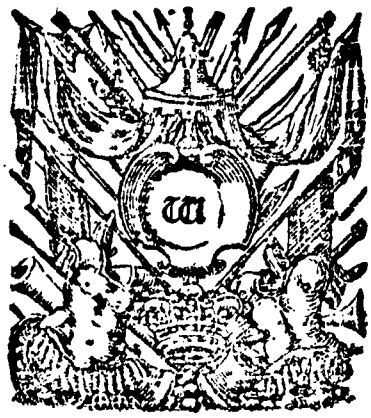
Anno ſexto

Georgii III. Regis.

CAP. XVI.

An Act for the more eaſy and ſpeedy Recovery of Small Debts within the City of *Bath*, and the Liberties and Precincts thereof.



WHEREAS the City of Bath is very large and populous, and is daily increaſing, by reaſon of the great Reſort thereto from all Parts of this Kingdom of Great Britain, as well as from Foreign Parts, by Means whereof, a very conſiderable Trade is carried on within the ſaid City and Liberties: And whereas many Perſons to whom the Traders within the ſaid City and Liberties are obliged to give Credit for ſmall Sums of Money, frequently refuſe, although able, to pay the ſame, preſuming on the Diſcouragements which Creditors lie under from the Ex- Preamble.

pence which they are unavoidably put to, and the Delays they meet with in ſuing for ſuch Debts: And whereas a more eaſy and ſpeedy Method of recovering Small Debts within the ſaid City and Liberties, would greatly tend to improve the Trade thereof, and ſupport uſeful Credit therein; 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, for the time being; together with William Colborne, Benjamin Colborne, Giles Jones, William Hoare, Walter Taylor, John Howſe, Henry Howſe, George Chapman, Samuel Goldney, Richard Harford, John Bowden, Henry Pullen, William Swallow, Hanbury Bettingall, Thomas Haviland, Thomas Paulin, Charles Simpſon, William Wiltſhire, Walter Dallamore, Robert Hayward, Robert Hayward junior, Edward Parker, Richard Evatt, James Wall, Lacon Lamb, Thomas Jelly, John Cottle, John Dodd, William Gallaway, William Rogers, Thomas Creaſer, John Elderton, John Palmer, William Vatchett, John Blake, William Prudie, Joſeph Terry, John Spry, Thomas Weſt, Edmund Hutchiſon, William Clement, Charles Morgan, Lewis Bick, William Frederick, Thomas Brookman, William Kittoe, Thomas Farr, Joſeph Phillott, Markes Davis, and Samuel Woodhouſe, ſhall be, and they are hereby appointed Commiſſioners, to hear and determine all ſuch Matters of Debt as are hereafter mentioned; 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 of *Bath*, in the County of *Somerſet*, and the Liberties of the ſaid City; and the ſaid Commiſſioners, or any Three or more of them, ſhall, and they are hereby impowered and required to meet and hold the ſaid Court on every Tueſday, or oftener, if they ſhall deem it neceſſary, in the Town Hall, or ſome other convenient Place within the ſaid City of Bath, to be appointed by the major Part of ſuch of the Commiſſioners as ſhall be preſent at any ſuch Meeting; and the firſt Meeting of the ſaid Commiſſioners ſhall be held on the Third Tueſday next after the paſſing of this Act; and the ſaid Commiſſioners, or any Three or more of them, from time to time aſſembled

Commiſſioners.

Meetings.

Power.

assembled at such Courts, are hereby authorized and fully impowered to hear and determine all such Causes as are hereafter mentioned, and to give such Judgements, and to make such Orders and Decrees therein, and to award Execution thereupon, with Costs, against the Body and Bodies, or against the Goods of all and every the Person and Persons against whom they shall give any such Judgement, or make any such Order or Decree, as to them shall seem just in Law or Equity; and if the Commissioners so assembled shall happen to be equally divided upon any Question that may come before them, the Mayor of the City for the time being, if present, or, in his Absence, the senior Alderman, if present, and if no Alderman is present, the Commissioner present, who stands first in the List of Commissioners to be hung up in the Court or Place where the Commissioners meet, shall have another and the casting Vote.

In case of Death, &c. new Commissioners to be chosen.

And be it further enacted by the Authority aforesaid, That whenever any or either of the said Commissioners herein before particularly named and associated to and with the said Mayor, Aldermen, and Common Council, or any or either of the Successors of such Commissioners, to be elected in Manner herein after particularly mentioned, shall happen to die, or refuse to act, then, and in either of such Cases, it shall be lawful for the surviving or remaining Commissioners, or the major Part of such of them as shall be present at a Meeting which is hereby directed to be held for that Purpose, within the Space of One Calendar Month next after such Decease or Refusal to act shall happen or be known, or as soon after as conveniently may be, to elect and appoint One other Commissioner in the Stead of each such Commissioner so dying or refusing to act (Notice in Writing of the Time and Place of Meeting for every such Election being previously given by the Clerk to the said Commissioners, by affixing the same to the Town Hall in the said City at least Seven Days before every such Meeting); and every such Commissioner so elected, shall be and is hereby enabled to act in the Execution of the Powers hereby granted to the Commissioners aforesaid, as fully and effectually, to all Intents and Purposes, as if he had been particularly named herein as a Commissioner.

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; be it further enacted by the Authority aforeſaid, That the Serjeant of the ſaid Court for the time being, to be nominated and appointed as herein after mentioned, ſhall ſummon the Mayor and One Alderman, or Two Aldermen, together with Four other Commiſſioners, beginning with the Mayor and One Alderman, and Four other Commiſſioners, who ſhall be firſt named in the Liſt of Commiſſioners to be hung up in the ſaid Court, to attend the ſaid Court as Commiſſioners for One Week next enſuing; and ſhall weekly ſummon the like Number of Commiſſioners, as they ſhall ſtand in Order and Rotation upon the ſaid Liſt.

Commiſſioners how to be ſummoned;

Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to exclude or debar any of the 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 ſuch Commiſſioners, if they think fitting ſo to do, ſhall and may ſit, hear, determine, give Judgement, and make Orders and Decrees in the ſaid Court; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

None excluded from acting;

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, until he ſhall have taken an Oath to the Effect following; that is to ſay,

Their Oath.

I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Judgement, hear and determine ſuch Matters and Things as ſhall be brought before me, by virtue of an Act for the more eaſy and ſpeedy Recovery of Small Debts within the City and Liberties of *Bath* in the County of *Somerſet*, without Favour, Affection, or Prejudice, to either Party.

Which Oath the Clerk of the ſaid Court, or any of the Commiſſioners who ſhall have taken ſuch Oath, is hereby impowered and required to adminiſter in open Court, and a Memorial thereof ſhall be entered in the Regiſters of the ſaid Court by the ſaid Clerk.

Clerk appointed.

And be it further enacted by the Authority aforeſaid, That Jacob Smith Gentleman, ſhall be and is hereby

appointed Clerk of the ſaid Court of Requeſts, during his good Behaviour, and ſhall have Power from time to time to appoint a Deputy; which ſaid Clerk, or his Deputy, are hereby impowered and required to iſſue out all Summonſes, Warrants, and Precepts, and to regiſter all Orders, Decrees, and Judgements, of the ſaid Court, and ſhall enter and regiſter, or cauſe to be entered and regiſtered, in proper Books to be provided by him and kept for that Purpoſe, all the Acts and Proceedings of the ſaid Court.

If Commiſſioners do not meet, the Clerk may adjourn the Court.

And be it further enacted by the Authority aforeſaid, That in caſe by the Neglect or Refuſal of the ſaid Commiſſioners, it ſhall happen that there ſhall not be a Quorum of Three of the ſaid Commiſſioners aſſembled on any of the Days appointed for holding the ſaid Court; it ſhall and may be lawful for the Clerk for the time being of the ſaid Court, to adjourn the ſaid Court to ſome other convenient Opportunity, within One Week from the Time within which the ſaid Court ought to have been held.

Serjeants appointed.

And be it further enacted by the Authority aforeſaid, That Charles Blatchley and William Collins ſhall be, and are hereby conſtituted and appointed Serjeants of the ſaid Court of Requeſts, during their good Behaviour, for the Service of Summonſes, and executing ſuch Orders, Warrants, and Precepts, and doing and performing ſuch other Acts, Matters, and Things, as are herein appointed to be done by them.

Method of chooſing new Clerk and Serjeants.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the major Part of the Commiſſioners, who ſhall be ſitting and acting in Court on the next Court Day after the Death, Reſignation, or Removal of the Clerk, or of the Serjeants appointed by this Act, or either of them, or ſo ſoon after as the ſame is publickly known, to cauſe the whole Number of Commiſſioners, for the time being, to be ſummoned to meet at ſome convenient Place to be appointed for that Purpoſe, within Six Days next after their being ſummoned as aforeſaid; and ſuch Commiſſioners at ſuch Meeting, or the major Part of them then preſent, are hereby authorized and required to elect another Perſon or Perſons in the Room of ſuch Clerk or Serjeants reſpectively, ſo dying, reſigning, or being removed as aforeſaid, for the Uſes and Purpoſes in this Act contained, and ſo from time to time upon every Vacancy of the ſaid Offices of Clerk or Serjeants for ever.

And

Debtors how to be ſummoned.

And be it further enacted by the Authority aforeſaid, That from and after the First Meeting of the ſaid Commiſſioners, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who now hath, have, or hereafter ſhall have, any Debt or Debts, under the Value of Forty Shillings, due or owing, or belonging unto him, her, or them, in his, her, or their own Rights, or as Executor, Adminiſtrator, Guardian, or Truſtee, to any other Perſon or Perſons, by or from any other Perſon or Perſons whatſoever, inhabiting or reſiding within the ſaid City and Liberties, or uſing or frequenting the Markets thereof, or uſually buying or ſelling, or ſeeking a Livelihood therein, 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 Serjeants of the ſaid Court for the time being a Summons in Writing under his Hand, directed to ſuch Debtor or Debtors, expreſſing the Sum demanded of him, her, or them, together with the Name of the Party demanding the ſame, and requiring him, her, or them, 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 Serjeant ſhall forthwith ſerve or cauſe ſuch Summons to be ſerved on ſuch Debtor or Debtors, either perſonally or by leaving the ſame at the Dwelling houſe, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, of ſuch Debtor or Debtors, being within the ſaid City and Liberties, with his, her, or their Servant, or other Perſon belonging to him, her, or them; and that upon Proof made that ſuch Summons hath been duly ſerved, the ſaid Commiſſioners, or any Three or more of them, aſſembled in Court, being a Majority of ſuch Court, are hereby impowered and required to make due Enquiry concerning ſuch Demands or Plaints, and make ſuch Orders and Decrees therein, and paſs ſuch final Sentence or Judgement 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 Matters and Cauſes which ſhall be depending in the ſaid Court, it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, aſſembled in Court, and they are hereby impowered to adminiſter, or cauſe to be adminiſtered, an Oath or Oaths to any Officer of the ſaid Court, and to either of the ſaid Parties willing to be

Commiſſioners to give Judgement,

and adminiſter Oaths.

be examined touching the Matters then in Question; and 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 toward the hearing or determining any of the said Causes, or making an Order or Decree therein, or for any other Purposes requisite to the Execution of this Act.

In case Debtors do not appear,

And be it further enacted by the Authority aforesaid, That if any Debtor or Debtors, who shall have been duly summoned as aforesaid, shall not appear before such Court at the Time and Place mentioned in the said Summons, then it shall and may be lawful to and for the said Commissioners, or any Three or more of them, so assembled, being a Majority of the said Court, after due 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 Judgement, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

Commissioners may proceed.

If Plaintiff do not appear or prove his Debt,

And be it further enacted by the Authority aforesaid, That if upon the Day of Return of the Summons, or at any Continuation or Adjournment of the said Court, the Plaintiff or Plaintiffs shall not appear, or appearing shall not make Proof of his, her, or their Demands to the Satisfaction of the Court, but become Nonsuited, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, being a Majority of the said Court, to award to the Defendant or Defendants reasonable Costs, and to order and oblige the Plaintiff or Plaintiffs to pay the same, by such Ways and Means as are herein provided for the Recovery of Debts ordered and decreed by the said Court.

Defendant to have Costs.

Commissioners may award Execution against Body and Goods.

And be it further enacted by the Authority aforesaid, That in any Case where the said Commissioners, or any Three or more of them as aforesaid, shall have made any Order or Decree for the Payment of Money, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, being a Majority of the said Court, to award Execution either against the Body or Goods of the Party against whom such Order or Decree shall be made; and thereupon it shall and may be lawful for the Clerk of the said Court, 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 Serjeants of the ſaid Court, who, by virtue of any ſuch Precept iſſued upon Execution awarded againſt the Body of ſuch Party, ſhall and may, and is hereby impowered to take ſuch Party, being within the ſaid City and Liberties, and carry him, her, or them, to the Common Goal of the ſaid City, there to remain until he, ſhe, or they, ſhall perform and obey ſuch Order, Decree, or Judgement, ſo as no Perſon ſhall remain in Confinement upon any ſuch Execution for a longer Space than Three Calendar Months; and ſuch Serjeant, by virtue of any ſuch Precept iſſued upon Execution awarded againſt the Goods of any ſuch Party, ſhall and may, and is hereby impowered to levy by Diſtreſs and Sale of the Goods of ſuch Party, being within the ſaid City and Liberties, ſuch Sum or Sums of Money and Coſts as ſhall be ſo ordered, decreed, and adjudged; and if the Party againſt whoſe Body or Goods 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 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, or any Three or more of them, aſſembled in ſuch Court, being a Majority of the ſaid Court, upon due Proof thereof made to them, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, at their Diſcretion, to award farther Execution either againſt the Body or Goods of ſuch Party, and Proceſs ſhall iſſue thereupon, and be ſerved by One of the Serjeants of the ſaid Court in Manner aforeſaid, until the Plaintiff or Plaintiffs ſhall be fully paid and ſatisfied: And in caſe the ſaid Court ſhall at any Time, upon the Requeſt, and for the Eaſe and Convenience of the Defendant or Defendants, order, decree, or adjudge, a Debt due to the Plaintiff or Plaintiffs to be paid by ſeveral Payments; then, upon the Firſt Default or Failure of any of the ſaid Payments ſo ordered, decreed, and adjudged, the ſaid Commiſſioners, or any Three or more of them, aſſembled in ſuch Court, being a Majority of the ſaid Court, ſhall and may, at the Inſtance of the Plaintiff or Plaintiffs, and upon due Proof of the ſaid Default or Failure, award Execution for the whole Debt, or ſuch Part thereof as ſhall then remain unpaid, together with ſuch farther Coſts as to them ſhall ſeem reaſonable,

If Parties abſcond, &c. further Execution to be awarded,

until Plaintiff is ſatisfied.

Upon Failure of paying Debts by Inſtalments,

Execution to be awarded for the Whole.

ble, to be recovered by the same Methods and Means as are herein provided for the Recovery of the Debt and Costs first decreed; the former Order, Decree, or Judgement, to the contrary notwithstanding.

Clerk to indorse Debts and Costs in the Summons.

And be it further enacted by the Authority aforesaid, That upon every Precept to be issued, upon Execution awarded against the Body or Goods of any Person or Persons, the Clerk of the said Court shall indorse, or cause to be indorsed, the Sum or Sums and 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, or before he, she, or they, is or are apprehended, or before the Expiration of the Term of his, her, or their Imprisonment, pay or cause to be paid, or tendered unto the Clerk of the said Court, such Sum or Sums and Costs, together with One Shilling, as a Reward for his Trouble in receiving and paying over the said Debt and Costs, and entering Acknowledgement and Satisfaction in full for the Sum; and also the Sum of Two Shillings and Six Pence for Gaol Fees (in case such Person or Persons shall have been committed to Prison) then and in any such Case the Execution shall be superseded, and the Body or Goods of the said Party or Parties shall be discharged and set at Liberty.

And if the Parties pay in a certain Time, Execution to be superseded.

Privilege not allowed to Attornies, &c.

And be it further enacted by the Authority aforesaid, That no Privilege or pretended 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 of any of the Courts at Westminster, or of any other Court whatsoever.

Serjeant neglecting his Duty, to pay the Debt.

And be it further enacted by the Authority aforesaid, That if the Serjeant of the said Court who shall be employed to serve an Execution, shall, by wilful or notorious Neglect or Connivance, cause or suffer the Party against whom such Execution shall be awarded, to escape or 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, or any Three or more of them, assembled at any such Court, being a Majority of the said Court, upon Complaint made, and due Proof thereof, upon the Oath or Oaths of One or more credible Witness or Witnesses, to order such Serjeant to pay the Sum or Sums of Money, for which the said Execution was awarded, to the Party complaining, and to enforce the

the Payment thereof, by the same Methods and Means as are herein provided for the Recovery of other Debts.

Fees. And be it further enacted by the Authority aforesaid, That the several Fees hereafter limited and expressed, and no other, shall be taken by the said Clerk and Serjeants for their several and respective Services in the Execution of this Act; that is to say,

	l.	s.	d.
For entering the Cause, to the Clerk	0	0	6
For issuing every Summons, to the Clerk	0	0	6
For Service of every Summons in the City or Liberties, and attending the Court with Return, to the Serjeants	0	0	3
For every Hearing, to the Clerk	0	0	6
For every Order, to the Clerk	0	0	6
For Making and Entering every Order, to the Clerk	0	0	3
For Service of every Order against a Party (in the City or Liberties) not in Court, and attending with Return, to the Serjeants	0	0	3
For a Nonsuit on the Plaintiff's not appearing, to the Clerk	0	0	6
For an Attachment against the Defendant for not appearing, to the Clerk	0	0	6
To the Serjeants	0	0	3
For Service thereof in the City or Liberties	0	0	3
For acknowledging Satisfaction thereof, to the Clerk	0	0	4
For an Execution, to the Clerk	0	1	0
To the Serjeants, for Service thereof in the City or Liberties	0	0	6
For a Subpœna, to the Clerk	0	0	3
To the Serjeants for Service thereof in the City or Liberties	0	0	3
For paying Money into Court, to the Clerk	0	0	6
For every Search of the Books, to the Clerk	0	0	2

A Table of which Fees shall from time to time be hung up by the Clerk of the said Court, in some conspicuous Part of the said Court or Place where the said Commissioners shall meet, so that all Persons who shall attend the said Court may see and read the same.

Clerk or Serjeants taking greater Fees, And be it further enacted by the Authority aforesaid, That if the said Clerk for the time being of the said Court,

Court, or the Serjeants of the said Court for the time being, or any of them, shall knowingly take or demand any greater or other Fee or Fees than as herein mentioned, upon Complaint and due Proof thereof, upon the Oath or Oaths of One or more credible Witness or Witnesses, made in open Court, the said Commissioners, or any Three or more of them, being a Majority of the said Court, shall, and are hereby impowered and required from time to time to punish such Offender by Fine, not exceeding Forty Shillings for one Offence, to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of the said Commissioners, or any Three or more of them, rendering to the Owner the Overplus, if any, after the Charges of such Distress and Sale are deducted; which Fine and Fines when recovered shall be paid to the Mayor of the said City for the time being, to be by him distributed among the Poor of the said City and Liberties, in such manner as he shall think fit; and if the Clerk or Serjeants of the said Court, or any or either of them for the time being, shall be guilty of any notorious Misbehaviour, either by taking or demanding greater or other Fees than as aforesaid, or otherwise, in the Execution of their respective Offices, upon Complaint made, the said Commissioners, or any Three or more of them, shall, in open Court, hear and inquire into the Matter of the said Misbehaviour, by the Oath or Oaths of One or more credible Witness or Witnesses, and shall, if they, being a Majority of the said Court, think fit, certify the Particulars of the said Misbehaviour, with the Proofs thereof, unto the Mayor of the said City for the time being, who shall thereupon cause all the said Commissioners to be summoned to meet at a convenient Time and Place, and shall lay the Particulars of such Complaint before the Commissioners assembled pursuant to such Summons, who shall take the same into Consideration, and may, according to their Discretion, suspend or remove the said Clerk, or Serjeant or Serjeants, so offending, from his or their said Office or Offices, and nominate or appoint other fit and able Person or Persons to exercise the said Office or Offices respectively, in the Place and Stead of him or them so removed.

to forfeit 40s.

and if guilty of notorious Misbehaviour,

may be removed.

And be it further enacted by the Authority aforesaid, That if any of the Commissioners of the said Court, for the time being, shall be party to or interested in any

Commissioners, &c. not to sit where interested.

any Cause depending in the said Court, such Person shall not be capable of acting as a Commissioner in the hearing or determining the said Cause, or making any Order, Decree, or Judgement therein; but after being heard in the said Cause, shall withdraw until the same is finally determined; and if the Clerk, or other Officer of the said Court for the time being shall be a Party to, or interested in, any Cause depending in the said Court, such Clerk, or other Officer, shall not exercise his said Office in the said Cause, or any Thing relating thereto, but the said Commissioners, or any Three or more of them, assembled at such Court, being a Majority of the said Court, shall and may appoint another Person to exercise the Office of such Clerk, or other Officer respectively, in all Things relating to such Cause.

Penalty on Persons insulting the Court.

And, for the more effectual Establishment of the said Court, and that the Commissioners thereof may be vested with a proper Authority, and be free and exempt from Insult and Abuse, be it enacted by the Authority aforesaid, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the Commissioners, or other Officers of the said Court for the time being, during their sitting in the said Court, or going to or from the said Court, or shall interrupt or obstruct the Proceedings of the said Court, it shall and may be lawful for the Serjeant or Serjeants of the said Court, with or without the Assistance of any other Person or Persons, by Order of the said Commissioners, or any Three or more of them, being a Majority of the said Court, to take such Offender or Offenders into Custody, and carry him, her, or them, before the Mayor, or any other Justice or Justices of the Peace for the said City and Liberties; and upon the Insult, Abuse, or other Misbehaviour as aforesaid, being duly proved by the Oath or Oaths of One or more credible Witness or Witnesses, the said Mayor, Justice or Justices, shall punish every such Offender, either by Fine, not exceeding Forty Shillings upon any One Person for any One Offence, to be levied and recovered by Distress and Sale of the Goods of such Offender, or Imprisonment in the Prison of the said City, for any Space of Time not exceeding Two Calendar Months; and where the said Mayor or Justices shall have imposed a Fine upon such Offender, and there shall not be found sufficient Goods

Goods of such Offender whereupon such Fine can be levied, the said Mayor, Justice or Justices, shall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, commit the said Offender to the Prison of the said City, there to remain for any Space of Time not exceeding Three Calendar Months; and all such Fines as aforesaid shall, when raised or levied, be paid and applied in like manner as the Fines herein before mentioned are directed to be paid and applied; and the said Clerk of the said Court for the time being shall, from time to time, cause a true Copy of this Clause to be fixed up in the said Court or Place where the said Commissioners shall meet, in some conspicuous Part thereof, where the Persons resorting to the said Court may see and read the same.

Debts under 40s. not to be sued for in any other Court.

And be it further enacted by the Authority aforesaid, That no Action or Suit for any Debt not amounting to the Value of Forty Shillings, and recoverable by virtue of this Act in the said Court of Requests, and concerning which any Order, Decree, or Judgement, shall have been before made or given in the said Court of Requests, shall be brought against any Person or Persons in any other Court whatsoever; and such Order, Decree, or Judgement, being pleaded or given in Evidence on the General Issue of such Action or Suit, shall, as to the Matter contained therein, be an effectual Bar to the Plaintiff or Plaintiffs in such Action or Suit; and the Registers or Books of Entry of the said Court, or true Copies attested under the Hand of the Clerk of the said Court of Requests for the time being, and proved by the Oath or Oaths of One or more credible Witness or Witnesses, shall be deemed legal Evidence of the Acts and Proceedings of the said Court of Requests; and no Suit which shall be commenced in the said Court of Requests, in pursuance of this Act, nor any Proceedings therein, shall or may be removed into any superior Court, but the same shall be final and conclusive to all Intents and Purposes.

Proceedings not removeable.

What Debts this Act shall not extend to.

Provided always, and be it enacted by the Authority aforesaid, That this Act, or any thing therein contained, shall not extend to any Debt for Rent upon any Lease or Contract, where the Title of any Lands, Tenements, or Hereditaments, can or may come in Question; nor to any Debt, Matter, or Thing, that shall

shall or may arise upon or in any wise relate to, or concern any Cause of Testament or Matrimony, or any thing concerning or properly belonging to the Ecclesiastical Courts; nor for any Debt for any Money or Thing won at, or by Means of any Horse Race, Cock Match, Wager, or any Kind of Gaming or Play; nor for any Forfeiture upon any Penal Statute or Bye Law; nor to any Debt whereof there has not been a Contract, Acknowledgment, Undertaking, or Promise, to pay within Six Years before the taking out the Summons, although the same shall be under the Value of Forty Shillings.

Penalty on Persons guilty of Perjury;

And be it further enacted by the Authority aforesaid, That if any Person or Persons in making Oath or giving Evidence in any Cause or Matter depending in the said Court of Requests, pursuant to this Act, shall commit wilful and corrupt Perjury, such Person or Persons, being duly convicted thereof according to Law, shall incur and suffer such Pains and Penalties as any other Person or Persons convicted of wilful and corrupt Perjury, is, are, or shall be subject and liable to by the Laws and Statutes of this Realm.

and on Keepers of Prisons neglecting their Duty.

And be it further enacted by the Authority aforesaid, That the respective Keepers for the time being of the Common Goal or Prison within the said City, shall and they are hereby required to receive and take into their Custody respectively, all and every Person and Persons who shall be committed, or ordered to stand committed by any Three or more of the said Commissioners present in Court, being the Majority of such Court, or by virtue of any Warrant, Attachment, Execution, or other Process issuing out of the said Court of Requests; and in case the Keeper of the said Goal or Prison respectively, shall neglect or refuse to receive and take into his 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 Custody, discharge such Person or Persons out of his Custody, or wilfully suffer such Person or Persons to go at large without a Warrant or Order for that Purpose in Writing, signed in Court by Three or more of the said Commissioners, being a Majority of the said Commissioners present; such Keeper respectively 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

Oath of One or more credible Witness or Witnesses, or upon his own Confession, shall forfeit and pay for every such Offence, a Sum not exceeding Five Pounds of lawful Money of Great Britain, at the Discretion of such Justice or Justices, and such Sum shall be immediately paid by the Person so offending, into the Hands of the Justice before whom such Offender shall be convicted, or in Default thereof, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any be, to such Offender, the Charges of such levying being thereout first deducted; which Forfeiture, when paid or levied, shall be immediately paid and applied in like Manner as the Fines herein before mentioned are directed to be paid and applied.

Attornies not to be Advocates.

And be it further enacted by the Authority aforesaid, That no Attorney of any Court of Record shall be admitted to appear in the said Court of Requests, as Attorney or Advocate in Behalf of any Plaintiff or Defendant, or to be admitted to speak in any Cause or Matter before the said Court, in which such Attorney is not himself a Party or Witness, under a Penalty of Twenty Pounds; to be levied and applied as above mentioned, with respect to Keepers of the said Goal or Prison; nor shall any such Attorney act as a Commissioner in the said Court of Requests; any thing herein before contained to the contrary notwithstanding.

Penalty on Witnesses not attending.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons residing within the said City or Liberties shall be duly served with a Subpœna or Summons, to be issued by the Clerk of the said Court of Requests, at a Time and Place in such Subpœna or Summons mentioned, to give Evidence on Behalf of any Plaintiff or Defendant, and shall neglect or refuse to appear pursuant to such Subpœna or Summons, and due Proof being made of the Service of such Subpœna or Summons, and no Cause of Absence being shewn to the Satisfaction of the said Commissioners present at the Court to which such Person shall be by such Subpœna or Summons required to appear, and Oath being made before the same Commissioners by the Party or Parties, at whose Instance, or on whose Behalf such Subpœna or Summons issued, that the Person or Persons served therewith, was or were a material Witness or Witnesses for such Party or Parties, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, assembled in such Court, and being a Majority of them, to impose a Fine, not exceeding Fifty Shillings, to be levied by Distress and Sale of the Offender's

Goods, by Warrant under the Hands and Seals of the said Commissioners, or any Three or more of them, rendering the Overplus (if any) to such Offender, the Charges of such Distress and Sale being first deducted; which Fine, when paid or levied, shall be paid over to the Party or Parties at whose Instance, or on whose Behalf such Subpœna or Summons issued.

Commissioners not to be served with a Process, until Notice given:

And be it further enacted by the Authority aforesaid, That no Writ shall be sued out against, nor any Copy of any Process, at the Suit of any Person or Persons, shall be served on, any of the said Commissioners, or any of the Officers of the said Court, for the time being, for any thing by him or them done in the Execution of his or their respective Office or Offices, until Notice in Writing of such intended Writ or Process shall have been delivered to him or them, or left at the usual Place of his or their Abode, by the Attorney or Agent for the Party who intends to sue, or cause the same to be sued or served, at least One Calendar Month before the suing out or serving the same; in which Notice shall be clearly and explicitly contained the Cause of Action which such Party hath, or claimeth to have, against such Commissioner or Officer; on the Back of which Notice shall be indorsed the Name of such Attorney or Agent, together with the Place of his Abode; who shall be intitled to have the Fee of Twenty Shillings for the preparing and serving of such Notice, and no more.

May tender Amends.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Commissioner or Officer, at any Time within One Calendar Month after such Notice given as aforesaid, to tender Amends to the Party complaining, or to his Attorney or Agent; and, in case the same shall not be accepted, to plead such Tender in Bar to any Action to be brought against him grounded on such Writ or Process, together with the Plea of Not Guilty, and any other Plea with Leave of the Court; and if upon Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant, and in such case, or in case the Plaintiff shall become nonsuited, or shall discontinue his or her Action, or in case Judgement shall be given for such Defendant or Defendants, upon Demurrer, such Defendant shall be intitled to the like Costs as he would have been intitled unto in case he had pleaded the General Issue only; and if upon Issue so joined, the Jury shall find that no Amends

were tendered, or that the same were not sufficient, or shall find against the Defendant or Defendants in such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, which he or she shall recover, together with his or her Costs of Suit.

Plaintiffs not to recover unless Notice proved.

And be it further enacted, That no such Plaintiff shall recover any Verdict against such Commissioner or Officer in any Case where the Action shall be grounded on any Act of the Defendant as a Commissioner or Officer, unless it is proved upon the Trial of such Action, that such Notice was given as aforesaid; but in Default thereof, such Commissioner or Officer shall recover a Verdict and Costs as aforesaid.

Commissioners may pay Money into Court.

And be it further enacted by the Authority aforesaid, That in case such Commissioner or Officer shall neglect to tender any Amends, or shall have tendered insufficient Amends before the Action brought, it shall and may be lawful for him, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit; whereupon such Proceedings, Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Cause of Action to be inserted in the Notice.

And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff on the Trial of any such Action as aforesaid, of any Cause of Action, except such as is contained in the Notice hereby directed to be given.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as such by all Judges, Justices, or other Persons whomsoever, without the same being specially pleaded.

FINIS.