Anno tricesimo tertio

# Georgii II. Regis.

An Act for regulating the Proceedings in Personal Actions in the respective Courts Baron of the Hundred of *High Peak*, and Manor of *Castleton*, in the County of *Derby*.

WHEREAS His most Excellent Majesty, in Right of His Duchy of Lancaster, is seised to him, His Heirs, and Successors, of and in the Hundred and Liberty of High Peak, and Manor of Castleton, in the County of Derby, and of the Jurisdictions of the Two several Courts Baron within, and appertaining to, the said Hundred and Manor respectively: And whereas, from Time immemorial, Plea hath been held every Three Weeks, or so often as was requisite, in all Personal Actions arising within the said several Jurisdictions, where the Debt or Damages have been under Forty Shillings: And whereas, notwithstanding 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 said Actions which are com- Preamble.



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menced in the said Courts Baron, is in both the said Courts by Summons and Distress infinite; which is a very dilatory, and often an ineffectual, Method for that Purpose; 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 Hundred and Manor, are encouraged (though able) to refuse or delay the Payment thereof, and do often set their Creditors at Defiance; therefore the Freeholders, Resiants, and Inhabitants, within the said Hundred and Manor, have applied to the Right Honourable the Chancellor and Council of His Majesty's said Duchy, in order that some proper Method may be provided for regulating the Proceedings in, and amending the Defects which so attend, the several Jurisdictions of the said Courts Baron respectively, and for preventing all unnecessary Delays and Expences in the said Proceedings, and for providing, from among the several Suitors of the said several Courts Baron, fit, able, discreet, and indifferent Homagers or Jurors to try all Issues which shall stand for Trial in any Plaint, Suit, or Action, to be depending in the said respective Courts, and the like fit, able, discreet, and indifferent Homagers or Jurors for the finding of Inquests and taking of Inquisitions upon Processes which may issue out of, or on any other Proceedings which may be had in, the said Courts respectively, in Nature of Writs of Inquiry of Damages at the Common Law; and the said Chancellor and Council are of Opinion, that it will be for the Benefit of His Majesty's Subjects respectively inhabiting within the said Hundred and Manor, if an Act could be obtained for the Purposes aforesaid: 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 sixty, whenever any Plaint shall be entered, or any Suit or Action shall be commenced, in either of the Courts Baron so as aforesaid belonging to the said Hundred of High Peak, or Manor of Castleton (the Debt or Damages in such Plaint, Suit, or Action, not amounting to the Sum of Forty Shillings)

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

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 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 Officer or Officers of the said respective Courts, to warn and summon the Defendant or Defendants in every such Plaint, Suit, or Action, to appear at the next Court, 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 or Deputies, shall accordingly issue his or their Precept to the Bailiff or Bailiffs, or other proper Officer or 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 Officer and 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 any such Precept so executed as aforesaid, 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 next after the issuing 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 executed such Precept) to enter a Common Appearance for such 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.

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

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, 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, in the Year of our Lord One thousand seven hundred and sixty, in either of the said Courts Baron, so as aforesaid belonging to the said Hundred of High Peak, or Manor of Castleton, (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,

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

shall severally be tried and determined by and before such of the Suitors or Homagers, owing Suit and Service to the said Courts respectively, as herein after are directed to be for that Purpose nominated, chosen, and summoned; and such Verdict as they the said Suitors or Homagers in the said several Courts Baron shall respectively find upon every such Trial, and the Judgements thereupon to be entered, shall, from time to time, be final and conclusive to all and every the Parties, Plaintiffs and Defendants, in the said several Plaints, Suits, or Actions,

and their Judgement to be final and conclusive.

And be it further enacted, 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, in the Year of our Lord One thousand seven hundred and sixty, in either of the said Courts Baron so as aforesaid belonging to the said Hundred of High Peak, or Manor of Castleton (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 the 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 Homagers of the said Courts Baron respectively as are herein after directed to be for that Purpose nominated, appointed, and summoned; and such Inquest or Inquisitions as shall be so found or taken by the said Suitors or Homagers, 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 further enacted, That it shall and may be lawful to and for the Stewards of the said Courts Baron respectively, and their lawful Deputy or 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

Steward, upon Application, to summon Witnesses,

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, 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 Deputy or Deputies, shall respectively have full Power and Authority to interrogate and examine such or any other Witnesses before the said Suitors or Homagers viva voce, upon their corporal Oaths, 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.

who are required to attend and give Evidence upon Oath;

Verdict and Judgement to be given thereupon.

And be it also further enacted, That where any Person or Persons, residing within either of the Jurisdictions of the said Courts Baron, after being by Warrant, under the respective Hands and Seals of the said Stewards, or their Deputies respectively (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 respective 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 fine such Person and Persons who shall so make Default in any Sum not exceeding the Sum of Forty Shillings, nor less than Twenty Shillings; and thereupon such Fine or Fines, or so much thereof as the said respective Stewards or their Deputies, shall appoint, shall be applied to and for the Use of the Party who shall appear to the Court to be injured by being deprived of the Benefit of such Evidence, and the Residue to be and remain to and for the Use of His said Majesty, His Heirs and Successors, in the Right aforesaid; the Whole, together with the Costs and Charges of levying thereof to be recovered by Distress and Sale of the Offenders Goods and Chattles by Warrant under the respective Hands and Seals of the Stewards of the said respective Courts Baron, or their respective Deputies;

Witnesses not attending, or refusing to give Evidence,

may be amerced by the Steward;

Fine to be affeered by the Suitors; and applied to the injured Party, and the Crown.

For want of Diſtreſs, Offender to be committed.

Deputies; and for want of ſuch Diſtreſs the Offenders to be committed to Priſon by ſuch Warrant as aforeſaid, for any Space of Time not exceeding Twenty Days, unleſs he or they ſhall ſooner pay the ſaid Sum ſo impoſed as aforeſaid, together with the Coſts and Charges attending ſuch Commitment.

Form of Plaintiff's Declaration.

And, for avoiding of all unneceſſary Prolirity and Multiplicity of Pleading; it is hereby enacted, That where any Plaint ſhall be entered, or any Suit or Action ſhall be commenced in either of the ſaid ſeveral Courts Baron, in any Perſonal Action, the Debt or Damages in ſuch Plaint, Suit, or Action, not amounting to the Sum of Forty Shillings, 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)

HUNDRED of *High Peak*, or Manor of *Caſtleton* (*as the Caſe is*) 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 Account ſtated, or for Non-performance of Promiſes, Aſſumptions, Contracts, Agreements, or other Undertakings, or for ſome other of the aforeſaid, or any other proper Cauſe or 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 Thirty nine Shillings and Eleven Pence, and therefore 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 ſaith, he is not indebted to the ſaid *A. B.* as in his ſaid Declaration is ſuppoſed, and therefore he puts himſelf upon the Homage.

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 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 such 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 Notice in Writing, at the Foot of such Plea, of the Special Matter intended to be given in Evidence, and insisted on as aforesaid.

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

giving the Plaintiff Notice thereof;

And be it enacted, That in case any Defendant or Defendants in any Plaint, Suit, or Action, to be entered or commenced in Manner aforesaid, 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 Steward of the Court wherein such Plaint, Suit, or Action, shall have been entered or commenced, or his Deputy, and be by the said Steward, or his Deputy, declared in open Court as his 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.

Defendant pleading otherwise than the General Issue,

and Court declaring the same to be merely dilatory,

Plaintiff may sign Judgement as for want of Plea;

And be it also further enacted, That when any Plaint shall have been entered, or any Suit or Action commenced in either of the said Courts Baron, and an Appearance thereto shall have been regularly entered for the Defendant or Defendants, and the Plaintiff or Plaintiffs, in such Plaint, Suit, or Action, shall have declared against such Defendant or Defendants; then in case the Defendant or Defendants 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 or Plaintiffs, to sign Judgement by Default against the Defendant or Defendants, so neglecting to plead to such Declaration, in such Plaint, Suit, or Action.

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

And be it further enacted, That when any Plaint shall have been entered, or any Suit or Action commenced in either

Plaintiff may sign Judgement by Default;

of the said Courts Baron, and an Appearance thereto shall have been regularly entered for the Defendant or Defendants, and the Plaintiff or Plaintiffs in such Plaint, Suit, or Action, shall have declared against such Defendant or Defendants, then in case the Defendant or Defendants 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 or Plaintiffs to sign Judgement by Default, in such Plaint, Suit, or Action, and at the same Court, or upon such Notice as is herein after directed in that Behalf, at any subsequent Court, it shall and may be lawful to and for the Steward of the Court wherein such Plaint, Suit, or Action, shall have been so entered or commenced, and such Proceedings had as aforesaid, or his Deputy, and the said Steward and his Deputy, is and are hereby required upon the Prayer of the Plaintiff or Plaintiffs, in such Plaint, Suit, or Action, to impanel a Jury or Homage of Twelve Persons, from among the Suitors or Homagers then attending such Court; and such Jury or Homage so impanelled, shall be in Nature of an Inquest to inquire, and shall accordingly inquire, or make Inquisition upon their Oath, by all such lawful Ways and Means as the Jurors or Homagers of the same Court may do upon a Trial of any Issue therein, what Damages the Plaintiff or Plaintiffs in such Plaint, Suit, or Action, hath or have sustained by reason of the Defendant or Defendants Non-payment of the Debt, or Non-performance of the Premisses mentioned in the Plaintiff or Plaintiffs 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 or Plaintiffs 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.

Plaintiff not declaringupon the Defendant's appearing,

And be it further enacted, 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 upon any Suit, Plaint, 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 or Plaintiffs shall have declared, and the Defendant or Defendants shall have pleaded an issuable Plea; then in case the Plaintiff or Plaintiffs in such Plaint, Suit, or Action, shall not proceed to Trial within Two Courts held next after the pleading such issuable Plea; or if the Plaintiff or Plaintiffs shall discontinue his or their Action, or be nonsuited, or a Verdict given against him or them, and Judgement shall be thereupon entered against him or them 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 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 awarded for Costs as aforesaid against the Plaintiff or Plaintiffs in such Plaint, Suit, or Action; and the same Sum and Sums of Money for which such Execution shall be so awarded, shall be paid, recovered, levied, and attached on such Plaintiff or Plaintiffs awarded to pay the same, or on his or their Goods and Chattles, by any such Processes out of the said respective 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.

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

Court to award Defendant Costs.

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 for the same Debt or Damages for which his or their original Plaint, Suit, or Action, was entered or commenced.

Plaintiff may notwithstanding renew his Suit.

And be it enacted, That Ten Days Notice of Trial, and of taking Inquisitions in the Nature of Writs of Inquiry at Common Law (except as to the assessing of Damages at the Court whereat Judgement shall be signed as aforesaid) shall be given in Writing to the Defendant or Defendants in every Plaint, Suit or Action, depending in the said respective Courts Baron, or to 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 at which such Plaint, Suit, or Action, is intended to be tried, or such Inquisition taken.

10 Days Notice of Trial to be given to Defendant,

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

And

And whereas Causes of Action may frequently arise, and be proper and convenient to be prosecuted, within the Jurisdictions of the said Courts Baron respectively, and the Person or Persons to whom any such Action or Actions shall accrue, may not live or reside within the same; or it may happen that the Person or Persons having entered his or their Plaint, or commenced his or their Suit or Action, within the said Courts respectively, may, pending such Action or Actions, depart or withdraw himself or themselves from such respective Jurisdictions; and it will tend to the Advantage of the Inhabitants of the said Hundred and Manor, and promote useful Credit, to provide a Remedy for the Costs of Suit of any Defendant or Defendants who shall be sued at the Suit of any such Person or Persons as aforesaid, in case he or they shall not duly prosecute his or their 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 the Plaintiff or Plaintiffs therein; be it therefore enacted, That when any Person or Persons shall be minded to enter any Plaint, or commence any Suit or Action, against any Person or Persons for any Debt, Matter, or Thing whatsoever, in either of the said Courts, and such Person or Persons, Plaintiff or Plaintiffs, shall not reside within the Jurisdiction of the Court in which he or they shall be so minded to enter such Plaint, or commence such Action; or in case any Plaintiff or Plaintiffs having entered his or their Plaint, or commenced any Suit or Action, in either of the said Courts, shall, pending the same, depart or withdraw himself or themselves from such Jurisdiction; then, and in either of the said Cases, he or they shall, at the Time of his or their entering such Plaint, or commencing such Suit or Action, and previous to his or their withdrawing himself or themselves from such Jurisdiction, by himself or themselves, or his or their Agent, bring with him or them to, or 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 Householder or Householders, residing within the Jurisdiction of the Court whereout such Process shall be so required, or hath issued, and shall cause or procure such Person or Persons so being a Householder or Householders, to enter into a Recognizance to the Defendant or Defendants in such Plaint, Suit, or Action; and which Recognizance the said Steward or his Deputy shall, and is hereby authorized to take in the penal Sum of Thirty nine Shillings and Eleven Pence, to be levied

Plaintiff not being resiant,

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.

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 or their Action, or become nonsuit, or that a Verdict shall be given against him or them, and then, upon entering into such Recognizance as aforesaid, and not otherwise, it shall and may be lawful to and for such Person or Persons to enter and prosecute his and their Plaint, and commence and carry on his or their Suit or Action against such Defendant or Defendants.

Plaintiff not procuring such Recognizance,

Provided always, That if any Person or Persons not residing within the Jurisdiction of the Court wherein he or they shall enter, or be minded to enter, any Plaint, or commence any Suit or Action, or having entered any Plaint, or commenced any Suit or Action, shall, previous to his or their withdrawing himself or themselves from such Jurisdiction, refuse or decline to procure such Recognizance as aforesaid to be entered into, that then, and in every such Case, it shall and may be lawful to and for the Steward of the said Court, or his Deputy, to forbear granting his or their Precept or Precepts against the Defendant or Defendants in such Plaint, Suit, or Action, or permit any further Proceedings in any Action or Suit then depending, until such Time as such Recognizance shall be entered into in Manner as aforesaid.

Steward may forbear granting Precept against Defendant.

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 Jurisdiction of the Court wherein such Plaint shall have been so entered, or having withdrawn himself or themselves from the Jurisdiction of the same Court, and it shall afterwards appear to the Satisfaction of the Steward of the said Court in which such Action shall be so brought and depending, or his Deputy, 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 either of the said Cases, the Plaint, Suit, or Action so depending, shall be wholly discontinued, and the Plaintiff or Plain-

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

tiffs entering or commencing the same, shall, for the future, be disabled from entering any new Plaint, or commencing any new Suit or Action, in either of the said 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 entering of any new Plaint, or Commencement of any new Suit or Action, or further Proceedings had 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; such Costs to be settled or ascertained by the respective Stewards of the said Courts Baron, or their lawful Deputies.

till Costs be paid to Defendant.

Recognizance to be entered without Stamp,

And be it enacted, 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, in a Book or Books to be kept for that Purpose, without Stamp, and shall be in the Form, or to the Effect, following; that is to say,

in the following Form.

HUNDRED of *High Peak*, or Manor of *Castleton*, To wit, The Day of upon a Plaint to be entered, or upon further prosecuting his Plaint *(as the Case shall be)* in the Court Baron of this Hundred or Manor, by *A. B.* of in the County of against *C. D.* of within the Jurisdiction of the said 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 Thirty nine Shillings and Eleven Pence, to be levied upon my Goods and Chattles: " The Condition of this Recog-
" nizance is such, That if the said *E. F.* shall, upon De-
" mand, well and truly pay, or cause to be paid, unto the
" said *C. D.* all such Sum or 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 above-men-
" tioned Plaint, then this Recognizance to be void, or
" 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 respective Stewards of the said Court Baron, or their Deputies for the time being, wherein the same shall be aknowledged or taken.

And be it enacted, That where any Plaint shall be entered, or any Suit or Action commenced, in either of the said Courts Baron, in any Personal Action, it shall and may be lawful to and for the Defendant or Defendants who shall have appeared to any such Plaint, the Plaintiff or Plaintiffs in such Plaint, Suit, or Action, having declared against such Defendant or Defendants, to bring the Debt, Sum or Sums of Money, into the Court wherein such Plaint shall be entered, or such Suit or Action commenced, and to pay the same into the Hands of the Steward of the same Court, or his Deputy, and then to plead a General Issue, whereupon the said Court shall make a Rule or Order, without Stamp, 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.

HUNDRED of *High Peak*, or Manor of *Castleton*, To wit, "The Day of
"in the Year of our Lord the Defendant
"having brought into Court the Sum of it is
*A. B.* against *C. D.* "therefore ordered, That unless the Plaintiff "shall accept thereof, with Costs, to be taxed by "the Steward, or his Deputy, in full Discharge "of this Suit, the said Sum of shall
"be struck out of the Declaration, and paid out of Court
"to the Plaintiff, or his Attorney or Agent; and upon the
"Trial of the Issue, the Plaintiff shall not be permitted to
"give Evidence for the said Sum of

"By the Court"

A Copy of which said Rule shall be served upon the Plaintiff or Plaintiffs in such Plaint, Suit, or Action, or upon One of the Persons who shall enter into such Recognizances as aforesaid, or left at his or their Dwelling-houses or Places of Abode respectively, at least Ten Days before the Court next after making the said Rule.

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 either of the said Courts Baron, may be tried by Twelve fit, able, discreet, and indifferent Suitors or Homagers, owing Suit and Service to the said Courts Baron respectively; be it enacted, That when and so often as due Notice shall have been given by the Plaintiff or Plaintiffs 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

Upon Issue joined and Notice of Trial,

lawful to and for such Stewards, or their Deputies respectively, and they are hereby required, at least Five Days before the holding of any Court Baron for the said Hundred or Manor respectively, at which any Issue or Issues joined in either of the said Courts Baron are intended to be tried, to issue their Precepts under their respective Hands and Seals to the Bailiff or Bailiffs, or other Person or 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 respectively, to serve as Jurors or Homagers at the next Court to be held for the said Hundred or Manor 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 Person or Persons to whom such Precepts shall issue, shall forthwith summon the Persons whom he or they shall be required to summon by such Precept or Precepts, by Writing under his or their respective Hands, thereby summoning or warning such Person or Persons to appear and serve as Jurors and Homagers at the then next Court; every such Summons or Warning to be made by personal Service of the Summons, or by leaving the same at the Dwelling-houses or Places of Abode of such Person or Persons respectively.

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

Summons to be made by personal Service.

And be it further enacted, 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 Place of Abode and Addition of each and every such Person, shall be written by the said several Stewards, or their Deputies, respectively, on several 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 Box, to be provided and kept for that Purpose; and when any Plaint, Suit, or Action shall be brought on to be tried, the said Stewards of the said Courts Baron, or their Deputies, respectively, shall and may in open Court 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 (all Causes of Challenges having been examined into, and allowed, or over-ruled) shall have been

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

and 12 of those present, and not challenged, to be drawn;

been drawn and approved of, or allowed of, as fair and indifferent Persons to try such Issue or Issues.

Who are to be the Jury, &c.

And be it further enacted, That such Twelve Persons, who shall be so drawn, and shall appear and be approved of as indifferent Persons to try the said Issue or 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 Box, there to kept with the other Names remaining undrawn, and so, from time to time, as often as any other Issue or Issues shall be to be tried in any other Plaint, Suit, or Action, to be depending in the same several Courts respectively; and 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 Box, 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 or Agent; 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 each of the said Courts Baron, shall, before he enters upon the Trial of any Plaint, Suit, or Action, there depending, take the following Oath, 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.*

Juror who has served Six Times in the same Year,

Provided always, and it is hereby enacted, That if any Person who shall be summoned to attend either of the said Courts Baron as a special Suitor, Juror, or Homager, shall make it appear to the Satisfaction of the respective Stewards of the same Courts, or their respective Deputies, that he has already served on the Trial of Issues

in the said respective Courts, or on the taking or finding of Inquests as a Juror or Homager Six Times in the same Year in which he shall then be summoned; then, and in such Case, the Person who shall so make it appear that he hath 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 Homager, 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.

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 respective Courts Baron, or other Proceedings which shall be there had, in Nature of Writs of Inquiry of Damages, be it enacted, That the respective Stewards of the said several Courts Baron, or their respective Deputies, shall, at least Five Days before the holding of a Court Baron for the said Hundred or Manor respectively, from time to time, issue his or their Precept or Precepts, under his or 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, respectively belong, thereby commanding them to summon any Number of fit, able, discreet, and indifferent Suitors, owing Suit and Service to the said Courts respectively, not exceeding Twenty four, nor less than Twelve, to attend at the next Court to be then next held for the said Hundred or Manor respectively, and there to serve as Jurors or Homagers for the finding of Inquests, and taking of Inquisitions upon Processes to issue out of, or other Proceedings to be had in, the said Courts Baron respectively, in Nature of Writs of Inquiry of Damages; and such Jury or Homage shall continue to serve as such during the Sitting of the same Court, or until they shall be dismissed by the Steward thereof, or his Deputy for the time being.

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.

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, or taking of Inquisitions as aforesaid, shall be written and expressed at full Length, with the Place of Abode and Addition of every such Person so directed to be summoned, to the end

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

no

no Miſtake may happen in the Deſcription of them, or any of them; and thereupon every ſuch Bailiff or Bailiffs, or other Perſon or Perſons, to whom ſuch Precepts ſhall iſſue, ſhall forthwith ſummon the Perſon or Perſons whom he or they 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 Homagers 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-houſes or Places of Abode of ſuch Perſons reſpectively. Summons to be made by Perſonal Service.

And be it alſo further enacted, That where Twelve at the leaſt of the Suitors at the ſaid reſpective Courts Baron, who ſhall have been duly ſummoned purſuant to ſuch Precept of the reſpective Stewards of the ſaid Courts, or their Deputies, or any of them, ſhall not appear at the ſaid reſpective Courts, in order to find Inqueſts and take Inquiſitions upon ſuch Proceſſes iſſuing out of, or other Proceedings to be had in, the ſaid reſpective Courts as aforeſaid; that then, and in ſuch Caſe, ſuch Inqueſts ſhall and may be found, and ſuch Inquiſitions ſhall and may be taken, by any Twelve Suitors of the ſaid reſpective 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 ſummoned as aforeſaid; any thing herein contained to the contrary thereof in any wiſe notwithſtanding. Where 12 of the Jurors ſhall not appear, Inqueſts may be taken by any 12 Suitors of the Court.

And be it enacted, That every Suitor of the ſaid reſpective Courts Baron, before he ſerves upon any ſuch Inqueſt, and before he enters upon any Inquiry of Damages ſuſtained by any Plaintiff or Plaintiffs, in any Plaint, Suit, or Action, depending in the ſaid Courts Baron reſpectively, where interlocutory Judgement ſhall have been entered againſt the Defendant or Defendants, ſhall take the following Oath; that is to ſay, Suitor to be ſworn before he enters upon Inqueſt.

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

*So help me God.*

And be it further enacted, That if any Perſon owing Suit and Service to the ſaid Courts Baron reſpectively, who ſhall have been duly ſummoned purſuant to this Act to appear at the next Court to be held for the Steward of the Court may fine Jurors for not attending.

said Hundred or Wapon, and there to serve as a Juror or Homager, 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 Three Times called 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 Courts Baron, or their Deputies, for the time being (unless reasonable Cause shall be shewn to the contrary) to fine 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 said Fine or Fines, not being paid by the Space of Ten Days after such Fine or Fines set, shall, together with the Costs of levying thereof, be recovered by Distress and Sale of such Defaulter's Goods and Chatties, 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 His said Majesty, His Heirs, and Successors, in the Right aforesaid.

Fines to be levied by Distress and Sale,

and to be applied for the Use of His Majesty, &c.

And be it enacted, That from and after the said Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and fifty, no Plaint, Suit, or Action, to be entered or commenced in either of the said Courts Baron, or any Judgement or other Proceedings to be had thereupon, shall be removed or removeable out of either of the said Courts Baron, by any Writ of Recordari facias, Loquelam, Certiorari, false Judgement, or otherwise howsoever, but such Judgements as shall be respectively given in the said Courts respectively, shall be final and conclusive to all Parties whatsoever.

Proceedings or Judgements of the Courts not removeable,

but to be final and conclusive;

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

Plaints in Replevin excepted.

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 others residing within the said Jurisdictions respectively, as well Attornies as others, to sue and be sued, plead and be impleaded in the said Courts Baron 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,

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

Usage, or Custom, to the contrary thereof in any wise notwithstanding.

Provided also, That nothing herein contained shall be construed to enlarge, extend, or increase, or to diminish, lessen, restrain, or prejudice, the Jurisdictions of the said Courts Baron respectively, save in such Matters and Things as are in and by this Act expressly mentioned and declared. Jurisdiction of the Court not extended by this Act.

Provided also, That nothing herein contained shall extend to abridge, change, or alter, the Proceedings in the said several Courts, in the Nature of a Real Action, but that such Proceedings may and shall be had therein, as were used and accustomed before the passing this Act. 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 Jurisdiction or Proceedings in the Berghemote Courts, or Mineral Courts, or any of the Mineral Laws, Customs, or Usages, within the Hundred of High Peak, and Manor of Castleton aforesaid, but that the same shall and may continue and be as were used and accustomed before the passing of this Act. Jurisdiction of the Berghemote, &c. Courts, not altered by this Act.

And be it 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 thereon 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 Fine or Fines, Sum or Sums of Money whatsoever, to be paid, rendered, or answered, by any Plaintiff or Plaintiffs, Defendant or Defendants, or other Person or Persons in pursuance, of this Act, it shall and may be lawful for the respective Stewards of the said 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 his said Majesty, his Heirs, and Successors, where His said Majesty, His Heirs, and Successors, shall be interested therein, in such Right as aforesaid, 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 or Officers, thereby directing and requiring him or them to levy such Debt, Costs, Damages, Charges, or Expences, Fine or Fines, Sum or Sums of Money, for which Judgement shall Form of Precept for Execution on Judgement.

have been recovered against such Plaintiff or Plaintiffs, Defendant or Defendants, or which such Plaintiff or Plaintiffs, Defendant or Defendants, 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 and Officers, 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, Charges, Damages, or Expences, or any Fine, Sum or Sums of Money whatsoever, to be paid, rendered, or answered, by any Plaintiff or Plaintiffs, Defendant or Defendants, or other Person or Persons, in pursuance of this Act, it shall and may be lawful for the respective Stewards of the said respective Courts Baron for the time being, or 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 or Behalf of His said Majesty, His Heirs, and Successors, as aforesaid, when His said Majesty, His Heirs, and Successors, shall be interested therein, in such Right as aforesaid, 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 or Officers, 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 tender

der the Sum or Sums of Money so set or imposed, or awarded or directed to be paid by the said Courts Baron respectively, 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, 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 Courts Baron respectively, 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 as aforesaid, at least Five Days before the Court 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 Delaration filed.

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

And be it enacted, That if any Person or Persons shall contemptuously affront the said Courts Baron, or either of them, or be guilty of any Contempt or Disturbance in the said several Courts Baron, or either of them, during the Sitting of the Court, it shall and may be lawful to and for the respective Stewards of the said Courts Baron respectively, and his and their Deputy and 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 there, 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, and the respective Stewards of the said respective Courts Baron, or their Deputies, may, if he or they shall think fit, impose a Fine upon the Person or Persons so offending in the Premisses as aforesaid, so as such Fine do not exceed the Sum of Forty Shillings, to be levied, together with

and may be fined,

Costs,

Costs, in such Manner as herein after mentioned, and be applied to and for the Use of His said Majesty, His Heirs, and Successors, in the Right aforesaid; and upon Nonpayment of such Fine or Fines, as aforesaid, it shall and may be lawful to and for the respective 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 Courts respectively, 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.

and committed for Nonpayment.

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

And be it enacted, That if any Person or Persons shall wilfully obstruct, hinder, or prevent the Bailiffs or other Officers of the said Courts Baron respectively, 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, or either of them, or otherwise, in the due Execution of their Office; or if such Bailiffs or other Officers of the said respective Courts Baron, or any of them, shall neglect or refuse to make due Execution of the several Processes issuing out of the same Courts Baron respectively, or shall in any respect misbehave himself or themselves in the due Execution of his or their Office or Offices, or offend contrary to the true Intent and Meaning of this Act, and due Proof shall be made thereof in open Court to the Satisfaction of the respective Stewards of the said several Courts Baron, or their respective Deputies, upon the Oath of such Bailiff or Bailiffs, Officer or Officers, or other credible Person or Persons (which Oath and all other Oath and Oaths herein before mentioned or directed to be administered in the said respective Courts Baron, in pursuance of this Act, the respective Stewards of the said Courts Baron respectively, or their respective Deputies, are hereby, from time to time, severally authorized and required to administer) then, and in such Case, it shall and may be lawful to and for the respective Stewards of the said Courts Baron, or their Deputies, to fine such Offender or Offenders in any Sum or Sums not exceeding Forty Shillings; which Fine or Fines so to be set or imposed, together with the Costs and Charges of levying thereof, shall and may be recovered by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hands and Seals of the respective Stewards

Fine to be levied by Distress and Sale.

of the respective Courts Baron, or their Deputies, and be applied to and for the Use of His said Majesty, His Heirs and Successors, in the Right aforesaid; 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 Fine or Fines shall be assessed or imposed, that then it shall and may be lawful to and for the respective Stewards of the said respective Courts Baron, or 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 respective Courts Baron for any Number of Days, not exceeding Forty Days, unless such Fine or Fines shall be sooner paid; in which Case the Offender or Offenders shall be forthwith discharged out of Custody, and suffered to go at large.

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, kept by the Bailiff or Keeper of the Gaol of the Hundred of High Peak, or such other Place within the Jurisdictions aforesaid, or either of them, as the Stewards of the said respective Courts Baron, or their Deputies shall, from time to time, by Writing under their Hands and Seals, nominate or appoint, shall be and be used as and for the Prison or Gaol for the said Courts Baron, 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 the said Bailiff or Keeper of the Gaol of the Hundred of High Peak, or his Deputy, and such other Person or Persons as shall, by virtue of this Act, be appointed Bailiff or Keeper of such other Prison within the Jurisdictions aforesaid, for the time being, or either of them, is and are hereby authorized and required to receive and detain all such Persons as shall be committed to his or their Custody by virtue of this Act.

Prison of the Court for the Hundred of *High Peak*, &c.

And be it further enacted, That the Fees which shall be paid, had, and taken, by the respective Stewards of the said Courts Baron respectively, or their Deputy or Deputies, and by the Bailiffs of, and other Persons practising in, 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 Courts Baron respectively, 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 Court.

## FEES to be taken by the respective STEWARDS, or their DEPUTIES.

FOR entering every Plaint, Four Pence.

For every Summons thereon, Four Pence.

For entering every Defendant's Default, Three Pence.

For entering Appearance for every Defendant, Eight Pence.

For filing every Declaration, Six Pence.

For Copy of every Declaration, One Shilling.

For every Rule or Order to pay Money into Court, and receiving Money into Court, One Shilling.

For paying Money out of Court, Six Pence.

For filing every Plea of General Issue, Special Plea, or Demurrer, Six Pence.

For Copy of every Plea of General Issue, Notice of Special Matter, or Demurrer, One Shilling.

For entering every interlocutory Judgement, One Shilling.

For every Precept to summon a Jury to enquire of Damages, Eight Pence.

For impanelling and swearing the Suitors to make Inquiry, and for entering every Inquisition of Damages, Three Shillings and Four Pence.

For every final Judgement, One Shilling.

For every Execution, Eight Pence.

For entering every Issue, Six Pence.

For every Precept in the Nature of Venire facias, Eight Pence.

For every Subpœna for Witnesses, Six Pence.

For impanelling and swearing the Jury or Homage in each Cause, and taking and entering each Verdict, Three Shillings and Four Pence, to be paid in equal Moieties between the Parties, Plaintiff and Defendant.

For administering each Oath for every different Purpose directed by this Act, Four Pence.

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

For every Rule to discontinue any Plaint or Action, Six Pence.

For taking every Recognizance, One Shilling.

For every Warrant of Distress, upon a Fine to be levied of the Offender's Goods, over and above such Fine, Six Pence.

For every Warrant of Commitment, Six Pence.

For every Acknowledgement of Satisfaction, Two Pence.

For every Search in the Books, Four Pence.

## Attornies or Agents FEES.

FOR entering every Plaint or Action with the Steward, One Shilling.

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

For drawing Copy, and Service of every Notice of Declaration filed, Notice of executing Inquiry, or Notice of Trial, and every other Notice, Six Pence.

For Copy of Rule for Payment of Money into Court, and Service, Three Pence.

For paying Money into Court, Three Pence.

The like for receiving Money out of Court, Three Pence.

For drawing and ingrossing every Plea, and Notice of Special Matter or Demurrer, and Stamps, One Shilling and Three Pence.

For each Ticket for Witnesses, Three Pence.

Service thereof on each Witness, Six Pence.

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

Fee, and attending Trial, Five Shillings.

For every other Attendance in Court, Two Shillings and Six Pence.

Attending taxing Costs, Six 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 Fieri facias, Levari Facias, or Capias ad satisfaciendum, Two Shillings.

For summoning every Jury or Homage, for the Trial of any Issue, or for taking any Inquisition, One Shilling.

For

For executing every Warrant of Distress, upon Fine to be levied of the Offender's Goods, over and above such Fine, and for executing every Warrant of Commitment, One Shilling.

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

## FEES to be taken by the BAILIFFS or GAOLER, or other PERSON, to whom any Person shall be committed by virtue of this Act.

DN the Commitment of every Person, One Shilling.

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

Table of Fees to be hung up in the respective Courts.

A Table of which Fees shall be publickly hung up in the Court Houses, or Places where the said Courts Baron respectively shall be usually held.

Fines to be entered in a Book.

And be it enacted, That all and every the Fines which shall be imposed, laid, and made, by force or in pursuance of this Act, shall be fairly entered in a Book or Books to be kept for that Purpose; such Entry to be made by the said Stewards, or their Deputies respectively, for the time being.

Provided also, That nothing herein contained shall be construed or extended to alter or change the Manner of appointing the Stewards of the said Courts Baron, or either of them, but the Appointments of such Stewards shall continue and be in the same Manner and Form, as they were appointed before the passing of this Act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Appointments of present Stewards, &c. not vacated.

Provided also, and be it enacted, That nothing herein contained shall be construed to vacate or make void the Appointments of the present Stewards of the said several Courts Baron, or either of them, or of his or their Deputy or Deputies, but that the same shall continue and be valid and effectual to all Intents and Purposes, as they were before the passing of this Act.

Stewards to take an Oath of Office.

And be it enacted, That all succeeding Stewards of the said several Courts Baron respectively, before they shall act as such in pursuance of this Act (except in appointing of Deputies as herein after is mentioned) shall severally take the following Oath in the same Courts Baron respectively (that is to say)

I *A. B.* do ſwear, That I will well and truly execute the Office of Steward of the Court Baron of for 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 reſpective Courts Baron of the Hundred of* High Peak *and Manor of* Caſtleton, *in the County of* Derby; any greater or other Fees, than ſuch as are directed to be taken in and by the ſaid Act. The Oath.

*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 Courts Baron reſpectively, 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, That it ſhall and may be lawful to and for the reſpective Stewards of the ſaid ſeveral Courts Baron of the Hundred of High Peak and Manor Caſtleton 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 reſpective Courts Baron; which Deputies, in the Abſence of the ſame Stewards reſpectively, ſhall have the ſame Authority as if the principal Stewards were themſelves perſonally preſent reſpectively; 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 reſpective Stewards of the ſaid ſeveral Courts Baron for the time being. Stewards may appoint ſufficient Deputies to act for them.

Provided always, and be it enacted, That all Deputy Stewards of the ſaid Courts Baron reſpectively, before he or they ſhall act as ſuch in purſuance of this Act, ſhall 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 then preſent. Deputy Stewards to take an Oath of Office.

Provided nevertheleſs, That from and immediately after the Diſplacing, Reſignation, Removal, or Death, of any Principal Steward or Stewards of the ſaid reſpective In Caſes of Vacancy, Deputy to act till a new Steward is appointed.

spective 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 also, and be it enacted, That all and every succeeding Stewards of the said respective Courts Baron, within Six Months next after they shall respectively act as such in pursuance of this Act (except in the Appointment of any Deputy or Deputies as aforesaid) and also the present and all and every succeeding Deputy Stewards of the said Courts Baron respectively, within Six Months next after they shall respectively act as such in pursuance of this Act, shall take and subscribe the Oaths appointed to be taken in and by an Act of Parliament made in the

Act 1 *Geo.* I.

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

and 25 *Car.* II.

fifth Year of the Reign of King Charles the Second, intituled, An Act for preventing the Dangers which may 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.

Penalty of wilful and corrupt Perjury.

And be it enacted, That if any Person or Persons shall make Oath, or give Evidence, in any Plaint, Suit, or Action, depending, or in any other Proceedings to be had, in the several Courts, or either of them, whereby he, she, or they shall commit wilful and corrupt Perjury, and be thereof 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

and corrupt Perjury is, are, or shall be liable to by the Laws and Statutes of this Realm.

Steward, or Officers of the Court, being sued,

And be it enacted, 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 Courts Baron respectively, 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 or 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 respective Hands and Seals of the respective Stewards of the said Courts Baron, or their respective Deputies, being duly proved in any Action or Suit, shall be deemed a sufficient Proof of the Authority of the said Courts Baron respectively, and of all other Proceedings in the said respective 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 to recover, Treble Costs of Suit.

may plead the General Issue.

Treble Costs.

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,

And be it further enacted, That in case any Personal Action for the Recovery of any Debt or Damages, shall be commenced and prosecuted against any Person or Persons after the said Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and sixty, in any of His Majesty's Courts of Record at Westminster, or elsewhere out of the said Courts Baron respectively, and it shall appear to the Judge or Judges of the Court where such Action shall be tried, that the Debt or Damages to be recovered by the Plaintiff or Plaintiffs 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 of 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 Jurisdiction of either of the said Courts Baron, and was or were liable to be summoned or warned in either of the said several Courts Baron for such Debt or Damages, then, and in such Case, unless the Judge or Judges who shall try such Cause, shall in open Court, certify in Writing under his or their Hands respectively that there was a probable or reasonable Cause of Action for Forty Shillings, or more, or that the

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

Freehold or Title to Lands or Tenements principally came in Question at such Trial, such Plaintiff or Plaintiffs 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.

Plaintiff may afterwards sue in Courts Baron for his Debt.

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

Publick Act.

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, Justices, and all other Persons, without specially pleading the same.

FINIS.