Anno vicesimo nono

# Georgii II. Regis.

An Act to impower Judges of Courts of Record in Cities and Towns Corporate, Liberties and Franchises, to set Fines on Persons who shall be summoned to serve upon Juries in such Courts, and shall neglect to attend.

WHEREAS the City of London, and many other Cities and Towns Corporate, Liberties, and Franchises, within this Kingdom, have by Royal Grants, or by Prescription, certain Courts of Record holden within such Cities and Towns Corporate, Liberties, and Franchises respectively, for the Trial of Actions and Suits arising within the Limits or Jurisdictions of such Cities, and Towns Corporate, Liberties, or Franchises, Preamble.



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chises, respectively: And whereas great Inconveniencies and Delays frequently happen to the Suitors in those Courts, by reason that Persons duly impannelled and summoned to serve upon Juries in such Courts, refuse or neglect to appear and serve upon the same: And whereas such Inconveniencies and Delays principally arise from want of Power in the Judge or Judges of such Courts, to compel Persons who are impannelled and summoned to serve upon Juries, for the Trial of Causes depending in such Courts, to attend, or to fine them for their not attending: Wherefore 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 Twenty fourth Day of June, One thousand seven hundred and fifty six, every Person duly impannelled and summoned to serve upon any Jury for the Trial of any Cause to be tried in any Court of Record, holden or to be holden within the said City of London, or in any other City or Town Corporate, Liberties, or Franchises, within the Kingdom of England, who shall not appear and serve on such Jury (after being openly called Three Times, and on Proof being made on Oath of the Person so making Default having been duly summoned) shall forfeit and pay for every such his Default, such Fine not exceeding the Sum of Forty Shillings, nor less than the Sum of Twenty Shillings, as the Judge or Judges of the respective Courts wherein any such Default shall be made, shall, from time to time, deem reasonable to impose or set, unless some just Cause for such Defaulter's Absence shall be made appear by Oath or Affidavit, to the Satisfaction of the Judge or Judges of the said respective Courts wherein any such Default shall from time to time be made.

Persons summoned to serve on Juries, not attending,

to forfeit not more than 40*s.* nor less than 20*s.* unless the Court be satisfied with the Cause of Absence.

And be it further enacted by the Authority aforesaid, That if any Person on whom any Fine shall be imposed or set in pursuance of this Act, shall refuse to pay the same to the Person or Persons who shall be authorized by the Judge or Judges who shall impose or set

Fine leviable by Distress and Sale.

set any such Fine, to receive the same, it shall and may be lawful for the Judge or Judges who shall have imposed or set any such Fine, and he and they is and are hereby authorized and required, by Warrant under his Hand and Seal, or their Hands and Seals, to cause all and every such Fine which shall have been imposed or set by him or them as aforesaid, to be levied, from time to time, by Distress and Sale of the Goods and Chattles of the Person or Persons on whom any such Fine shall have been so imposed or set as aforesaid; and the Overplus Money, if any, which shall remain after Payment of such Fine, and deducting the reasonable Charges of such Distress and Sale, shall be rendered to the Person or Persons whose Goods and Chattles shall have been so distrained and sold. Overplus to be returned to the Owner.

And be it further enacted by the Authority aforesaid, That every Fine which shall be imposed or set in pursuance of this Act, shall, when received or levied, be paid by the Person who shall receive or levy the same, to the proper Officer of the City or Town Corporate, Liberty or Franchise, in which the Court or Courts was or were holden, wherein such Fine so received or levied was imposed or set; to be applied to such Uses, as Issues set on Jurors, or other Fines set in Courts holden within such City or Town Corporate, Liberty, or Franchise, are by Charter, Prescription, or Usage, applicable. Fine to be paid to the proper Officer of the Court, and to be applied as other Fines of Court.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, then, and in every such Case, such Suit or Action shall be brought or commenced within Six Calendar Months next after the Matter complained of shall have been committed, and not afterwards; and that the Defendant or Defendants in every such Action, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence, on any Trial to be had thereupon; and that the same was done in pursuance, and by the Authority hereof; and if upon the Trial of any such Limitation of Actions. General Issue.

Action or Actions, the Jury shall find a Verdict for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his or their Action or Actions; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Double Costs.

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FINIS.