Anno vicesimo nono

Georgii II. Regis.

An Act for regulating the Proceedings in Personal Actions in the Courts Baron of the Manors of *Sheffield* and *Eccleſall*, in the County of *York*

WHEREAS the Liberty or District of Hallamſhire in the County of York is a large District, extending itſelf over the Town and Pariſh of Sheffield, and ſeveral other Towns and Pariſhes in the ſaid County of York; and the moſt Noble Edward Duke of Norfolk, Hereditary Earl Marſhal of England, claimeth a Franchiſe there, and to have the Execution and Return of all Writs within the ſame, as being ſeiſed of the ſaid Liberty to him and the Heirs Male of his Body, with Remainder to his Nephew Thomas Howard of Norfolk Eſquire, and to the Heirs Male of the Body of the Honourable Philip Howard Eſquire, his late Father, deceaſed, Preamble.

with divers Remainders over; and the said Edward Duke of Norfolk is seised to him and the Heirs Male of his Body, with like Remainders, of and in the said Manor of Sheffield; and the Jurisdiction of the Court Baron belonging to the said Manor of Sheffield, which has been usually held every Three Weeks from Time immemorial, extends over all the Parts of the said Liberty, except over the Hamlet or Byerlow of Eccleſall: And whereas the most Honourable Charles Marquess of Rockingham, and Mary Marchioness of Rockingham his Wife, in the Right of the said Marchioness, or their Trustees, are seised for some Estate of Freehold or Inheritance, of and in the Manor of Eccleſall; and the Jurisdiction of the Court Baron belonging to the said Manor of Eccleſall, which has also been usually held every Three Weeks, from like Time immemorial, extends over the said Hamlet or Byerlow of Eccleſall, which is contiguous to the said Town of Sheffield, and is within the said Liberty of Hallamshire: And whereas, from Time immemorial, Plea has been held in the said several Courts Baron, in all Personal Actions arising within the aforesaid several Jurisdictions, where the Debt or Damages have been under Forty Shillings: And whereas a great Manufactory of Cutlery, and other Hard Ware, is now, and has been for some Time, carried on in the said Town of Sheffield, and the Liberty of Hallamshire, whereby, and by the late Increase of Trade in the said Town, and other Parts of the said Liberty or District of Hallamshire, the Number of Merchants, Traders, and Artificers there, is very great, and the said Town and District are becoming daily more populous: And whereas, although Justice hath for many Years been administered in the said several Courts Baron, in the most strict and impartial Manner, yet the Method of compelling Debtors, and other Persons, to appear to the Actions which are commenced in the said Courts Baron, is in both the said Courts by Summons and Distress infinite; which is a very dilatory, and often a very ineffectual, Method for that End; and by reason thereof, and also by reason of the Expence which attends the Prosecution of Causes to Judgement in the said Courts, and often afterwards, when such Causes are removed up to some superior Court, honest Creditors are many Times discouraged from attempting to recover the Debts due to them, and thereby many evil-disposed Persons, who have contracted small Debts within the said Liberty, are encouraged (though able) to refuse or delay

the Payment thereof, and do often set their Creditors at Defiance; therefore the Inhabitants of the said Places which so lie within the Jurisdiction of the said several Courts Baron have applied to the said Edward Duke of Norfolk, and Charles Marquess of Rockingham, for their Consent to some proper Method for regulating the Proceedings in, and amending the Defects which so respectively attend, the several Jurisdictions of their said several Courts Baron, and for preventing all unnecessary Delays and Expences in the said Proceedings, and for the providing from among the several Suitors of the said several Courts Baron, fit, able, discreet, and indifferent, Homagors or Jurors to try all Issues which shall stand for Trial in any Plaint, Suit, or Action, to be depending in the said several Courts, and the like fit, able, discreet, and indifferent Homagors or Jurors for the finding of Inquests, and the taking of Inquisitions upon Processes which may issue out of, or on any other Proceedings which may be had in, the said several Courts, in Nature of Writs of Inquiry of Damages at the Common Law; which the said Edward Duke of Norfolk, and Charles Marquess of Rockingham, have readily consented to, so far as the same can be done, without subverting or derogating from the Jurisdictions of the said several Courts Baron, or prejudicing the same: Wherefore may it please your most Excellent 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 Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and fifty six, whenever any Plaint shall be entered, or any Suit or Action shall be commenced, in the said several Courts Baron, so as aforesaid belonging to the said Manors of Sheffield and Ecclesall respectively (the Debt or Damage in such Plaint, Suit, or Action, not amounting to the Sum of Forty Shillings) it shall and may be lawful to and for all and every Person and Persons, who shall have so entered any such Plaint, or commenced any such Suit or Action, as aforesaid, by himself or themselves, or by his or their Agent or Agents, to apply to the several Stewards of the said Courts Baron respectively, or to his or their Deputy or Deputies, to issue his or their Precept to the Bailiff or Bailiffs, or other proper Officers of the said several Courts, to warn or summon the Defendant or

On Plaint or Suit entered, or commenced, for a Debt or Damage, not amounting to 40 s.

Application to be made to the Steward of the Court, to summon the Defendant,

Defendants in every such Plaint, Suit, or Action, to appear at the next Court Day, and to make his or their Defence to such Plaint, Suit, or Action, in such Manner as such Defendant or Defendants shall be advised; and thereupon such Steward or Stewards, or his or their lawful Deputy and Deputies, shall accordingly issue his and their Precept to the said Bailiff or Bailiffs, or other proper Officers, to warn or summon the said Defendant or Defendants to appear and make his or their Defence, as aforesaid; and all and every such Bailiff and Bailiffs, and other proper Officers, is and are hereby authorized and required to execute the said Precept, by personal Service of a Copy of such Precept on the Defendant or Defendants, or by leaving a Copy of such Precept at the Dwelling-house or Place of Abode of such Defendant or Defendants, at least Five Days before the Return of such Precept; and if the Defendant or Defendants, who shall be named in, and duly served with, any such Precept, shall not appear at the Return thereof, or within the Space of One Hour after the calling or opening of the Court, which shall be held at the Return of such Precept, then, and in such Case, it shall and may be lawful to and for the said Plaintiff or Plaintiffs (Proof being made upon Oath in open Court by the Bailiff or other Officer, of his having duly served a Copy of such Precept) to enter a Common Appearance for the Defendant or Defendants, and to proceed thereon, as if such Defendant or Defendants had entered his or their Appearance in pursuance of such Precept; any Law or Usage to the contrary notwithstanding.

Steward to issue his Precept accordingly to the Bailiff, who is to execute the same;

and the Defendant not appearing thereto,

Plaintiff may enter a Common Appearance, and proceed thereon.

And be it enacted by the Authority aforesaid, That where any Plaint shall be entered, or any Suit or Action shall be commenced at any Time after the said Twenty fourth Day of June, One thousand seven hundred and fifty six, in either of the said Courts Baron, so as aforesaid belonging to the said Manors of Sheffield and Ecclesall (the Debt or Damages in such Plaint, Suit, or Action, not amounting to the Sum of Forty Shillings) all such Matters and Things as shall be put in Issue between the Parties upon any such Plaint, Suit, or Action, shall severally be tried and determined by and before such of the Suitors or Homagors, owing Suit and Service to the said several Courts or Manors as herein after are directed to be for that Purpose nominated, chosen, and summoned; and such Verdicts as they the said Suitors or Homagors in the said several Courts Baron shall respectively find upon

On Issue joined between the Parties, Matter thereof to be tried by the Suitors of the Court,

every ſuch Trial, and the Judgements thereupon to be entered, ſhall, from time to time, be binding and concluſive to all and every the Parties, Plaintiffs and Defendants, in the ſaid ſeveral Plaints, Suits, or Actions. and their Judgement to be binding and concluſive.

And be it enacted by the Authority aforeſaid, That when any Plaint ſhall be entered, or any Suit or Action ſhall be commenced, at any Time after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and fifty ſix, in either of the ſaid Courts Baron ſo as aforeſaid belonging to the ſaid Manors of Sheffield and Eccleſall (the Debt or Damages in ſuch Plaint, Suit, or Action, not amounting to Forty Shillings) then if the Defendant or Defendants in ſuch Plaint, Suit, or Action, ſhall ſuffer an interlocutory Judgement or Judgements to be ſigned or entered againſt him or them, for want of a Plea or Pleas, or for any other Cauſe, and in and by ſuch interlocutory Judgement or Judgements, Proceſs ſhall be directed to iſſue in Nature of a Writ of Inquiry of Damages; then, and in ſuch Caſe, all and every the Inqueſts to be found, and the Inquiſitions to be taken upon any ſuch Proceſs or Proceſſes, ſhall be found, had, and taken, by and before ſuch of the Suitors or Homagors of the ſaid ſeveral Courts Baron, as are herein after directed to be for that Purpoſe ſpecially nominated, appointed, and ſummoned; and ſuch Inqueſts or Inquiſitions as ſhall be ſo found or taken by the ſaid ſpecial Suitors or Homagors, and the Damages which they ſhall aſſeſs, and the Judgements which ſhall be entered upon the Return of ſuch Proceſſes reſpectively, ſhall, from time to time, be binding and concluſive to all and every the Parties, Plaintiffs and Defendants, in the ſaid ſeveral Plaints, Suits, or Actions. Defendant ſuffering an interlocutory Judgement, and Proceſs of Inquiry iſſuing thereupon, the ſpecial Suitors of the Court, to take the Inquiſition; and their Judgement to be binding and concluſive.

And be it enacted, That it ſhall and may be lawful to and for the ſeveral Stewards of the ſaid ſeveral Courts Baron, and their lawful Deputies for the time being, to iſſue, and he and they are hereby required upon the Application of any of the Parties, his or their Attorney or Attornies, Agent or Agents, to iſſue his and their Warrants under his and their Hands and Seals, to all ſuch Perſons, as any of the ſaid Parties ſhall be adviſed, to be material Witneſſes for them, or any of them, to produce upon any ſuch Trial, or upon the taking of any ſuch Inqueſt or Inquiſition as aforeſaid, by which Warrants ſuch Witneſſes as ſhall be named therein, ſhall be required, and they are hereby required, being firſt perſonally ſerved with a Copy of ſuch Warrant or Warrants, Steward, upon Application, to ſummon Witneſſes, who are required to attend, and give Evidence upon Oath;

rants, to give their personal Attendance at every such Trial, Inquest, or Inquisition, and there to give in their Evidence touching the Matters which shall be in Difference, or shall be to be tried or enquired into between the Parties, according to Truth; and such Stewards, and their said lawful Deputies, shall respectively have full Power and Authority to interrogate and examine such Witnesses before the said Suitors or Homagors viva voce, upon their corporal Oaths, or being of the People called Quakers, upon their solemn Affirmations, in such Manner as shall be most conducive to the Discovery of the Truth; and after any Verdict or Inquest shall be found, or Inquisition shall be had or taken, and Damages assessed, in any such Plaint, Suit, or Action, Judgement shall be given for such of the Parties for whom the said Verdict shall be given, or Damages assessed, in such Manner as shall be just.

Verdict and Judgement to be given thereupon.

Witnesses not attending, or refusing to give Evidence,

And be it enacted, That where any Person or Persons respectively, residing within the Jurisdictions of the said several Courts Baron, after being by Warrant, under the Hands of the said Stewards or their Deputies (to be duly served as aforesaid) so required to appear and give Evidence, shall refuse or wilfully neglect to appear, or shall refuse to be examined and give their Evidence concerning the Matters in Difference, without sufficient Cause shewn for such Refusal or Neglect, in every such Case, it shall and may be lawful to and for the respective Stewards of the said several Courts and their Deputies (Proof being first made in open Court upon Oath, of the due Service of every such Warrant or Warrants respectively) to amerce such Person and Persons who shall so make Default in any Sum not amounting to the Sum of Forty Shillings, nor less than Twenty Shillings; and thereupon the Amerciament or Amerciaments so to be imposed or assessed, shall and may be affeered by the Suitors of the said respective Courts Baron then present, or any Two of them, upon Oath to be duly administered by the several Stewards of the said respective Courts, or their lawful Deputies; and after such Affeerance, so much thereof as the said Suitors, or any Two of them shall appoint, shall be applied to and for the Use of the Party who shall appear to the said Court to be injured, by being deprived of the Benefit of such Evidence; the Residue to be applied to and for the Use of the Lord of the Manor in whose Court such Amerciament or Amerciaments shall be imposed or assessed; the whole to be recovered by Distress

may be amerced by the Steward;

Fine to be affeered by the Suitors;

and applied to the injured Party, and Lord of the Manor;

and to be levied by Distress and Sale.

stress and Sale of the Offender's Goods, by Warrant under the Hands and Seals of the Stewards of the said several Courts Baron, or their respective Deputies; and for want of such Distress, by Commitment of the Offender's Person to Prison by such Warrant as aforesaid, for any Space of Time not exceeding Twenty Days, or until such Time as he shall pay the said Sum so amerced and affeered as aforesaid, together with the Costs and Charges attending such Commitment.

For want of Distress, Offender to be committed.

And, for the avoiding of all unnecessary Prolixity and Multiplicity of Pleading; it is hereby enacted, That where any Plaint shall be entered, or any Suit or Action shall be commenced in the said several Courts Baron, in Debt, Account, or Action upon the Case, or Assumpsit, it shall and may be lawful to and for the Plaintiff or Plaintiffs, in every such Plaint, Suit, or Action, and he and they is and are hereby respectively authorized to declare in the Form or to the Effect following (that is to say)

Form of Plaintiff's Declaration.

MANOR of To wit, *A. B.* complains of *C. D.* for that the said *C. D.* before the Day of in the Year of our Lord [*naming the Day of entering the Plaint*] within the Jurisdiction of this Court, was indebted to the said *A. B.* in the Sum of [*which may be expressed to be either for Goods before that Time sold and delivered, or for Work and Labour done, or for Money lent, or for Money laid out and expended for the Use or by the Order of the said* C. D. *or for Money or Goods had and received by the said* C. D. *for the Use or by the Order of the said* A. B. *or upon an Account stated, or for Non-performance of Promises, Assumptions, Contracts, Agreements, or other Undertakings, or for some or other of the aforesaid, or any other proper Causes of Action, as the Plaintiff shall be advised*] which said Sum the said *C. D.* hath not paid to the said *A. B.* but refuseth to pay the same, to his Damage of and thereupon he brings this Suit, and so forth.

Defendant may plead generally thereto.

And be it further enacted, That it shall and may be lawful to and for the Defendant and Defendants in every such Plaint, Suit, or Action, to plead a General Issue to such Declaration in the Form or to the Effect following; that is to say,

AND the said *C. D.* comes and defends himself, and says, that he is not indebted to the said *A. B.* as in his said Declaration is supposed, and thereupon he puts himself upon the Homage.

and, if necessary, give the Special Matter in Evidence,

And be it further enacted, That if any Defendant or Defendants in any such Plaint, Suit, or Action, as aforesaid, shall be advised, or shall find it necessary to insist on a Special Matter for his or their Defence in any such Plaint, Suit, or Action, that then it shall and may be lawful to and for such Defendant and Defendants to plead a General Issue in the Form or to the Effect herein before-mentioned, and to give the Special Matter in Evidence, so as nevertheless the Defendant or Defendants do severally at the Time of filing his or their Plea, give the Plaintiff or Plaintiffs at the Foot of such Plea Notice in Writing of the Special Matter intended to be given in Evidence, and insisted on as aforesaid.

giving the Plaintiff Notice thereof.

Defendant pleading otherwise than the General Issue,

And be it enacted, That in case any Defendant or Defendants in any Plaint, Suit, or Action, to be entered or commenced in the said several Courts Baron, shall instead of pleading the General Issue, plead a Dilatory, or any other Plea besides the General Issue, or shall demur to the Plaintiff's Declaration, and it shall appear to the Satisfaction of the Stewards of the said several Courts, or their Deputies, and be by them declared in open Court as their Opinion that such Plea or Demurrer was put in by the Defendant or Defendants merely with an Intent or Purpose to delay the Plaintiff or Plaintiffs in the prosecuting his or their Plaint, Suit, or Action; that then, and in every or any of the said Cases, it shall and may be lawful for the Plaintiff or Plaintiffs in such Plaint, Suit, or Action, to sign Judgement as for want of a Plea.

and Court declaring the same to be merely dilatory,

Plaintiff may sign Judgement for want of Plea;

or if after Appearance entered, and Declaration made, Defendant shall not plead thereto,

And be it enacted by the Authority aforesaid, That when any Plaint shall have been entered, or any Suit or Action commenced in the said several Courts Baron, and an Appearance thereto shall have been regularly entered for the Defendant, and the Plaintiff in such Plaint, Suit, or Action, shall have declared against such Defendant; then in case the Defendant shall not plead to such Declaration at the next Court after such Declaration shall have been filed, but shall make Default after being Three Times solemnly called, it shall and may be lawful to and for the Plaintiff to sign Judgement by Default in such Plaint, Suit, or Action; and then it shall and may be lawful to and for the Stewards of the said several Courts Baron, and their Deputies, and he and they is and are hereby respectively required (upon the Prayer of the Plaintiff in such Plaint, Suit, or Action) to impannel a Jury or Homage of Twelve Persons from among the

Plaintiff may sign Judgement by Default;

Suitors or Homagors then attending the said several Courts; and such Jury or Homage so impannelled, shall be in nature of an Inquest to enquire, and shall accordingly enquire or make Inquisition upon their Oaths, by all such lawful Ways and Means, as the Jurors or Homagors of the said several Courts may do upon the Trial of any Issue in the said several Courts Baron respectively, what Damages the Plaintiff in such Plaint, Suit, or Action hath sustained, by reason of the Defendant's Non-payment of the Debt, or Non-performance of the Promises mentioned in the Plaintiff's Declaration, or by reason of any other Matter or Thing in respect whereof such Plaint shall have been entered, or such Suit or Action shall have been commenced as aforesaid; and such Jury or Homage shall and may on such Inquest or Inquisition, assess the Plaintiff such Damages and Costs of Suit as shall be just; upon which Inquest found, or Inquisition had, and Damages assessed, final Judgement shall be entered, and Execution had and awarded, in such Manner as the Circumstances of the Case shall require.

and a Jury thereupon shall be summoned to assess the Damages and Costs,

and Judgement and Execution awarded.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, by virtue of this Act, be at any Time or Times hereafter summoned to appear in either of the said Courts Baron respectively, upon any Plaint, Suit, or Action whatsoever, and the Person or Persons so summoned shall have appeared accordingly, then if the Plaintiff or Plaintiffs who shall so have entered such Plaint, or commenced such Suit or Action, shall not declare against such Person or Persons so summoned at the next Court after such Appearance, or if the Plaintiff shall have declared, and the Defendant or Defendants shall have pleaded an issuable Plea, then in case the Plaintiff in such Plaint, Suit, or Action, shall not proceed to Trial within Two Court Days next after the pleading such issuable Plea; or if the Plaintiff shall discontinue his Action, or be Nonsuited, or a Verdict be given against him, and Judgement shall be thereupon entered against him in such Plaint, Suit, or Action, then, and in any of the Cases aforesaid, it shall and may be lawful to and for such of the said Courts in which such Plaint shall have been so entered, or Suit or Action commenced respectively as aforesaid, to award the said Defendant or Defendants so summoned as aforesaid, his or their Costs of Suit in respect of the Premisses, and thereupon Execution shall be awarded by the said Courts respectively, for such Sum and Sums of Money as shall be

Plaintiff not declaring upon the Defendant's appearing,

or not proceeding to Trial, or being Nonsuited, &c.

Court to award Defendant Costs.

be awarded for Costs as aforesaid, against the Plaintiff or Plaintiffs in such Plaints, Suits, or Actions; and the same Sum and Sums of Money, for which Execution shall be so awarded, shall be paid, recovered, levied, or attached on the Person or Persons awarded to pay the same, or on his and their Goods and Chattles, by any such Processes out of the said several Courts, or by any such other Ways or Means as any Sum or Sums of Money is or are hereby or herein-after directed to be levied and recovered by Force and Virtue of this Act.

Plaintiff may notwithstanding renew his Suit.

Provided always, That nothing herein contained shall extend to disable the Plaintiff or Plaintiffs in any Plaint, Suit, or Action, who shall not have duly prosecuted his Plaint, Suit, or Action, or shall discontinue the same, or shall be Nonsuited therein, from entering any New Plaint, or commencing any New Suit or Action in the said several Courts Baron for the same Debt or Damages for which his Original Plaint, Suit, or Action, was entered or commenced.

10 Days Notice of Trial to be given to Defendant,

and Copy thereof to be left with the Steward of the Court.

And be it enacted, That Ten Days Notice of Trial shall be given in Writing to the Defendant or Defendants in every Plaint, Suit, or Action depending in the said several Courts Baron, or be left at his or their Dwelling-house or Place of Abode; and that a Copy thereof shall be left with the Steward of the Court in which such Plaint, Suit, or Action shall be entered or commenced, or his Deputy, Ten Days before the Court Day on which such Plaint, Suit, or Action is intended to be tried.

And whereas Debts may often be contracted, or the Causes of Action may often arise within the Jurisdictions of the said Courts Baron respectively, but the Person or Persons to whom such Debts may be owing or become due, may live or reside out of the Limits or Jurisdictions of the said several Courts, although the Person or Persons by whom such Debts may have been contracted, or who ought to pay the same, may reside or dwell within the Limits or Jurisdictions of the same several Courts; and it will tend to the Advantage of the Inhabitants of the said Town of Sheffield, and of the adjacent Places, and will promote useful Credit, to provide a Remedy for the Costs of Suit of any Defendant or Defendants, who shall be summoned at the Suit of any Person or Persons, residing out of Limits or Jurisdictions of the said Courts Baron respectively, in case the Plaintiff or Plaintiffs shall not duly prosecute his Plaint, Suit, or

Action, or discontinue the same, or become Nonsuit in any such Plaint, Suit, or Action, or in case a Verdict shall be given, and Judgement thereupon entered against such Plaintiff or Plaintiffs; be it therefore enacted by the Authority aforesaid, That when any Person or Persons residing out of the Jurisdictions of the said several Courts shall be minded to enter any Plaint, or commence any Suit or Action against any Person or Persons residing within the Jurisdictions of the said several Courts, for any Debt, Matter or Thing, where the Debt was contracted, or the Cause of Action arose, within the Jurisdictions of the said several Courts, then, and in every such Case, all and every such Person and Persons shall, at the Time of his or their entering such Plaint, or commencing such Suit or Action, by himself or themselves, or his or their Agent, bring with him or them to, or shall cause to appear before the Steward, for the time being, of such of the said Courts respectively, whereout Process shall be required to issue, or his Deputy, One or more sufficient Person or Persons, being a Housholder or Householders, residing within the Jurisdictions of the said several Courts, and shall cause or procure such Person or Persons so being a Housholder or Housholders, to enter into a Recognizance to the Defendant or Defendants, in such Plaint, Suit, or Action, and which Recognizances the said Stewards and their Deputies are hereby respectively authorized to take in the penal Sum of Thirty nine Shillings, to be levied on the Goods and Chattles of them the said Person or Persons so entering into such Recognizance, by such Ways and Means as any other Sum or Sums of Money is or are herein directed to be levied and recovered by this Act, with Condition, to be there under written, that such Recognizance shall be void, upon full Payment being made to the Defendant or Defendants, of all his and their Costs of Suit, in case the Plaintiff or Plaintiffs in any such Plaint, Suit, or Action, as aforesaid, shall not duly prosecute the same, shall discontinue his Action, or become Nonsuit, or that a Verdict shall be given against him or them; and then, and not otherwise, it shall and may be lawful to and for such Person or Persons to enter his and their Plaints, and commence his and their Suits or Actions, against such Defendant and Defendants; and thereupon the Steward or Stewards of the said respective Courts, and their Deputies, shall issue his or their Precept, to warn or summon such Defendant or Defendants to appear to

Plaintiff not being reliant,

is to bring before the Steward some Housholder residing within the Jurisdiction of the Court, to enter into Recognizance to prosecute the Suit with Effect, &c.

whereupon the Plaintiff may enter his Suit,

and the Steward is to summon Defendant to appear thereto.

such Plaints, Suits, or Actions, as he or they might do, if all the Parties resided within the several Jurisdictions of the said Courts respectively.

Plaintiff not procuring such Recognizance,

Provided always, That if any Person or Persons, not residing within the Limits or Jurisdictions of the said several Courts, shall enter, or be minded to enter, any Plaint, or commence any Suit or Action, in either of the said Courts Baron, and shall refuse or decline to procure such Recognizance, as is aforesaid, to be entered into,

Steward may forbear granting Precept against Defendant.

that then, and in every such Case, it shall and may be lawful to and for the several Stewards of the said Courts respectively, and their Deputies, to forbear granting his or their Precept against the Defendant or Defendants, in such Plaint, Suit, or Action, until such Time as such Recognizance shall be entered into in Manner aforesaid.

If Proceedings shall be had on such Suit, without Recognizance being first entered into,

Provided also, That in case any Proceedings shall have been had in either of the said Courts Baron, upon any Plaint entered, or any Suit or Action commenced, by any Person or Persons whatsoever, not residing within the said respective Jurisdictions, and it shall afterwards appear to the Satisfaction of the several Stewards of the said respective Courts, or their Deputies, that the Person or Persons who shall have so entered such Plaint, or commenced such Suit or Action, or his or their Agent or Agents, have not caused or procured such Recognizance to be entered into, as is herein before-mentioned, that then and in such Case,

Suit to be discontinued, and Plaintiff disabled to renew the same;

the Plaint, Suit, or Action so depending, shall be wholly discontinued, and the Plaintiff or Plaintiffs entering or commencing the same, shall, for the future, be disabled from entering any new Plaint, or commencing any new Suit or Action, in the said several Courts Baron, for the Debt or Damages for which such Plaint was entered, or such Suit or Action was commenced, as aforesaid, unless the Plaintiff or Plaintiffs in such Plaint, Suit, or Action, shall, before the Entry of any new Plaint, Suit, or Action, against such Defendant or Defendants, pay, or cause to be paid, to such Defendant or Defendants, his or their Costs sustained in such former Plaint, Suit, or Action;

till Costs be paid to Defendant.

such Costs to be settled and ascertained by the respective Stewards of the said Courts Baron, or their lawful Deputies.

Recognizance to be entered on a double Penny Stamp,

And be it enacted by the Authority aforesaid, That all and every Recognizance and Recognizances to be entered into and taken pursuant to this Act, shall be fairly entered by the respective Stewards of the said Courts

Baron or their Deputies on a double Penny Stamp only, in a Book or Books to be for that Purpose provided by the Lords of the said several Manors, and shall be in the Form or to the Effect following (that is to say) in the following Form.

MANOR of To wit, the Day of One thousand seven hundred and upon a Plaint to be entered in the Court Baron of this Manor, by *A. B.* of in the County of against *C. D.* of within the Jurisdiction of the same Court, I *E. F.* of within the Jurisdiction of the said Court, do hereby acknowledge to owe to the above named *C. D.* the Sum of to be levied upon my Goods and Chattles; the Condition of this Recognizance is such, That if the said *E. F.* shall upon Demand, well and truly pay or cause to be paid unto the said *C. D.* all such Sum and Sums of Money, as shall at any Time or Times be awarded by the said Court Baron, to be paid by the said *A. B.* to the said *C. D.* as and for his the said *C D.* his Costs of Suit, in the abovementioned Plaint, then this Recognizance to be void, else to remain in full Force and Virtue.

All and every of which said Recognizances shall be signed by the Party or Parties entering into the same, and shall be witnessed by the Stewards of the said respective Courts Baron, or their Deputies for the time being.

And be it enacted by the Authority aforesaid, That where any Plaint shall be entered, or any Suit or Action commenced in the said several Courts Baron, in Debt, Account, or upon the Case, on Assumpsit, it shall and may be lawful to and for the Defendant and Defendants in every such Plaint, Suit, or Action, to bring the Debt, Sum or Sums of Money, for which such Plaint shall have been entered, or Suit or Action commenced, or any other Sum or Sums of Money, into the said several Courts Baron, and to pay the same into the Hands of the Stewards of the said several Courts, or their lawful Deputies, and then to plead a General Issue; whereupon the said several Courts Baron shall make a Rule or Order in the Words or to the Effect following (that is to say) Defendants may pay the Money into Court, and plead the General Issue, whereupon the Court is to make the following Rule.

MANOR

MANOR of To wit, the Day of in the Year of our Lord One thouſand ſeven hundred and between *A. B.* Plaintiff and *C. D.* Defendant, the Defendant having brought into Court, in this Cauſe, the Sum of it is ordered, that if the Plaintiff or his Attorney ſhall accept thereof, together with Coſts to be taxed by the Steward or his Deputy, then all further Proceedings in this Cauſe ſhall be ſtayed; but in caſe the Plaintiff or his Attorney ſhall not accept thereof, it is ordered, that if upon Trial of the Iſſue in the above Plaint, Suit, or Action, the Plaintiff ſhall become Nonſuit therein, or the Jury or Homage ſhall not aſſeſs Damages to the Plaintiff exceeding the ſaid Sum of that then the Plaintiff ſhall not be intitled to recover any Coſts of Suit, but in ſuch Caſe ſhall pay to the Defendant or his Attorney, Coſts of Suit, to be taxed and aſcertained by the Steward or his Deputy.

Such Coſts to be paid to the Defendant out of the Money ſo brought into Court, if the ſame ſhall be ſufficient for that Purpoſe; and the Reſidue of ſuch Money ſhall be paid to the Plaintiff; and if the Money ſo brought into Court, ſhall not be ſufficient for that Purpoſe, the Deficiency ſhall be made up and paid by the Plaintiff; but if upon the Trial of the Iſſue in the ſaid Plaint, Suit, or Action, the Jury or Homage ſhall aſſeſs Damages to the Plaintiff exceeding the ſaid Sum of then Judgement ſhall be entered for the Plaintiff upon ſuch Verdict, with Coſts, to be taxed as aforeſaid; and the Plaintiff ſhall have and receive the ſaid Sum of out of Court, towards Satisfaction of ſuch Judgement, and have Execution againſt the Defendant for the Reſidue by the Court.

Upon Iſſue joined and Notice of Trial,

And, to the end that all ſuch Matters and Things as ſhall or may be put in Iſſue between the Parties, upon any Plaint to be entered, or Suit or Action to be commenced in the ſaid ſeveral Courts Baron, ſo as aforeſaid belonging to the ſaid Manors of Sheffield and Eccleſall, ſhall and may be tried by Twelve fit, able, diſcreet, and indifferent Suitors or Homagors, owing Suit and Service to the ſaid ſeveral Courts Baron; be it enacted, That when and ſo often as due Notice ſhall have been given by the Plaintiff of the Trial of the Iſſue or Iſſues, in any ſuch Plaint, Suit, or Action, to the reſpective Stewards of the ſaid ſeveral Courts Baron, or their reſpective Deputies, in manner before appointed, it ſhall and may be

lawful to and for ſuch Stewards, or their reſpective Deputies, and they are hereby required, at leaſt Five Days before the holding of any Court Baron, for the ſaid ſeveral Manors at which any Iſſue or Iſſues joined in the ſaid ſeveral Courts Baron are intended to be tried, to iſſue their Precepts under their reſpective Hands and Seals to the Bailiff or Bailiffs, or other Perſons to whom the Return of ſuch Precepts for the time being ſhall belong, thereby commanding them to ſummon Twenty four fit, able, diſcreet, and indifferent Suitors of the ſaid ſeveral Courts, to ſerve as Jurors or Homagors at the next Court to be held for the ſaid ſeveral Manors reſpectively, in which Precepts ſhall be contained the Names, Places of Abode, and Additions of ſuch Twenty four Perſons, ſo directed to be ſummoned for the Trial of ſuch Iſſues as aforeſaid; and thereupon every ſuch Bailiff or Bailiffs, and other Perſons to whom ſuch Precepts ſhall iſſue, ſhall forthwith ſummon the Perſons whom he ſhall be required to ſummon by ſuch Precept or Precepts, by Writing under his or their reſpective Hands, thereby ſummoning or warning ſuch Perſon and Perſons to appear and ſerve as Jurors or Homagors at the then next Court; every ſuch Summons or Warning to be made by perſonal Service of the ſaid Summons, or by leaving the ſame at the Dwelling-houſe or Place of Abode of ſuch Perſon and Perſons reſpectively.

Steward to iſſue Precepts for ſummoning a Jury of 24 Perſons,

Summons to be made by perſonal Service.

And be it enacted by the Authority aforeſaid, That the Name of each and every Perſon who ſhall be ſummoned to try ſuch Iſſue or Iſſues in the ſaid reſpective Courts Baron, with the Addition and Place of Abode of each and every ſuch Perſon reſpectively, ſhall be written by the ſaid ſeveral Stewards, or their Deputies, in ſeveral diſtinct Pieces of Paper, of an equal Size and Bigneſs, as near as may be; and every ſuch diſtinct Piece of Paper, upon which every ſuch Name ſhall be reſpectively written, ſhall, immediately, previous to ſuch Trial, be rolled up and put into a cylindrical Veſſel, to be provided and kept for that Purpoſe by the Lords of the ſaid ſeveral Manors reſpectively; and when any Plaint, Suit, or Action ſhall be brought on to be tried, the ſaid ſeveral Stewards of the ſaid ſeveral Courts Baron, or their Deputies, ſhall and may in open Court reſpectively draw out Twelve of the ſaid Papers one after another; and if any of the Perſons whoſe Names ſhall be drawn, ſhall not appear, or ſhall appear, and be challenged and ſet aſide, then ſuch further Number ſhall be drawn, until Twelve Perſons

Jurors Names to be wrote on diſtinct Pieces of Paper, and rolled up, and put into a Veſſel,

and 12 of thoſe preſent, and unchallenged, to be drawn;

(all Causes of Challenge having been examined into, and allowed, or over-ruled) shall have been drawn and approved of, or allowed, as fair and indifferent Persons to try such Issues.

who are to be the Jury, &c.

And it is hereby enacted, That such Twelve Persons, who shall be so drawn, and shall appear and be approved of as indifferent Persons to try the said Issues, shall (being first duly sworn in Manner hereafter directed) be the Jury or Homage to try the said Cause; and the Names and Persons of such Jury or Homage so drawn and sworn, shall be kept apart till such Jury or Homage shall have given in their Verdict, and such Verdict shall be duly entered, or until such Jury or Homage shall, by the Consent of Parties, or Leave of the Court, be discharged; and then the same Names shall be rolled up again, and returned into the same Vessel, there to be kept with the other Names remaining undrawn, and so, from time to time, as often as any other Issue shall be to be tried in any other Plaint, Suit, or Action, to be depending in the same several Courts respectively; the same Course shall be observed for the Nomination and Appointment of a Jury or Homage to try such Issue or Issues respectively, until all the Issues which shall then stand for Trial shall be tried, or the Juries discharged thereof as aforesaid.

the Names to be returned again into the Vessel, to serve on Trial of other Issues depending.

Limitation of Challenges to Jury.

Provided always, and it is hereby enacted and declared, That no Challenge to the Array of such Jury or Homage shall be taken or allowed, or any peremptory Challenge to more than Two of such Jurors or Homagers, by each of the Parties, his or their Attorney; any Law, Usage, or Custom, to the contrary thereof notwithstanding.

Jury to be sworn.

And be it further enacted, That every Suitor who shall be summoned to serve as a Juror or Homager in the said several Courts Baron, shall, before he enters upon the Trial of any Plaint, Suit, or Action, there depending, take the following Oath, to be administered by the respective Stewards of the said several Courts Baron, or their respective Deputies, who are hereby severally authorized to administer the same (that is to say)

The Oath.

I *A. B.* do swear, That I will well and truly try the Issue joined between the Parties, and a true Verdict give, according to the Evidence which shall be now produced, touching the Matters in Variance, without Favour or Affection to either Party.

So help me God.

Provided

Provided always, and it is hereby enacted, That if any Person who shall be summoned to attend the said several Courts Baron as a special Suitor, Juror, or Homagor, shall make it appear to the Satisfaction of the several Stewards of the said several Courts, or their respective Deputies, that he has already served on the Trial of Issues in the said several Courts, or on the taking or finding of Inquests as a Juror or Homagor Six Times in the same Year in which he shall be then summoned; then, and in such Case, the Person who shall so make it appear that he has so already served Six several Times in that Year, shall, upon his craving to be discharged, be essoined and discharged from all future Service as a special Suitor, Juror, or Homagor, for the trying of Issues, or the taking or finding of Inquests, for the then current Year; and then, and in such Case, some other fit, able, discreet, and indifferent Suitor of the said respective Courts shall be returned instanter to serve in the Place and Stead of the Suitor who shall be so essoined and discharged as aforesaid.

Juror who has served 6 Times in the same Year,

to be discharged, upon his Request, from future Service for that Year,

and other fit Persons to be returned thereupon.

And, to the end that a competent Number of fit, able, discreet, and indifferent Suitors may be provided to find Inquests, and take Inquisitions on all Processes which shall issue out of the said several Courts, or other Proceedings which shall be there had, in nature of Writs of Enquiry of Damages, be it enacted, That the Stewards of the said several Courts Baron belonging to the said Manors of Sheffield and Eccleſall respectively, or their Deputies, shall at least Five Days before the holding of a Court Baron for the said several Manors, from time to time, issue his and their Precept or Precepts, under his and their respective Hands and Seals, to the Bailiff or Bailiffs of the said Courts respectively, or to such other Person or Persons to whom the Return of such Precepts shall, for the time being, belong, thereby commanding them to summon any Number of fit, able, discreet, and indifferent Suitors, owing Suit and Service to the said several Courts respectively, not exceeding Twenty four, nor less than Twelve, to attend at the next Court or Courts to be then next held for the said several Manors, and there to serve as Jurors or Homagors for the finding of Inquests, and the taking of Inquisitions upon Processes to issue out of, or other Proceedings to be had in the said Courts Baron, in nature of Writs of Enquiry of Damages; and such Jury or Homage shall continue to serve as such during the Sitting of the same Court.

Precepts for summoning Jurors, to be issued 5 Days before the Sitting of the Court.

Jury to be continued during the Sitting of the Court.

The Names, and proper Addition of the Jurors, to be entered in the Precepts.

And it is hereby enacted, That in every of the said Precepts, the Names of the Persons so directed to be summoned for the finding of Inquests, and the taking of Inquisitions as aforesaid, shall be written and expressed at full Length, with the Places of Abode and Additions of every such Person so directed to be summoned, to the end no Mistake may happen in the Description of them, or any of them; and thereupon every such Bailiff or Bailiffs, and other Persons, to whom such Precepts shall issue, shall forthwith summon the Persons whom he shall be required to summon by such Precept or Precepts, by Writing under his or their respective Hands, thereby summoning or warning such Person and Persons to appear and serve as Jurors or Homagors at the then next Court, every such Summons or Warning to be made by personal Service of the said Summons, or by leaving the same at the Dwelling-house or Place of Abode of such Person and Persons respectively.

Summons to be made by personal Service.

Where 12 of the Jurors shall not appear,

And be it enacted, That where Twelve at least of the Suitors of the said several Courts Baron who shall have been duly summoned, pursuant to such Precept of such respective Stewards of the said several Courts, or their Deputies, shall not appear at the said Courts, in order to find Inquests, and take Inquisitions upon such Processes issuing out of, or other Proceedings to be had in, the said Courts as aforesaid, that then, and in such Case, all such Inquests shall and may be found, and such Inquisitions shall and may be taken, by any Twelve Suitors of the said several Courts Baron; and such Inquests and Inquisitions as such Suitors shall find or take thereupon, shall be good and sufficient to all Intents and Purposes, as if the same had been found or taken by Twelve or more of the Suitors of the said Courts Baron respectively, who shall have been so summoned as aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

Inquests may be taken by any 12 Suitors of the Court.

Suitor to be sworn before he enters upon Inquest.

And be it enacted, That every Suitor of the said several Courts Baron, before he serves upon any such Inquest, and before he enters upon any Enquiry of Damages sustained by any Plaintiff or Plaintiffs, in any Plaint, Suit, or Action, depending in the said several Courts Baron, where interlocutory Judgement shall have been entered against the Defendant or Defendants, shall take the following Oath, to be administered by the several Stewards of the said respective Courts Baron, or their Deputies, who are hereby severally authorized to administer the same (that is to say)

I *A. B.*

I *A. B.* do ſwear, That I will well and truly enquire into and aſſeſs Damages between the Parties, without Favour or Affection.

So help me God.

And it is hereby enacted, That if any Perſon owing Suit and Service to the ſaid ſeveral Courts Baron reſpectively, who ſhall have been duly ſummoned purſuant to this Act to attend at the then next Court to be held for the ſaid ſeveral Manors, and there to ſerve as a Juror or Homagor, either for the Trial of Iſſues, or for the finding of Inqueſts, and taking of Inquiſitions upon ſuch Proceſſes or Proceedings, as aforeſaid, ſhall make Default, and actually refuſe or wilfully neglect to appear, after being called Three Times in open Court; and upon Oath made in open Court by ſuch Bailiff or Bailiffs, or by ſome other credible Perſon or Perſons, that ſuch Suitor ſo making Default had been duly ſummoned, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the reſpective Stewards of the ſaid ſeveral Courts Baron, or their Deputies, for the time being (unleſs reaſonable Cauſe ſhall be ſhewn to the contrary) to amerce ſuch Perſon ſo being a Suitor as ſhall ſo make Default, and actually refuſe, or wilfully neglect, to appear, in any Sum not amounting to Forty Shillings, nor leſs than Ten Shillings; which Amerciament or Amerciaments, ſo to be aſſeſſed or impoſed, ſhall and may be affeered upon Oath, to be adminiſtered as aforeſaid, by any Two Suitors of the ſaid ſeveral Courts Baron reſpectively; and after ſuch Affeerance, the ſame (not being paid by the Space of Ten Days next after ſuch Amerciament) ſhall be recovered by Diſtreſs and Sale of ſuch Defaulter's, and Refuſer's, or Neglector's Goods, by Warrant under the Hand and Seal of the Steward of the ſaid reſpective Courts Baron, or his Deputy, and ſhall be applied to and for the Uſe of the Lord of the Manor in whoſe Court ſuch Amerciament or Amerciaments ſhall be aſſeſſed or impoſed as aforeſaid.

Steward of the Court may amerce Jurors for not attending.

Amerciament to be affeered upon Oath, and levied by Diſtreſs and Sale,

and to be applied for the Uſe of the Lord of the Manor.

And be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and fifty ſix, no Plaint, Suit, or Action, to be entered or commenced in either of the ſaid Courts Baron, belonging to the ſaid Manors of Sheffield and Eccleſall reſpectively, nor any Judgement or other Proceedings to be had thereupon, ſhall be removed or removeable out of either of the ſaid ſeveral Courts Baron,

Proceedings or Judgements of the Court not removeable,

by any Writ of Recordari facias, Loquelam, Certiorari, false Judgement, or otherwise howsoever, but such Judgements as shall be respectively given in the said several Courts, shall be final and conclusive to all Parties whatsoever.

but to be final and conclusive.

Plaints in Replevin excepted.

Provided always, That all Plaints in Replevin shall be proceeded in and removeable, in the same Manner as if this Act had never been made.

All Persons resiant within the Jurisdiction of the Court may plead and be impleaded.

Provided also, and it is hereby enacted and declared, That it shall and may be lawful to and for all and every the Inhabitants, and all others residing within the said several Jurisdictions, as well Attornies as others, to sue and be sued, plead and be impleaded, in the said several Courts Baron of the said Manors of Sheffield and Eccleſall respectively, in any Plaint, Suit, or Action, where the Debt or Damages shall not amount to the Sum of Forty Shillings; any Privilege, Exemption, Law, Usage, or Custom, to the contrary thereof, in any wise notwithstanding.

Jurisdiction of the Court not extended by this Act.

Provided also, That nothing herein contained, shall be construed to enlarge, extend, or increase, the Jurisdictions of the said several Courts Baron, save in such Matters and Things as are in and by this Act expressly mentioned and declared.

Jurisdiction of the Lords of the Manors not prejudiced by this Act.

Provided also, That nothing herein contained shall be construed to diminish, lessen, restrain, or prejudice, the Jurisdictions of the Lords of the said several Manors of Sheffield and Eccleſall, save in such Matters and Things as are in and by this Act expressly mentioned and declared.

Proceeding of the Court in Real Actions not altered by this Act.

Provided also, That nothing herein contained shall extend to abridge, change, or alter, the Proceedings in the said several Courts, in any Plaint in nature of a Real Action, but that such Proceedings may and shall be had therein, as were used and accustomed before the passing of this Act.

Form of Precept for Execution on Judgement.

And be it enacted by the Authority aforesaid, That as well in all Cases where Judgement shall be given or pronounced in the said Courts Baron respectively, in any Plaint, Suit, or Action, depending in the said Courts, or either of them, for the Plaintiff or Plaintiffs, Defendant or Defendants, and Execution shall be thereupon awarded as in all other Cases where the said Courts Baron, or either of them, shall over or award any Costs, Damages, Charges, or Expences, or any Amerciament, Pain, Sum or Sums of Money whatsoever, to be paid, rendered,

rendered, or answered, by any Plaintiff or Defendant, or other Person or Persons in pursuance of this Act, it shall and may be lawful for the several Stewards of the said respective Courts Baron for the time being, and their Deputies respectively, at the Prayer of the Party or Parties interested therein, or of some other Person on his or their Behalf, or of their own Authority in behalf of the Lords of the said several Manors respectively, where such Lords shall be interested therein, to issue a Precept or Warrant under their respective Hands and Seals, in the nature of a Writ, either of Fieri facias or Levari facias, to be directed to the Bailiff or Bailiffs of the said respective Courts, or other proper Officer, thereby directing and requiring him or them to levy such Debt, Costs, Damages, Charges, or Expences, Sum and Sums of Money, for which Judgement shall have been recovered against such Plaintiff or Defendant, or which such Plaintiff or Defendant, or other Person or Persons, shall be so ordered or awarded to pay, render, or answer as aforesaid; and such Bailiff and Bailiffs, and other proper Officer, is and are hereby authorized to levy and raise the Sum or Sums of Money to be mentioned in such Precept or Warrant, in the same Manner as any Sheriff may levy Money by virtue of any Writ of Fieri facias issuing out of any of His Majesty's Courts of Record at Westminster.

Form of Precept for Execution by Attachment.

And be it also enacted, That as well in all Cases where Judgement shall be given or pronounced in the said Courts Baron respectively, in any Plaint, Suit, or Action depending in the said Courts or either of them, for the Plaintiff or Plaintiffs, Defendant or Defendants, and Execution shall be thereupon awarded, as in all other Cases where the said Courts Baron, or either of them, shall order or award any Costs, Damages, Charges, or Expences, or any Amerciament, Pain, Sum or Sums of Money whatsoever, to be paid, rendered, or answered, by any Plaintiff or Defendant, or other Person or Persons, in pursuance of this Act, it shall and may be lawful for the several Stewards of the said respective Courts Baron for the time being, and their Deputies respectively, at the Prayer of the Party or Parties interested therein, or of some other Person on his or their Behalf, or of their own Authority, in behalf of the Lords of the said several Manors respectively, where such Lords shall be interested therein, to issue a Precept or Warrant under their respective Hands and Seals, in the Nature of

a Writ of Capias ad satisfaciendum, to be directed to the Bailiff or Bailiffs of the said respective Courts, or other proper Officer, thereby directing and requiring him or them to attach and take the Body and Bodies of such Person and Persons against whom such Precept shall be issued as aforesaid, and to detain him and them in Prison under safe Custody, for the Space of Three Calendar Months, or for such other or shorter Space of Time, as shall be within the true Intent of any of the Provisions or Directions contained in this Act.

Person attached paying the Debt and Fees to be discharged.

Provided nevertheless, That if any Person or Persons so being attached or taken in Execution by virtue or in pursuance of this Act upon any such Precept or Warrant, shall, at any Time during his or their Imprisonment, or being in Custody as aforesaid, pay or render the Sum or Sums of Money so awarded or directed to be paid by the said several Courts Baron, together with his or their Fees, and all other reasonable Costs to be incurred subsequent thereto, then he and they shall be forthwith discharged out of Custody, and suffered to go at large.

Execution not issuable, on Default of Appearance of Defendant,

Provided always, and be it enacted by the Authority aforesaid, That no Execution by virtue or under the Authority of this present Act, shall issue or be taken out in any Plaint, Suit, or Action, where the Defendant or Defendants in such Plaint, Suit, or Action, shall have made Default in not appearing to the original Precept in such Plaint, Suit, or Action; and the Plaintiff or Plaintiffs by virtue of this Act shall have appeared for such Defendant or Defendants, and shall have declared against him or them, and shall have entered Judgement against such Defendant or Defendants by Default, unless it shall be made appear to the Satisfaction of the respective Stewards of the said several Courts Baron, or their respective Deputies, for the time being, that the Plaintiff or Plaintiffs in every such Plaint, Suit, or Action, shall have caused Notice in Writing to have been given to or left at the Dwelling-house or Place of Abode of such Defendant or Defendants, that a Declaration was filed against such Defendant or Defendants in such Plaint, Suit, or Action, and that such Notice had been delivered to or left for such Defendant or Defendants as aforesaid, at least Five Days before the Court Day on which the Defendant or Defendants was or were by virtue of this Act, or otherwise, to have pleaded to such Declaration.

unless Notice be given him of Declaration filed.

And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall contemptuouſly affront the ſaid ſeveral Courts Baron, or either of them, or be guilty of any Contempt or Diſturbance in the ſaid ſeveral Courts Baron, during the Sitting of the Court, it ſhall and may be lawful to and for the Steward and Stewards of the ſaid ſeveral Courts Baron, and his and their Deputy or Deputies reſpectively, to order ſuch Perſon or Perſons ſo offending, to be taken into the Cuſtody of the Bailiff or Bailiffs, or other Officer or Officers, then belonging to or attendant on the ſaid reſpective Courts; and ſuch Bailiff or Bailiffs, Officer or Officers, is and are hereby authorized and required to take ſuch Perſon or Perſons into his or their Cuſtody, and to detain him, her, or them, during the Sitting of the ſaid reſpective Courts, or for any other Space of Time not exceeding Ten Days; and the Special Suitors, Jurors, or Homagors of the ſaid ſeveral Courts Baron then preſent, or the major Part of them, may (if they think fit) impoſe a Fine upon any Perſon or Perſons offending in the Premiſſes as aforeſaid, ſo as ſuch Fine do not amount to the Sum of Forty Shillings, to be levied in ſuch Manner as herein after is mentioned; and upon Nonpayment of ſuch Fine or Fines, it ſhall and may be lawful to and for the ſeveral Stewards of the ſaid reſpective Courts Baron, and their reſpective Deputies, by Warrant under their reſpective Hands and Seals, to commit ſuch Offender or Offenders to Priſon, or to the Cuſtody of any of the Bailiffs or Officers attending the ſaid ſeveral Courts, for any Space of Time not exceeding Forty Days, unleſs he, ſhe, or they ſhall ſooner pay the ſaid Fine or Fines ſo impoſed as aforeſaid; in which Caſe, he, ſhe, or they, on Payment of ſuch Fine or Fines, ſhall be forthwith diſcharged out of Cuſtody.

Perſons affronting or diſturbing the Court, while ſitting, to be taken into Cuſtody;

and may be fined,

and committed for Non-payment.

And be it enacted, That if any Perſon or Perſons ſhall wilfully obſtruct, hinder, or prevent the Bailiffs or other Officers of the ſaid ſeveral Courts Baron of the ſaid Manors of Sheffield and Eccleſall, or any of them, in the Execution of any Precept, Warrant, or Summons, or other Proceſs to be iſſuing out of the ſame Courts Baron, and due Proof ſhall be made thereof in open Court to the Satisfaction of the Special Suitors, Jurors, or Homagors then preſent, or the major Part of them, upon the Oath of ſuch Bailiff or Bailiffs, or of ſome other credible Perſon or Perſons (which Oath and all other Oaths to be adminiſtered in the ſaid ſeveral

Perſons obſtructing Officer of the Court in the Execution of his Office, to be fined.

Courts Baron, in pursuance of this Act, save and except the Oath or Oaths hereby directed to be taken by the Stewards of the said several Courts Baron, and their Deputies;) it shall and may be lawful to and for the several Stewards of the said respective Courts Baron, and their respective Deputies, from time to time, to administer; then and in such Case, it shall and may be lawful to and for the several Stewards of the said Courts Baron, or their Deputies, to amerce such Offender or Offenders in any Sum or Sums not amounting to Forty Shillings; which Amerciament or Amerciaments so to be assessed or imposed as aforesaid, shall and may be affeered by any Two of the Suitors of the said respective Courts, upon Oath to be administered as aforesaid; and after such Affeerance, the same shall be recovered by Distress and Sale of the Offender's Goods, by Warrant under the Hands and Seals of the Stewards of the said respective Courts Baron, or their Deputies, and be applied to and for the Use of the Lord of the Manor, in whose Court such Amerciament and Amerciaments shall be assessed or imposed: And if the Person or Persons so offending shall not be a Householder or Householders within the Jurisdiction of such of the said Courts Baron, in which such Amerciament or Amerciaments shall be assessed or imposed, that then it shall and may be lawful to and for the Stewards of the said respective Courts Baron, and their Deputies, by Warrant under their respective Hands and Seals, to commit such Offender or Offenders to Prison, or to the Custody of any of the Bailiffs or Officers of or belonging to the said several Courts Baron, for any Number of Days not exceeding Forty Days, unless such Amerciament or Amerciaments shall be sooner paid, in which Case the Offender or Offenders shall be forthwith discharged out of Custody, and suffered to go at large.

Fine to be affeered and levied by Distress and Sale.

Offender not being a Householder within the Jurisdiction of the Court, may be committed, on Non-payment.

And be it further enacted, That the Prison or Gaol for the time being, for the said Liberty of Hallamshire, or such other Place as the Lord of the said Manor of Sheffield for the time being shall, by Writing under his Hand and Seal, nominate or appoint, shall be and be used as and for the Prison or Gaol for the said Court Baron of the said Manor of Sheffield, and in which all Persons who shall be taken in Execution, or be committed or detained by virtue or pursuance of this Act, shall and may be kept in safe Custody.

Prison of the Court for the Manor of *Sheffield*,

And

And be it also enacted, That such Place as the Lord of the Manor of Ecclesall for the time being shall, by Writing under his Hand and Seal, nominate or appoint, shall be and be used as and for the Prison or Gaol for the said Court Baron of the said Manor of Ecclesall, and in which all Persons who shall be taken in Execution, or be committed or detained by virtue or in pursuance of this Act, shall and may be kept in safe Custody. and Manor of *Ecclesall.*

And be it further enacted, That the Fees which shall be paid, had, and taken, by the several Stewards of the said several Courts Baron, or their lawful Deputy or Deputies, and by the Attornies practising in the said several Courts, and also by the Bailiffs of the said several Courts, for or in respect of the Proceedings in any Plaint, Suit, or Action, to be brought, or depending in, the said several Courts Baron, in Conformity to this Act, or of any other Matter herein contained, shall be such as herein after are mentioned; and no greater Fees shall be taken in respect thereof than as follows (that is to say) Fees of Courts

To be taken by the STEWARDS,

FOR entering every Plaint, Four Pence.

For Summons thereon, Four Pence.

For entering an Appearance for Defendant or Defendants, Four Pence.

For entering every Default, Two Pence.

For filing every Declaration, Four Pence.

For Copy of every Declaration (Stamp included) Four Pence.

Upon bringing Money into Court, Six Pence.

Upon taking Money out of Court, Three Pence.

For entering every Plea of General Issue, Six Pence.

For Copy of every Plea of General Issue (Stamp included) Four Pence.

For entering every Special Plea or Demurrer, Six Pence.

For entering every Interlocutory Judgement, Six Pence.

For every Enquiry of Damages, Six Pence.

For every final Judgement, and Award of Execution, Six Pence.

For every Execution, One Shilling.

For every Warrant for Witnesses, Four Pence.

For every Precept in nature of Veniri facias, Six Pence.

For impanelling and swearing the Jury or Homage in each Cause, Six Pence.

For swearing each Witness, Two Pence.

For entering every Verdict, One Shilling.

For entering every Judgement, for want of Declaration, where the Plaintiff shall not in due Time proceed to Trial, shall discontinue his Action, shall be Nonsuit, or have a Verdict against him, Six Pence.

For taking every Recognizance (Stamp included) One Shilling.

For every Warrant of Distress against a Witness for not appearing, to be paid out of such Part of the Amerciament as shall be appropriated to the Use of the Party injured, Six Pence.

For every Acknowledgement of Satisfaction, Two Pence.

For every Search in the Books, Four Pence.

ATTORNIES FEES.

FOR entering every Action with the Steward, One Shilling.

Fee for every subsequent Court in which any Proceeding is had, One Shilling.

For drawing and ingrossing every Declaration, and Stamps, One Shilling and Two Pence.

For every Notice of Declaration, and Copy, Six Pence.

Upon paying Money into Court, and for Copy of the Rule, Three Pence.

For every Plea, and Stamps, Six Pence.

For drawing Brief, and Copy, Two Shillings and Six Pence.

For every Notice of Trial, and for every other Notice and Copy, Four Pence.

Fee on Trial for pleading, Five Shillings.

For each Ticket for Witnesses, Three Pence.

BAILIFFS FEES.

FOR serving every Precept or Summons, Four Pence.

For calling every Default, One Penny.

For executing every Precept or Warrant, in nature of a Fieri facias, Levari Facias, or Capias ad satisfaciendum, Two Shillings.

For summoning the Jury or Homage, in each Cause, One Shilling.

For executing every Warrant of Distress, for an Amerciament against a Witness for Non-appearance, to be paid out of such Part of the Amerciament, as shall be appropriated to the Use of the Party injured, One Shilling.

For taking every Person into Custody, committed for a Contempt in Court, One Shilling.

On the Discharge of every Person out of Custody, Six Pence.

For serving every Notice of Declaration, and every other Notice; and for serving every Ticket for Witnesses, Three Pence.

A Table of which Fees shall be publickly hung up in the Town Hall of Sheffield, and in the Place where the said Court Baron of the said Manor of Ecclesall shall be usually held. Table of Fees to be hung up in the respective Courts.

And, to the end that every Plaint to be entered, and Suit or Action to be commenced or defended, in the said several Courts Baron, wherein the Plaintiff or Defendant shall think it necessary or convenient to retain an Attorney to prosecute or defend, any such Plaint, Suit, or Action, may be sollicited, carried on, and defended, by Persons duly qualified for that Purpose; be it enacted by the Authority aforesaid, That no Person or Persons whatsoever, shall be allowed or admitted to practise as an Attorney in either of the said Courts Baron, or to sollicit, carry on, or defend, any Plaint, Suit, or Action there depending, or be intitled to ask, demand, or receive, any Fee or Fees, by this Act appointed to be taken, as the Fees of Attornies practising in the said several Courts Baron, unless such Person or Persons so practising in the said several Courts Baron, shall be an Attorney or Sollicitor, in some or One of His Majesty's Courts at Westminster, and unless such Person or Persons so practising in the said several Courts Baron, shall produce to the Steward or Stewards of the said several Courts Baron, or his or their Deputy or Deputies, the Original Admission of such Attorney or Sollicitor, in some or One of His Majesty's said Courts at Westminster, within the Space of Twenty one Days next after he shall be required so to do by such Steward or Stewards, or his or their Deputy or Deputies. None allowed to practise in the Courts but such as are admitted Attornies or Sollicitors of the Courts at *Westminster*.

Fines, Affeerances, and Suitors Names, to be entered in proper Books.

And be it enacted by the Authority aforeſaid, That all and every Amerciaments, Fines and Pains, to be impoſed, laid, and made by the ſaid ſeveral Courts Baron, or the ſeveral Stewards thereof, or their Deputies, ſhall be fairly entered in a Book or Books, to be provided by the Lords of the ſaid ſeveral Manors, together with the Affeerance of ſuch Amerciaments, and the Names of the ſeveral Suitors of the ſaid reſpective Courts, who ſhall affeer ſuch Amerciaments; ſuch Entries to be made by the ſaid ſeveral Stewards, or their reſpective Deputies, for the time being.

Stewards to hold their Office at the Pleaſure of their Lord.

And be it enacted by the Authority aforeſaid, That ſuch Perſon and Perſons, as now is, or are conſtituted Steward or Stewards of the ſaid ſeveral Courts Baron, and ſuch other Perſon and Perſons, as hereafter ſhall be Steward or Stewards of the ſaid ſeveral Courts, ſhall hold his and their Office and Offices of Steward, during the Will and Pleaſure of the ſeveral Lords of the ſaid ſeveral Manors of Sheffield and Eccleſall reſpectively, and not longer or otherwiſe.

In caſes of Vacancy, Utter Barriſter of 3 Years ſtanding to be appointed to the Office of Steward.

And it is hereby enacted, That from and after the Diſplacing, Reſignation, Removal, or Death of any Steward or Stewards, of the ſaid reſpective Courts Baron, and when and ſo often as the Office of Steward, in either of the ſaid Courts, ſhall become vacant, it ſhall and may be lawful to and for the ſeveral Lords of the ſame ſeveral Manors reſpectively, by ſome Inſtrument under his and their reſpective Hands and Seals, to appoint a ſufficient Perſon or Perſons to be Steward or Stewards of the ſaid ſeveral Courts Baron, who at the Time of ſuch Appointment ſhall be of the Degree of an Utter Barriſter at Law, of Three Years ſtanding at the Bar at leaſt, and ſuch Steward or Stewards to diſplace at his and their Will and Pleaſure.

Stewards to take an Oath of Office.

And be it enacted by the Authority aforeſaid, That the preſent Stewards of the ſaid ſeveral Courts Baron, ſhall reſpectively, within One Month after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and fifty ſix, and every ſucceeding Steward and Stewards of the ſaid ſeveral Courts Baron, within One Month next after his or their Appointment as aforeſaid, ſhall take the following Oath in the ſame ſeveral Courts Baron (that is to ſay)

The Oath.

I *A. B.* do ſwear, That I will well and truly execute the Office of Steward of the Court Baron of for his Manor of according to the beſt of my Skill

and Knowledge; and that I will not deny or delay Juſtice; and will not by myſelf, or, knowingly, by my Deputies, Clerks, or Servants under me, or by any other Perſon or Perſons, receive or take, or cauſe, or permit, or ſuffer to be received or taken, in any Plaint, Suit, or Action, brought or to be brought in Conformity to an Act of Parliament, intituled, *An Act for regulating the Proceedings in Perſonal Actions in the Courts Baron of the Manors of* Sheffield *and* Eccleſall *in the County of* York; any greater or other Fees, than ſuch as are directed to be taken in and by the ſaid Act.

So help me GOD.

Which Oath ſhall and may be adminiſtered by any Two Suitors preſent, and ſhall be entered in the Court Books kept for the ſaid ſeveral Courts Baron, and ſigned by the ſaid Stewards reſpectively, and atteſted by the Suitors preſent at the Adminiſtration thereof, or any Two of them. Entry to be made thereof, and ſigned by the Stewards and Two Suitors.

And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſeveral Stewards of the ſaid ſeveral Courts Baron of Sheffield and Eccleſall for the time being reſpectively, to appoint One or more ſufficient Deputy or Deputies, to act for them reſpectively in the Office of Steward of the ſaid ſeveral Courts Baron; which Deputies, in the Abſence of the ſame Stewards, ſhall have the ſame Authority as if the principal Stewards were themſelves perſonally preſent; and ſhall, from time to time, be diſplaceable and removeable, and ſhall accordingly be diſplaced and be removed at the Will and Pleaſure of the Lords of the ſaid ſeveral Manors. Stewards may appoint ſufficient Deputies to act for them.

Provided nevertheleſs, That the intended Appointment and Appointments of ſuch Deputy and Deputies reſpectively, with the Names and Additions of ſuch Deputy and Deputies, ſhall be declared in open Court of the ſaid reſpective Manors by the principal Steward of ſuch Courts reſpectively, or ſome other Perſon on his Behalf, and by his Authority, at leaſt Three Weeks before the actual Appointment of ſuch Deputy and Deputies; and that ſuch Deputy and Deputies ſubſequent to ſuch Declaration, and previous to his or their Appointment, ſhall be approved of by the reſpective Lords of the ſaid ſeveral Manors, by Writing under his and their Hands and Seals, to be entered in the Court Books of the ſaid reſpective Courts Declaration to be made in Court of Deputy's Name, *&c.* before his Appointment. Lord of the Manor to ſign his Approbation.

Deputy to take an Oath of Office.

Courts Baron among the Entries thereof; and that such Deputy shall, at the first Court after his being actually appointed, and before he proceeds to act as a Deputy Steward, take the Oath herein before directed to be taken by the Principal Stewards of the said several Courts Baron, adding the Word Deputy before the Word (Steward) and leaving out the Word Deputies before the Word (Clerks) which Oath shall and may be administered by any Two of the Suitors present.

In Cases of Vacancy, Deputy to act till a new Steward is appointed.

Provided also, That from and immediately after the Displacing, Resignation, Removal, or Death, of any Principal Steward or Stewards of the said respective Courts Baron, and when and so often as the Office of Principal Steward in either of the said Courts shall become vacant, it shall and may be lawful to and for the Deputy Steward and Stewards of such Courts for the time being, to execute the Office of Principal Steward of such Courts, until such Time as another Steward shall be nominated or appointed to succeed in the Place of such Principal Steward, whose Office shall be then void.

Stewards and Deputies of the Courts to take the Oaths to His Majesty, and qualify themselves according to

Provided always, and be it enacted by the Authority aforesaid, That the present Stewards of the said respective Courts Baron, and their Deputy or Deputies, within Six Months next after the said Twenty fourth Day of June, One thousand seven hundred and fifty six, and all and every succeeding Steward and Stewards of the said Courts Baron, and their respective Deputy and Deputies, within Six Months next after his or their Appointment, shall, at a General Quarter Session of the Peace for the West Riding of the County of York, take and subscribe the Oaths appointed to be taken in by an Act of Parliament made in the First Year of the Reign of his late Majesty King George the First, intituled, An Act for the further Security of His Majesty's Person and Government; and the Succession of the Crown in the Heirs of the late Princess *Sophia*, being Protestants; and for extinguishing the Hopes of the pretended Prince of *Wales*, and his open and secret Abettors;) in such Manner and Form as in and by the said Act is directed; and shall also within the Times aforesaid, respectively receive the Sacrament of the Lord's Supper, according to the Usage of the Church of England; and make and subscribe the Declaration against Transubstantiation, according to an Act of Parliament made in the Twenty fifth Year of the Reign of King Charles the Second (intituled, An Act for preventing the Dangers which may

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happen from Popiſh Recuſants;) and in Default of taking the ſaid Oaths or of receiving the Sacrament, or of making and ſubſcribing the ſaid Declaration in the Manner and within the Times aforeſaid reſpectively, every ſuch Steward and Deputy ſo offending, ſhall incur ſuch Penalties, Forfeitures, and Diſabilities, as by the ſaid ſeveral Acts are reſpectively enacted and inflicted. or they incur the Penalties and Diſabilities inflicted by the ſaid Acts.

And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall make Oath, or give Evidence in any Plaint, Suit, or Action, depending in, or in any other Proceeding to be had in, the ſaid ſeveral Courts Baron, whereby he, ſhe, or they, ſhall commit wilful and corrupt Perjury, and thereof be duly convicted, then every ſuch Perſon and Perſons ſhall incur and ſuffer the like Pains and Penalties as any other Perſon or Perſons convicted of wilful and corrupt Perjury is, or are, or ſhall be liable to by the Laws and Statutes of this Realm. Penalty of wilful and corrupt Perjury.

And be it enacted by the Authority aforeſaid, That in caſe any Action or Suit ſhall at any Time hereafter be commenced, brought, or proſecuted, againſt any Steward, Deputy Steward, Bailiff, Suitor, Officer, or Miniſter of the ſaid ſeveral Courts Baron, or againſt any other Perſon or Perſons, for or in reſpect of his or their acting in purſuance of, or under the Authority of this Act, then it ſhall and may be lawful for ſuch Perſon and Perſons reſpectively, in every ſuch Action or Suit, to plead the General Iſſue, and give this Act and the Special Matter in Evidence; and the Warrant or Precept under the Hand and Seal of the ſeveral Stewards of the ſaid ſeveral Courts Baron, or their reſpective Deputies, being duly proved in any ſuch Action or Suit, ſhall be deemed a ſufficient Proof of the Authority of the ſaid ſeveral Courts Baron, and of all other Proceedings in the ſaid ſeveral Courts, previous to the iſſuing of ſuch Warrant or Precept; and in caſe the Plaintiff or Plaintiffs in ſuch Action or Suit ſhall not duly proſecute the ſame, ſhall have a Verdict paſs againſt him or them, or ſhall be Nonſuited, or diſcontinue his or their Action or Suit, the Defendant or Defendants ſhall, in any of the ſaid Caſes, be intitled to, and be allowed and recover, Treble Coſts of Suit. Steward, or Officers of the Court, being ſued, may plead the General Iſſue. Treble Coſts.

And be it further enacted, That in caſe any Action of Debt, or Action on the Caſe, upon Aſſumpſit, for Recovery of any Debt, ſhall be commenced and proſecuted againſt any Perſon or Perſons after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and fifty ſix, in any of His Majeſty's Courts of Record Where any Action ſhall be brought in any other Court, for a Debt recoverable in the Courts Baron, Plaintiff to be Nonſuited, and Defendant to recover Treble Coſts,

cord at Westminster, or elsewhere, out of the said several Courts Baron, and it shall appear to the Judge or Judges of the Court where such Action shall be tried, that the Debt to be recovered by the Plaintiff in such Action doth not amount to the Sum of Forty Shillings; and the Defendant or Defendants in such Action shall duly prove by sufficient Testimony to be allowed by any the Judge or Judges of the Court where such Action shall be tried, that at the Time of commencing such Action, such Defendant or Defendants was or were resient within the Jurisdictions of the said several Courts Baron, and was or were liable to be warned or summoned in either of the said several Courts Baron for such Debt, then and in such Case, unless the Judge or Judges who shall try such Cause, shall in open Court certify on the Back of the Record that there was a probable or reasonable Cause of Action for Forty Shillings, or more, or that the Freehold or Title to the Plaintiff's Lands or Tenements, or an Act of Bankruptcy principally came in Question at such Trial, then and in such Case, the Plaintiff shall not recover, but be Nonsuited in such Action, and the Defendant or Defendants shall be intitled to and be allowed, and recover Treble Costs of Suit.

unless the Judge certify there was a probable Cause for such Action, &c.

Provided always, That it shall and may be lawful to and for the Plaintiff in such Action, afterwards to proceed against such Defendant or Defendants for the Recovery of such his Debt in the said several Courts Baron; any thing herein contained to the contrary thereof in any wise notwithstanding.

Plaintiff may afterwards sue in Court Baron for his Debt.

And be it further enacted, That this Act shall be deemed a Publick Act, and shall be judicially taken Notice of as such by all Judges and Justices, and all other Persons, without specially pleading the same.

Publick Act.

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FINIS.