Two or more Actions, Causes, or Matters in controversy, for the Purpose of bringing such Actions, Causes, or Matters 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 Cause of Action, Debt, or Demand as aforesaid, except to bring it within the Power herein-after contained, then and in every such Case the said Commissioners shall and they are hereby required to dismiss with Costs every such Action, Cause, or Matter so split or divided; but such Dismissal shall not hinder or prevent such Plaintiff from proceeding for the Recovery of his Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other

Manner as he might have lawfully proceeded if this Act had not been passed.

XXVI. Provided also, and be it further enacted, That in case any Plaintiff who shall have so split or divided his Cause of Action, Debt, or Demand as aforesaid, or to whom the whole Sum that shall appear to be due shall amount to or exceed the Sum of Forty Shillings, shall accept Judgment for such Sum of Money as the said Court is in and by this Act enabled to adjudge and order to be paid in full of the whole of such Debt or Demand in such Action or Cause, then and in every such Case the said Commissioners shall and may, on such Plaintiff adducing Proof respecting his Debt or Demand to the Satisfaction of the said Commissioners, adjudge, order, and decree and order such Sum to the Plaintiff, not amounting to Forty Shillings, as to the said Commissioners shall seem just and reasonable; and such Sum as shall, in the Judgment, Order, or Decree to be given by the said Commissioners, be awarded, shall be in full Discharge of all Demands from the Defendant to the Plaintiff in such Action, Cause, or Matter in controversy; and the Plaintiff shall be precluded from afterwards proceeding in the said or any other Court for or on account of such Debt.

For empowering Plaintiffs to reduce their Demand below 40s., provided they accept the same in full for their respective Debts.

XXVII. And be it further enacted, That from and after the Commencement of this Act it shall be lawful for any Person, whether such Person shall or shall not reside within the said City and County, and for all Bodies Politic or Corporate who now have or hereafter shall have any Debt or Demand upon any Contract or Agreement, or for or in respect of Wages or Rent, or otherwise howsoever, (except such as the said Commissioners are expressly prohibited from determining,) owing or due to or claimed or demanded by such Person or Bodies Politic or Corporate in his own Right, or in the Right of any other Person to whom he shall be Executor or Administrator, Guardian or Trustee, or as a Clerk or other Officer to any Commissioners, or in any other Manner whatever, (except as aforesaid,) and for which Debt or Demand he shall claim any Sum of Money from any Person whomsoever residing or inhabiting within the said City and County, or keeping or using any House, Warehouse, Wharf, Quay, Counting-house, Chambers, Lodging, Office, Shop, Shed, Stall, or Stand, or employed, working, or seeking a Livelihood, within the same City and County, to apply to the Registrar and Clerk or one of the Officers of the said Court, who shall make out and deliver to the Officer appointed for that Purpose for the Time being a Summons written or printed, or partly written and partly printed, directed to such Debtor, expressing the Sum demanded of him, and stating the Particulars of such Demand or Cause of Action, with the Name of the Party or Body demanding the same, and requiring such Debtor to appear at a certain Time and Place to be mentioned in such Summons before the Commissioners of the said Court to answer such Demand; and such Officer shall in due Course serve or cause such Summons to be served on such Debtor either personally or by leaving the same with some Inmate or Person attending at the Dwelling House, or at the Wharf, Quay, Lodging, Place of Abode, Warehouse, Counting-house, Chambers, Office, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, or Resort of such Debtor, within the said City and County, Two clear Days at the least previous to and exclusive of the Day appointed in the said Summons for the hearing thereof;

Debtors within Jurisdiction may be summoned before Commissioners, who shall adjudge between Parties.

[Local.]

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thereof;

thereof; and upon the Appearance of the Debtor or his Agent, or some other Person on his Behalf, or if such Debtor shall not appear either in Person or by his Agent, or some other Person on his Behalf, then, upon due Proof made to the Satisfaction of the said Court of the Service of such Summons on such Debtor, the said Commissioners present in Court (such Number not being less than by this Act directed,) are hereby empowered and required to make due Inquiry concerning such Debt or Demand, and make such Judgment, Order, and Decree therein, and award such reasonable Costs of Suit, as to them shall seem most agreeable to Equity and good Conscience; and they may order and direct the Payment of any such Debt or Demand to be made either in one Sum at once or by Instalments at stated Periods, as they shall see Cause, and deem just and reasonable, and as well the Plaintiff as the Debtor whom such Judgment, Order, or Decree shall concern shall duly perform, observe, and keep the same; 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 be lawful for the said Commissioners to administer an Oath to any Officer of the said Court, or to all or to any of the Parties, or his Agent or other Person appearing on his Behalf, whom they the said Commissioners shall think proper to examine touching the Matter then in question, and also to any other Person whose Evidence shall seem necessary toward the hearing or determining of any of the said Actions or Causes, or making a Judgment, Order, or Decree therein, or for any other Purpose requisite to the Execution of this Act.

Restricting
Evidence on
Trial of
Causes and
Actions.

XXVIII. And be it further enacted, That no Plaintiff shall be entitled to recover, on the Trial of any such Action or Cause as aforesaid, any greater Demand or for any other Cause of Action than is stated in the said Summons hereby directed to be given.

No Action
removable by
Certiorari.

XXIX. Provided always, and be it further enacted, That no Judgment, Order, Decree, or other Proceeding made or taken by the said Commissioners in pursuance of this Act, shall be removed or removeable into any other Court, nor shall any Writ of Error, Certiorari, or Proceeding of Law or Equity lie for the Removal, Stay, or Reversal of the same.

How Persons
may be sum-
moned from
whom Debts
shall be
jointly due.

XXX. And be it further enacted, That where any Debt shall be due, owing, or demanded from any Two or more Persons jointly, the like Service of any such Summons as aforesaid on or for any one of such Two or more joint Debtors shall be as good and sufficient in Law as against the Person so summoned as if each of them were separately summoned as aforesaid.

Attornies not
exempt from
the Juris-
diction of the
Court.

XXXI. And be it further enacted, That no Privilege shall be allowed to exempt any Person from the Jurisdiction of the said Court of Conscience on account of his being an Attorney or Solicitor, or any other Officer of any Court of Law or Equity at *Westminster* or of any other Court whatsoever; but that all Attornies, Solicitors, and Officers as aforesaid shall be subject to be summoned, and to the several Judgments, Orders, Decrees, and Executions of the said Court, in the same Manner as any other Persons are subject to the same by this Act or otherwise.

XXXII. And

XXXII. And be it further enacted, That no Barrister, Attorney, Solicitor, or other Person practising in the Law shall be permitted to appear in the said Court of Conscience as an Attorney, Solicitor, or Advocate for or on behalf of any Plaintiff or Defendant in any Cause, Action, or Matter in which such Barrister, Attorney, Solicitor, or other Person as aforesaid is not himself a Party or Witness.

No Attorney, Solicitor, or practiser of the Law to be an Advocate in the Court.

XXXIII. And be it further enacted, That in case and when and so often as for the Want of the Attendance of any Witness, or for Want of any Writings, Documents, or other Evidence, or on account of Illness or Absence of any Party, or otherwise, the said Commissioners shall be unable to examine and determine to their Satisfaction any Action, Cause, or Matter in controversy coming before them in the said Court, then and in every such Case it shall be lawful for the said Commissioners to adjourn or postpone such Action, Cause, or Matter in controversy from Time to Time as they shall think proper and direct: Provided always, that at the Time of such Adjournment or Postponement a Day shall be fixed for the further hearing of such Action, Cause, or Matter.

For adjourning the Determination of any Cause to a future Day.

XXXIV. And be it further enacted, That in any Action, Cause, or Matter in which the said Court shall have made or given any Judgment, Order, or Decree for the Payment of Money it shall be lawful for the Registrar and Clerk of the said Court, in case of Default or Failure of Payment thereof at the Times and in the Manner thereby directed, at the Request of the Party prosecuting such Judgment, Order, or Decree for Payment of Money, to issue an Execution under his Hand against the Goods and Chattels of the Party against whom such Judgment, Order, or Decree shall be made or given, together with such Costs as shall be due thereon, to one of the Officers of the said Court, who, by virtue of such Execution, shall and may and is hereby empowered to levy by Distress and Sale of the Goods and Chattels of such Party, being within the said City and County, any Sum of Money and Costs as shall be then due in pursuance of such Judgment, Order, or Decree.

Commissioners may award Execution against the Goods.

XXXV. Provided always, and be it further enacted, That no Sale of any Goods or Chattels which shall be taken under or by virtue of any Execution to be issued in manner aforesaid shall take place or be made until after the Expiration of Three Days at least next following the Day on which such Goods or Chattels shall have been so taken, unless with the Consent in Writing of the Person whose Goods or Chattels may be so taken in Execution, or of some Person duly authorized by him; and in the meantime and until any such Sale shall be made the Goods and Chattels taken by virtue of any Execution as aforesaid shall be deposited by the Officer taking or levying the same in some fit and convenient Place.

For regulating the Sale of Goods taken in Execution.

XXXVI. And be it further enacted, That if the said Officer shall certify and make a Return thereon in Writing under his Hand that the said Party against the Goods and Chattels of whom Execution shall have been awarded hath or have no Goods or Chattels, or not sufficient Goods or Chattels whereon or whereby such Levy can be made, then and in every such Case it shall be lawful for the said Registrar and Clerk of the said

Execution against the Body may issue after an Execution against the Goods.

Court,

Court, at the Request of the Party prosecuting such Judgment, Order, or Decree for the Payment of Money, to issue a Warrant under his Hand to one of the Officers of the said Court, who shall and may and is hereby empowered to take the Body of such Party to the Common Gaol or House of Correction of the said City and County, where he shall remain in Custody, until he shall perform and obey such Judgment, Order, or Decree, for the Space of Time herein in that Behalf particularly directed.

Time of Imprisonment limited.

XXXVII. And be it further enacted, That no Person whomsoever, being a Debtor or Defendant, who shall be committed to Gaol or Prison by virtue of this Act for any Debt, shall be continued in Custody (except in Cases herein-after provided for) for any longer Space of Time from his Commitment to Prison than is herein-after limited; (that is to say,) where the Debt does not exceed Twenty Shillings, then he shall not be kept or continued in Custody more than Seven Days, or more than any less Period that the Court may direct; and where the Debt exceeds Twenty Shillings, then he shall not be kept or continued in Custody more than Fifteen Days, or more than any less Period that the Court may direct; and every Person so committed shall be discharged at the Expiration of the Period for which he shall be so committed without paying any Fee to any Gaoler or Turnkey.

In case Parties shall secrete their Goods or abscond.

XXXVIII. And be it further enacted, That if, after any Execution shall have been issued against the Goods and Chattels or Body of any Party as herein-before mentioned, it shall appear to the Satisfaction of the said Court at any of the Meetings thereof that such Party had, at the Time of Judgment being pronounced against him, or at any Time afterwards, any Goods or Chattels capable of being taken in Execution by virtue of this Act, and that such Party hath been guilty of secreting or removing the same, or making any fraudulent Gift, Delivery, or Transfer of the same, or that such Party hath absconded, or by other Means prevented the Execution of the said Warrant so issued as aforesaid, then and in every or any such Case it shall be lawful for the said Court to award a further Execution against the Body of such Party, and thereupon the said Registrar and Clerk shall, at the Request of the Party at whose Suit such Execution shall be awarded, issue a Warrant under his Hand, directed to one of the Officers of the said Court, who shall and may and is hereby empowered to take such Party into Custody, to be imprisoned for any further Space of Time not exceeding Twenty Days; any thing herein contained to the contrary thereof in anywise notwithstanding,

Process not to issue against the Body and Goods at the same Time.

XXXIX. And be it further enacted, That it shall not be lawful for the said Registrar and Clerk to issue any Execution against the Body of any Defendant unless the Plaintiff entitled to the Benefit of any Judgment, Order, or Decree shall have obtained an Execution against the Goods and Chattels of the same Defendant, and there shall have been a previous Return of No Goods and Chattels thereon in manner before mentioned, or unless the Goods and Chattels sold under the Execution shall not be sufficient to defray the Sum of Money and Costs which shall be due in pursuance of such Judgment, Order, or Decree, in which Case an Execution against the Body of such Defendant shall be issued only for the Deficiency: Provided always, that in case it shall appear to the said Registrar and Clerk, either upon the Confession of the Party or otherwise,

that any Defendant hath not sufficient Goods and Chattels whereon to levy such Execution, the said Registrar and Clerk shall not be required to issue any Execution against the Goods and Chattels of such Defendant; but it shall be lawful for the said Registrar and Clerk and he is hereby authorized to issue Execution against the Body of such Defendant, which said Execution shall be as valid and effectual to all Intents and Purposes as if Execution against the Goods and Chattels had been awarded in the first instance in manner herein-before mentioned.

XL. And be it further enacted, That in all Cases where a final Judgment, Order, or Decree for any Sum of Money shall have been obtained in the said Court, and the Defendant or his Goods and Chattels shall be out of the Jurisdiction of the said Court, it shall be lawful for any Officer of the said Court to apply to any Justice of the Peace acting for the County or Division to or in which such Defendant or his Goods and Chattels shall be removed or be found, and upon Proof being made upon Oath (which Oath such Justice is hereby authorized and required to administer) of an Execution having issued against the Person or Goods and Chattels, as the Case may be, of the Defendant, and that the Person, Goods, and Chattels of such Defendant is or are not to be found within the Jurisdiction of the said Court, but is or are believed to be within the County or Division where such Justice of the Peace shall act, such Justice of the Peace is hereby authorized and required to sign or indorse his Name upon the Back of the said Execution, and thereupon the said Officer shall be and is hereby authorized and empowered to take and seize the Person or Goods and Chattels of the Defendant wheresoever the same shall be found within the County or Division for which such Justice of the Peace who shall have so signed or indorsed the said Execution as aforesaid shall act, and to deal therewith in like Manner as if the same had been taken or seized within the Jurisdiction of the said Court; and all Constables and other Peace Officers shall and they are hereby required to be aiding and assisting within their respective Districts in the Execution of the said Execution so indorsed as aforesaid.

If Defendants remove out of the Jurisdiction of the Court to avoid Execution, a Justice of the Peace may indorse the Warrant, &c.

XLI. And be it further enacted, That in or upon every Execution to be issued against the Goods and Chattels or Body of any Person whosoever the Registrar and Clerk or some Officer of the said Court shall insert or indorse the Sum of Money and the Costs which shall be due in pursuance of such Judgment, Order, or Decree; and if the Party against whom such Execution shall be awarded shall, before an actual Sale of the Goods and Chattels, or before he is apprehended, or before the Expiration of his said Term of Imprisonment, as herein mentioned, pay or cause to be paid or tendered unto the Officer holding the Execution, or in case such Party shall be in Prison to the Gaoler of the Prison, such Sum of Money as aforesaid, or such Part thereof as the Plaintiff shall agree to accept in full for his Debt, together with the Costs, then and in every such Case the Execution shall be superseded, and the Body or Goods and Chattels of the said Party shall be discharged and set at liberty, and the Officer holding the Execution, or the Gaoler (as the Case may be), shall immediately transmit such Sum of Money to the Registrar and Clerk of the said Court.

Clerk to insert or indorse Debt and Costs upon the Execution, and if paid to the Clerk of Court before Sale, Execution to be superseded.

Court may
award Execution in the
Case of
Fraud.

XLII. And be it further enacted, That if upon the Hearing of any Cause it shall appear that the Defendant shall have under false Colour or Pretence obtained Credit from the Plaintiff in that Action for any Goods and Chattels with Intent to defraud the Owner thereof, or that the said Defendant shall have made or caused to be made any fraudulent Gift, Delivery, or Transfer of any of his Money, Securities for Money, Goods and Chattels, or other Personal Property, or shall have removed or concealed the same with Intent to defraud the Plaintiff, and if Judgment in such Action shall be given for the Plaintiff, and Default shall be made by the Defendant in payment of any Sum of Money ordered by such Judgment to be paid by him, then and in every such Case it shall be lawful for the said Court, if they shall think fit so to do, to award Execution in the first instance against the Body of the Defendant, requiring him to be imprisoned for any Space of Time not exceeding Forty Days, unless the Plaintiff shall be sooner satisfied; any thing herein contained to the contrary thereof in anywise notwithstanding.

Fees to be
taken.

XLIII. And be it further enacted, That it shall be lawful for the said Council, and they are hereby authorized and empowered, to order and direct what Fees and Emoluments shall from Time to Time be taken and collected by the said Registrar and Clerk, or by any Officer or Person employed in the Execution of this Act, not exceeding at any one Time the respective Fees following; (that is to say,)

For every Summons to be paid on issuing the same, including the Service thereof, and the Hearing and Order thereon	s.	d.
	1	6
For every other Order and Service	0	4
For every Postponement of the Cause or Hearing	0	4
For every Execution	1	0

On receiving Money out of Court.

For any Sum not exceeding 5s.	0	3
Above 5s. and not exceeding 10s.	0	6
Above 10s. and not exceeding 15s.	0	9
Above 15s. and not exceeding 20s.	1	0
Above 20s. and not exceeding 30s.	1	3
Above 30s.	1	6
For every Second or subsequent Payment out of Court, in addition to the above, not exceeding	0	3
For every Search made on any other Day than on Days appointed by the Council, such Days not being less than Two in each Week	0	2

Which said Fees and Emoluments shall be and are hereby declared to be vested in the Mayor, Aldermen, and Burgesses of the said City; and out of such Fees and Emoluments the said Council shall pay such Salaries and other Allowances to the said Registrar and Clerk, Deputy Registrar, and to such other Officers and Persons as shall be employed in the Execution of this Act, as they shall think proper, and also the necessary and incidental Expences attending the upholding and maintaining the said Court, and the Offices and Buildings thereunto belonging, and such other Payments as are herein-after mentioned.

XLIV. And be it further enacted, That it shall be lawful for the said Council from Time to Time as and when they may see fit to abolish, reduce, or alter, and after such Abolition, Reduction, or Alteration again to establish, raise, and increase, and so from Time to Time to abolish, reduce, alter, or raise the said several Fees and Emoluments respectively set forth in the said Schedule, or any or either of such Fees or Emoluments, so that the said Fees and Emoluments, or any or either of them respectively, shall not be raised or increased beyond the Amount set forth in the said Schedule.

Council may
abolish or
alter Fees.

XLV. And for better ascertaining the Amount of such Fees and Emoluments, and also the Amount of Money paid into the said Court on account of the Suitors in the said Court, be it further enacted, That once at least in every Three Months, on such Days as the said Council shall direct, an Account in Writing of all Fees and Emoluments whatsoever received or collected by or on behalf of the said Registrar and Clerk, or of any Officers appointed or employed as aforesaid, and also an Account in Writing of the Money paid into the said Court, and of the Money received and taken out of the same by the Suitors, (so that the Surplus of Money then remaining in the Hands of the said Registrar and Clerk, and belonging to the said Suitors, may clearly appear,) made up to the last Day of the preceding Month inclusive, shall be given on solemn Declaration by the said Registrar and Clerk, and by such Officers as aforesaid, or such of them as shall be appointed to receive any such Fees and Emoluments or Cash, before the Mayor or some Justice of the Peace for the said City and County; and such Accounts so verified and made up shall be deposited with and filed by the Town Clerk of the said City and County, and be deemed public Documents or Records belonging to the said Council, and as such shall and may be given in Evidence by or on behalf of the said Council or Suitors in any other Court or Place; and if the Amount of Fees and Emoluments taken or received by the said Registrar and Clerk or by any such Officer, together with the Surplus of Money then remaining in the Hands of the said Registrar and Clerk, shall exceed the Sum of One hundred Pounds, the Balance, or so much of such Balance as shall reduce the Amount to One hundred Pounds, shall from Time to Time be paid over to the said Council, or to such Person as they may appoint to receive the same, and be deposited for Security in such Bank or Place, and in such Names, not being less than Three Names, as the said Council shall order and direct: Provided always, that notwithstanding any thing herein contained it shall be lawful for the said Council at any Time to call upon the said Registrar and Clerk or any such Officer as aforesaid to produce or make out any Account of Money which may have passed into his Hands either as Fees or Emoluments, or as Money paid into Court on behalf of any Suitor, and to pay over the full Amount thereof to the said Council, or to such Person as they may appoint to receive the same.

Account of
Fees, &c. to
be made up.

XLVI. And be it further enacted, That if the said Registrar and Clerk, or any such Officer as aforesaid, shall refuse or wilfully neglect to make and render any such Account, or to make Payment of any Sum of Money which shall appear to have been collected or received by him, or shall refuse or neglect to deliver to the said Council or to such Person as they shall appoint, within Seven Days after being thereunto required by

In case Re-
gistrar, &c.
neglect to
render an
Account.

or

or on behalf of the said Council by Notice in Writing given to or left at the Office or last or usual Place of Abode of such Registrar and Clerk or other Officer, all Books, Papers, and Writings in his Custody or Power relating to the said Court of Conscience, and to give Information and Satisfaction to the said Council respecting the same, then and in every such Case, upon Complaint made by the said Council or by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, Borough, or Place wherein such Registrar and Clerk or other Officer so neglecting or refusing shall reside or be, such Justice may and he is hereby authorized and required to summon such Registrar and Clerk or other Officer so refusing or neglecting before him, and upon his appearing, or not appearing, having been summoned by Notice given to him, or left with some Inmate at his Office or then or last known Place of Abode, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or received by the said Registrar and Clerk or other Officer shall be and remain in his Hands, or that any such Books, Papers, and Writings as aforesaid shall be and remain in his Custody, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, or of Nondelivery of such Books, Papers, and Writings, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Registrar and Clerk or other Officer, and such Books, Papers, and Writings to be seized; and if no Goods or Chattels of such Registrar and Clerk or other Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justice that such Registrar and Clerk or other Officer shall have refused or wilfully neglected to render or give such Account, or that any Books, Papers, or Writings relative to the said Court of Conscience shall be in the Custody or Power of such Registrar and Clerk or other Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, Borough, or Place wherein such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Council for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Council are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Council: Provided always, that no Person who shall be committed to Prison as aforesaid on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from any such Person as aforesaid the Commitment of him to Prison shall not be deemed a Discharge for the same nor exonerate his Surety, but such Surety and the Estate and Effects of such Person shall remain liable to the Payment thereof in the same Manner as if such Person had not been committed to Prison.

XLVII. And be it further enacted, That in case any Registrar and Clerk or other Officer appointed or employed under or by virtue of the said first-recited Act, so far as the same relates to the said City of *Bristol*, shall have died before the Commencement of this Act, not having paid and fully satisfied all the Monies which he may have received belonging to the Suitors of the said Court, or in case any Registrar and Clerk or other Officer appointed or employed under and by virtue of this Act shall die before he shall have paid and fully satisfied all the Monies which he shall have received belonging to the Suitors of the said Court, or as Fees and Emoluments herein vested in the Council of the said City and County, then and in every such Case the Executors or Administrators of such Registrar and Clerk or other Officer so dead or dying shall, in a due Course of Administration, pay and satisfy the same, out of the Estate and Effects of such Registrar and Clerk or other Officer, to the Council of the said City and County, or any Person appointed by them in that Behalf, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, upon Trust that the said Council pay and apply such Monies in manner as by this Act is directed, and shall also deliver up all Books, Papers, Writings, and other Things concerning his Office or relating to the Execution of this Act which shall have come to the Hands of such Executors or Administrators; and in case of the Nonpayment of any such Monies, or of the Nondelivery of such Books, Papers, Writings, and Things, for the Space of Thirty Days after Demand made thereof in Writing by or on the Behalf of the said Council, it shall be lawful for the said Council to commence and prosecute any Action or Suit at Law or in Equity in the Name of the Mayor, Aldermen, and Burgesses of the said City against such Executors or Administrators, for the Recovery of all such Monies, Books, Papers, Writings, and Things, in which Action full Costs of Suit shall be recoverable by the said Council: Provided also, that nothing herein contained shall be construed to exonerate any Surety of any such Registrar and Clerk or other Officer from the Liability to pay or make good the Balance of any Monies remaining due from such Registrar and Clerk or Officer, but such Surety shall remain liable to the Payment thereof, in the same Manner as if such Registrar and Clerk or Officer were still alive.

In case an,
Officer dies,
his Executors
to account.

XLVIII. And be it further enacted, That when the Balance or Surplus of the Fees and Emoluments collected and received as aforesaid, and of the Money paid into the said Court, exceeds the Sum of Five hundred Pounds, over and above what may be required to pay such Salaries and Allowances, and the Expences of upholding and maintaining the said Court, and the Offices and Buildings aforesaid, and such other Payments as are herein-after mentioned, or sooner if the said Council shall deem it advisable, the said Council shall and they are hereby required to lay out and invest some Portion of the same, so as to reduce the Amount of Balance to Five hundred Pounds in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of Exchequer Bills or other Government Securities; and if any Person entitled to any Money paid into the said Court shall, before the Expiration of Six Years from the Time of the same having been received into the said Court, demand the same, they shall be entitled to receive such Money, but after the Expiration of Six Years from the Time of any

Investment
and Appro-
priation of
surplus Fees,
&c.

[Local.]

34 N

Money

Money being paid into the said Court the Right of every such Person to receive the same shall cease and determine; and thereupon all Money so invested, and also all Dividends and annual Produce of the said Annuities or Securities, shall be applied, if necessary or required, in the Purchase or Hire of a Site of Ground, and in erecting thereon a suitable Building and Offices for the more convenient Transaction of the Business of the said Court; and when the Purposes aforesaid, or such of them as the said Council shall deem necessary and proper, shall be fully carried into execution, any Surplus remaining of the said Fund shall from Time to Time be paid to the Treasurer of the said City and County, and be by him carried to and in aid of the Borough Fund of the said City and County.

Penalty on Registrar taking Fees not-authorized.

XLIX. And be it further enacted, That if the said Registrar and Clerk, Deputy Registrar, or any other Officer as aforesaid shall take, demand, accept, or receive any Sum of Money or Gratuity for or relating to or connected with the Duty to be performed by him with regard to the said Court, (except such Fees as are herein-before authorized to be collected and received on behalf of the said Council, and except such Salaries as they may receive from the said Council,) or shall at any Time refuse or neglect to perform his Duty, or otherwise act contrary to the Provisions of this Act, or in Disobedience to any of the Rules, Orders, and Regulations to be made by the said Council in pursuance of this Act, every such Registrar and Clerk, Deputy Registrar, or other Officer shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Officer neglecting his Duty.

L. And be it further enacted, That if any Officer of the said Court shall, by wilful Neglect, Omission, or Connivance, cause or suffer the Party against whom any Execution shall be awarded to escape or abscond, or the Goods and Chattels of such Party to be carried away or secreted, so that such Execution shall not have its due Effect, every such Officer shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; any Part whereof may, at the Discretion of the Justice before whom the Complaint shall be heard, be paid to the Party complaining.

For supporting the Dignity of the Court, and preventing Insult.

LI. And for the more effectually maintaining the Dignity of the said Court, and to protect the Commissioners, Registrar, and Clerk and Officers of the said Court from Insult, be it further enacted, That if any Person shall contemptuously and wilfully insult or abuse all or any of the said Commissioners, Registrar, and Clerk and 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 be lawful for any Officer of the said Court, with or without the Assistance of any other Person, by the Order of the said Commissioners then sitting or any Three or more of them, to take such Offender into Custody, and carry him before One or more of His Majesty's Justices of the Peace for the said City and County to answer for such Offence; and upon the Fact alleged being duly proved upon the Oath of any credible Witness against him, then and in such Case the said Justice shall proceed to punish such Offender by Fine or Imprisonment, or both; provided that the Fine on any

one Person do not exceed the Sum of Forty shillings, and that the Imprisonment be not for any longer Space of Time than Seven Days.

LII. And be it further enacted, That all Persons who, in any Examination to be taken by virtue of this Act upon their Oath, or being Quakers upon their Affirmation, shall wilfully and corruptly give false Evidence before the said Commissioners, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

Punishing
Persons
guilty of
Perjury.

LIII. And be it further enacted, That where in this Act a Declaration is directed to be used for the Purpose of confirming the Accuracy of any Accounts, the same shall be made in the Form prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other Provisions for the Abolition of unnecessary Oaths,'* or as near thereto as the Circumstances of the Case will admit, and shall be of the like Force and Effect as if an Affidavit or Affirmation in Writing had been made; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

Persons
making false
Declaration
to be guilty
of a Mis-
demeanor.
5 & 6 W. 4.
c. 62.

LIV. And be it further enacted, That any Fine, Penalty, or Forfeiture imposed or authorized to be imposed by virtue of this Act, the Manner of levying and recovering whereof is not herein otherwise particularly directed, shall, on Proof of the Offence before any Justice of the Peace for the said City and County by the Confession of the Party offending or by the Oath of any credible Witness, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any), after such Fine, Penalty, or Forfeiture, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattels; and the Money arising by such Fine, Penalty, or Forfeiture, when paid and levied, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid to the Treasurer of the said Borough for the Time being to the Credit of the Borough Fund; and in case such Fine, Penalty, or Forfeiture shall not be paid forthwith upon Conviction, then it shall be lawful for such Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security, and which Security such Justice is hereby empowered to take by way of Recognizance or otherwise, as to him shall seem right and proper; but if upon Return of such

Recovery and
Application
of Penalties.

Warrant

Warrant no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that he hath not Goods and Chattels within the Jurisdiction of such Justice whereon to levy such Fine, Penalty, or Forfeiture, Costs and Charges, such Justice may at his Discretion, without issuing any Warrant of Distress, commit the Offender to the Common Gaol or House of Correction belonging to the said City and County, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

LV. And be it further enacted, That in all Cases in which by this Act any Fine, Penalty, or Forfeiture is made recoverable by Information before any Justice, it shall be lawful for such Justice to whom Complaint shall be made of any Offence against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Fine, Penalty, or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before him; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

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

‘ **B**E it remembered, That on this Day of
 ‘ in the Year of our Lord A. B. is convicted
 ‘ before me C. D., one of His Majesty’s Justices of the Peace acting
 ‘ within the City and County of *Bristol* under and by virtue of an Act
 ‘ passed in the Year of the Reign of His Majesty King
 ‘ *William* the Fourth, intituled [*here insert the Title of this Act*], of
 ‘ having [*here describe the Offence*], and I the said Justice do adjudge
 ‘ him to forfeit and pay for the same the Sum of
 ‘ Given under my Hand and Seal the Day and Year aforesaid.’

Distress not unlawful for Want of Form, nor to be removed by Certiorari.

LVII. 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 making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards be done by the Party so distraining, but the Person 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

LVIII. And be it further enacted, That no Judgment, Order, Decree, or other Proceeding made touching or concerning any of the Matters aforesaid, or the Conviction of any Offender against this Act, shall be quashed

quashed or vacated for Want of Form only, or be removed or removeable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

Want of
Form.

LIX. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant, and also to the Registrar and Clerk for the Time being of the said Commissioners, Ten Days before such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends shall have been made to him or to his Attorney by or on behalf of the Defendant before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant 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 Sums of Money as he 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.

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

LX. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of this Act after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial which shall be had thereupon; and if any such Action shall be brought before Ten Days Notice shall have been given, or after sufficient Amends made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than as aforesaid, then and in every such Case the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against such Plaintiff, then and in every such Case the Defendant shall recover his Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Limitation of
Actions.

LXI. And whereas the late Registrar and Clerk of the said Court appointed under the Provisions of the said first-recited Act is lately deceased, having in his Lifetime received divers Sums of Money on account of and for the Suitors of the said Court, and at the Time of his Death such Monies amounted to the Sum of One thousand eight hundred Pounds or thereabouts, and the same now remains wholly due and unpaid: And whereas it is expedient, for the Relief of the several Suitors to whom the said Monies are due, that the same shall be forthwith paid and discharged; be it therefore further enacted, That it shall be lawful for the said Council, if they shall see fit so to do, to order and direct the Treasurer of the said City and County, by and out of the Borough Fund for the said City and County, to make such temporary Advances from Time to Time as may be necessary to pay off and discharge the Monies so due to the Suitors of the

Temporary
Advance to
be made for
paying
Expences of
Act, &c.

[*Local.*]

34 0

said

said Court, as also such Sums of Money as may be expended or incurred in preparing, obtaining, and passing of this Act, or as may at any Time be deemed expedient and necessary to be advanced for carrying any of the Provisions thereof into execution; all of which Sums of Money shall from Time to Time be repaid to the said Treasurer by Order of the said Council from Time to Time out of the surplus Fees and Accumulations which shall from Time to Time be in their Hands under the Provisions herein contained, with Interest on such Sums of Money after the Rate of Four Pounds *per Centum per Annum*: Provided always, that no such Re-payment shall be made from any Part of such Accumulation as shall be due to any Suitors of the Court until after the Expiration of Six Years from the Time of the same having been paid into Court.

Saving the
Rights of the
Mayor, &c.

LXII. Provided always, and be it further enacted, That nothing herein contained shall in any Manner abridge, infringe, or lessen any of the Rights, Franchises, Immunities, Powers, or Authorities of the Mayor, Aldermen, and Burgesses of the said City of *Bristol*, or any of the accustomed Rights and Privileges of the said City, save and except as is herein provided and enacted.

Construction
of Words.

LXIII. And be it further enacted, That in the Construction of this Act the Word "Oath" shall extend to and include the Affirmation of a Quaker, Separatist, or Moravian; and every Word importing the Singular Number or Masculine Gender only shall (unless there be something in the Subject or Context repugnant to such Construction) be construed to mean and include Two or more Persons or Things, and a Female as well as a Male.

Public Act.

LXIV. 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.

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