THE
Solicitor's Guide
TO THE PRACTICE OF THE
Office of Pleas
IN
His MAJESTY's COURT of EXCHEQUER,
At *WESTMINSTER*;

IN WHICH ARE INTRODUCED
BILLS OF COSTS
IN
VARIOUS CASES,
AND
A Variety of useful Precedents,
With a COMPLEAT INDEX to the WHOLE.

BY
RICHARD EDMUNDS,
One of the ATTORNIES of the said OFFICE.

LONDON:
Printed for T. CADELL, jun. and W. DAVIES, in the *Strand*;
And J. BUTTERWORTH, in *Fleet-Street*.
M.DCC.XCIV.

CONTENTS.

Commiſſion

Of

CONTENTS.

CONTENTS.

ADDENDA.

ADVERTISEMENT.

HAVING long obſerved, that the practice of the EXCHEQUER OF PLEAS, is in general little known or underſtood; and believing this to ariſe from the want of elucidation, I have preſumed to compile the following ſheets, with a view to ſupply the defect.

If the preſent work ſhould therefore ſucceed in diffuſing a better knowledge of the proceedings in this Court, and the ſuperior eaſe and advantage of practiſing there, particularly to Country Practitioners, my wiſhes will be gratified.

I do not flatter myſelf that this work is free from error, but truſt the Profeſſion will approve the deſign, though they may not applaud its Execution.

1794.

Barons of the Court of Exchequer, at *Westminster*.

The Right Hon. Sir Archibald Macdonald, Knight, Chief-Baron.
The Hon. Sir Beaumont Hotham, Knight.
The Hon. Sir Richard Perryn, Knight.
The Hon. Sir Alexander Thompson, Knight.

The Names, &c. of the Attornies and Side Clerks in the Exchequer Office of Pleas, No. 9, Lincoln's-Inn, Old Square.

George Rose, Esq; Clerk of the Pleas.
Thomas Watson, Esq; Deputy-Clerk of the Pleas.

ATTORNIES.

Roger Jortin, Chancery-Lane.
John Miller, Carey Street.
Abel Jenkins, New-Inn.
Rich. Edmunds, Chancery-Lane.

Side Clerks in Mr. Jortin's Division.

John James Chilton, Chancery-Lane.
Thomas Dax, No. 27, Canterbury-Row.
Edmund Walker, Serjeant's-Inn.
William Pittman, Newman-Street.

In Mr. Miller's Division.

Thomas Peake, Southampton-Buildings.
Richard Collett, Chancery-Lane.
John Stanley Smart, Hatton-Street.
Thomas Lewis, Gray's-Inn Square.

In Mr. Jenkins's Division.

George Gabell, Lincoln's-Inn Old Square.
John Tarrant, Chancery-Lane.
William Abbott, New-Inn.
Benjamin Price, Warwick-Court, Gray's-Inn.

In Mr. Edmunds's Division.

John Philpott, Red-Lion-square.
Edward Leigh, Tooke's-Court, Cursitor-Street.
George Chilton, Shire-Lane, Carey-Street.
William Hibbs Bevan, Lincoln's-Inn Old Square.

THE SOLICITOR'S GUIDE TO THE PRACTICE OF THE OFFICE OF PLEAS, &c.

CHAP. I.

Of the Origin, Constitution, *and* Advantages *of the* EXCHEQUER *of* PLEAS.

THE Court of Exchequer, is an ancient Court of Record, consisting of two principal Divisions, the Revenue-side, and the Judicial side. Each of these, is again, subdivided into different Courts; but as the Practice of the Court of Pleas only, (the first of these Sub-divisions) is the Object of the following Treatise, I shall decline any Observation, on the other Parts of the Exchequer.

It is called the Exchequer, *Scaccharium*, from the checqued Cloth, resembling a Chess Board, which covers the Table there, and on which, when certain of the King's Accounts are made up, the Sums are marked and scored with Counters.

The Court of Pleas, by its original Constitution, was established for the Convenience of Debtors and Accountants of the King, who were thereby enabled to sue their respective Debtors, without their necessary Attendance, on the Exchequer, being diverted, by the Prosecution, of their Suits in the other Courts; but the Ease and Convenience attending the Proceedings in this Court, having in-

 duced

duced others, (besides those who are actually Debtors and Accountants to the Revenue) to become Suitors of it, the Suggestion in its Proceedings of being, *Debtor to the King*, was soon admitted, as a mere Fiction, and Matter of Form, and all Kinds of Personal Suits, may now be prosecuted in the Court of Exchequer, by any Person whomsoever.

Were the Advantages of proceeding in this Court, more extensively known, (to the Profession especially) the Resort to it, would be more general. Those Advantages, and the Nature of the Practice, will, in the Course of this Treatise, appear in the respective Parts of it; Permit me here, to make a short Digression, to enumerate them in their Order.

First then, every Attorney, in any other Court of Record in England, the Principality of Wales, and Counties Palatine, are Solicitors in this Court, without any special Admission thereto, and entitled to a fair Proportion of the Fees. See

The 2d Geo. II. Cap. 23. Sec. 27, which says

"PROVIDED also, and it is hereby further declared "and enacted, by the Authority aforesaid, that no-"thing in this Act contained, shall extend, or be con-"strued to extend, to the Examination, Swearing, "Admission, or Inrollment, of the Attornies or Clerks "of the Offices of the King's Remembrancer, Trea-"surer's Remembrancer, Pipe, *or Office of Pleas in* "*the Court of Exchequer at Westminster*, for the Time "being, but that the said Attornies and Clerks, of the "said respective Offices, shall and may be approved, "sworn, admitted, and practice, in the said Court of "Exchequer, or may practise in any other of the "Courts of Record before-mentioned, in the Name, "and with the Consent of some Sworn Attorney of "such Court, such Consent to be in Writing, and "signed by such Attorney as aforesaid, *in like Manner* "*as they have usually been, and might have done, before* "*the making of this Act*, any thing herein contained "to the contrary, in any wise notwithstanding; and "that it shall and may be lawful, from and after the "said

"said first Day of December, One thousand seven "hundred and thirty, for any Person, who shall be "sworn, admitted and inrolled, an Attorney or So-"licitor, in any of the several Courts before-mention-"ed, according to the Direction of this Act, to "practise and solicit in the said respective Offices, *in "the same Manner, as heretofore has been done*; any "thing herein before contained, or any Law or Sta-"tute to the contrary, notwithstanding."

The Jurisdiction of this Court extends generally over the whole Kingdom, and the Processes (being in their Nature *Non Omittas's)* may be executed in any Place; They also run into Wales, *which those of the other Courts do not*, vide Vol. 1. Wilson's Reports, fol. 193, in the Case of Lampley and al. against Thomas and al. B. R. Hil. Term, 1747; but the Solicitor's Attention to the Act of the 13 Geo. III. c. 51. is particularly recommended as to Wales.

The Attornies and Clerks in Court here, being confined to a limited Number, become uniform and consistent in their Practice, and the Uncertainty, occasioned by a Variety of System, and a large Number of Practitioners, is removed. From the same Cause, arises that Liberality of Practice, which prevents a Party, being surprised by a Judgment, or other Proceeding, without Notice; Circumstances which render the Practice very desirable and pleasant to the Solicitors and Parties.

As the Office of this Court, which is held at No. 9, Lincoln's Inn Old Buildings, is open from Nine o'Clock in the Morning, till Two, and from Four till Eight o'Clock, every Day in the Year, a Suitor may be, *at any Time*, accommodated with Process, with Ease and Dispatch, as the whole of the Business is there transacted, without the Delay, or extra Expence of opening Offices, &c. which will be found extremely beneficial, both to the Parties and Solicitors.

There is no Fine due to the King, in this Court, on any other Action, than Trespass, *Vi & Armis*.

Here a Defendant cannot caſt an Eſſoign, nor, in any Caſe, wage his Law; and ſhould he be indiſcreet enough, to bring a Writ of Error, for Delay, on a Judgment ſigned, it will infallibly be nonproſſed, on the ſecond Tueſday in the ſucceeding Term.

Heretofore larger Fees were taken by the Officers of *Niſi Prius*, on Records iſſuing from this, than from the other Courts at Weſtminſter, but that Grievance has been completely redreſſed, by the 23 Geo. II. c. 26. ſ. 10. which enacts thus,

'And whereas the taking of larger Fees, by the Officers of Aſſize and Niſi Prius, in the reſpective Circuits of this Kingdom, upon Records iſſuing out of *the Office of Pleas*, of his Majeſty's Court of *Exchequer* at *Weſtminſter*, between Party and Party, than are taken on ſuch Records, iſſuing out of any other Courts, is a Grievance to the Subject;' Be it enacted by the Authority aforeſaid, "That from and after the Twenty-fourth Day of June, One Thouſand Seven Hundred and Fifty, no Officer or other Perſon whatever, ſhall demand, take, or receive any greater, or other Fees, upon ſuch Records, iſſuing out of the ſaid Office, than are taken upon Records, in Cauſes of the like Nature, iſſuing out of the Courts of *King's Bench*, and *Common Pleas* at *Weſtminſter*."

Yet notwithſtanding this direct and plain Act of the Legiſlature, ſome Officers have preſumed to continue, what was deſigned to be thereby remedied. This nefarious Practice, would be corrected by the Judge at *Niſi Prius*, in a ſummary Manner, was a Complaint to be made in Court, on the Circumſtance ariſing.

I ſhould mention in this Place, that if Solicitors purpoſing to proſecute a Suit in the Exchequer of Pleas, were, *in the firſt Inſtance*, to correſpond with a Clerk in Court, they would have their Directions attended to, with greater Diſpatch, and be entitled to an equivalent, and better Proportion, of the Profits.

fits. Little more need to be obſerved upon this Point, to convince a Country Solicitor, than that when Fees are diviſible between two, i. e. the Agent here, and himſelf, they become ſo trifling in Amount, and immaterial to each, that the Practice of this Court has been very much prejudiced thereby.

It greatly conduces to the Eaſe of the Practice in this Office, that leaving a Copy of any Proceeding there, on the Deſk of the Adverſary's Clerk in Court, is conſidered as a ſufficient Service.

I will now return to the Court itſelf.

It is held before a Chief Baron, and three puiſne Barons, who are of the Degree of the Coif, and, it is conjectured, received the Appellation of *Baron*, by having been ſelected to that Office, from amongſt the Barons of Parliament.

The Officers are, A Clerk of the Pleas, His Deputy, and four Sworn Attornies. Under each Attorney are four Side Clerks, who act in their reſpective Names and Diviſions.

With reſpect to thoſe who may ſue in this Court, it has already been obſerved, that the Fiction in its Proceſs, of being a *Debtor to the King*, enables every one ſo to do; but there are Perſons who have the Privilege of being ſued here only. Such are All the Barons and Officers of the Court, All Farmers of Revenue, All Tenants of the King, and All his real Debtors and Accountants; Though any Man, that has a *ſpecial* Privilege in another Court, as an Officer of the Court, or as an Attorney, ſhall have his Privilege againſt the King's Debtor, becauſe the Privilege of a Man as Debtor, is but a *general* Privilege. Vide Hard. 365. Pl. 2. The Privilege of an *Accountant* is *ſpecial*, and when his Suit is once commenced, no Privilege ſhall be allowed elſewhere.

If an Officer commence a Suit here, no Privilege in any other Court ſhall prevail againſt him, becauſe his Attendance here is requiſite, and his Privilege,

vilege here is attached first by his commencing his Suit, and herewith, all the Precedents agree. By the Court. Hard. 505. 3 Salk 281. Pl. 21. Salk. 194. Thomas against Lloyd.

Where an Officer, or Minister, of the Exchequer, is one of the Parties, in a personal Action, he shall be sued in that Court, because his Absence might hinder the King's Affairs, 2 Inst. 551, unless in a joint Action, 1 Vern. 246. Fanshaw ad. Fanshaw, Rep. 149. Pl. 219.

Auditor of the *Exchequer*, and his Servants, Commissioners of the *Treasury*, Garter King of Arms, Receiver General of the Revenues, Clerk of the Remembrancer, of an Attorney in the Exchequer, are intituled to the Privilege of this Court. Hard. 164. Pl. 3. 2 Sid. 164. Pl. 3. Sav. 131. Pl. 204.

The Treasurer of the Navy, is instantly an Accomptant, and Accomptant's Privilege, will hold against a special Privilege in another Court, as an Officer of the Court or otherwise, though it be not alledged, that such an Accomptant is entered upon his Account, for that every Accomptant may be attached by the Court, to make up his Accounts, and must attend for that Purpose from *Day to Day*; and the King has Interest in his Attendance. Hard. 316. Pl. 8. 3 Salk. 281. Pl. 2. Hard. 365. Pl. 2.

In all Actions brought against Excise or Custom-House Officers, for any thing done in the Execution of their Office, the Suit *must* be prosecuted in this Court; if brought elsewhere, this Court will, on an Affidavit of Facts, stay the Proceedings, and make an Order for removing the same here.

Every Species of Civil Action, may be commenced in this Court, except real Actions, Replevin and others, which depend on Original Writs out of Chancery, no such Writs being made returnable herein, *at present*; but I do not see any Reason, why such

such Original Writs may not, *at this Day*, be made out, returnable in the Court of Exchequer, nor can the Cursitor assign any Objection against doing so, other than it has not been a customary Practice.

From what has been already, and hereafter will be observed, the Ease, Certainty, and Expedition of the Practice of this Office, must appear sufficiently evident, to secure it a Pre-eminence in Agency Business, and this I flatter myself will be confirmed by the plain Contents of the following Sheets.

To those Gentlemen of the Profession, whose Concerns are of a different Nature, and whose Time is engaged in Conveyancing, Chancery, and other more momentous Transactions in the Law, into whose Office common Law Business, must unavoidably introduce itself, I particularly address and recommend this little Work. Such Solicitors will soon be fully convinced, of the several Advantages herein enumerated, and that by, the very easy and regular Conveyance, of a Penny-post Letter, within the Bills of Mortality, and with very little Trouble, a Suit may be prosecuted with desired Effect, if in their Instructions they state the Defendant's Residence, Cause of Action, Amount of the Debt, and where the Venue is to be laid, with Orders to proceed till countermanded, they would be relieved from every Trouble, antecedent to the Trial, of which they will have eight Days Notice, to prepare their Briefs for, collect their Evidence, and Subpæna their Witnesses, with the further Assistance of their Clerk in Court, as Occasion may require.

I shall occasionally introduce herein, the Forms of various Writs, and other Proceedings, and though they may not be so materially necessary for the Attention of a Solicitor, yet their Language, and Import, will more powerfully impress the Mind, with the Design, Nature, and Effect, for which they are respectively calculated.

From this Court, a Writ of Error lies, by the 31 Edw. III. C. 12. in the Court of Exchequer Chamber,

Chamber, and from thence, in the *Dernier Resort* to the House of Lords.

The several Processes will be treated of, under their respective Chapters, till Special Bail is perfected, or Common Appearance entered, as will the Proceedings to Judgment, &c. in the subsequent Part of this Treatise.

A Table of General Return Days, in the Exchequer.

HILARY TERM.

In eight Days of Saint Hilary.
In fifteen Days of Saint Hilary.
On the Morrow of the Purification, of the Blessed Virgin Mary.
In eight Days of the Purification, of the Blessed Virgin Mary.

EASTER TERM.

In Fifteen Days of Easter.
From Easter Day in three Weeks.
From Easter Day in one Month.
From Easter Day in five Weeks.
On the Morrow of the Ascension, of our Lord.

TRINITY TERM.

On the Morrow of the Holy Trinity.
In eight Days of the Holy Trinity.
In fifteen Days of the Holy Trinity.
In three Weeks of the Holy Trinity.

MICHAELMAS TERM.

On the Morrow of All Souls.
On the Morow of Saint Martin.
In eight Days of Saint Martin.
In fifteen Days of Saint Martin.

N. B. Any Writ may be returnable on a Day certain in Term, other than on a Sunday, the Feast

Feast of the Purification, in Hilary Term; the Ascension Day, in Easter Term; or Midsummer Day in Trinity Term; and Service of Process on the Return Day, (Sunday excepted) is good, at any seasonable Time, as there is no Fraction of a Day in such Case.

Limitation of Actions.

Actions on the Case, except Slander; on Account, except concerning Merchandize, between Merchant and Merchant; of Trespass, Debt (except on Specialty) Detinue, Trover, Replevin, and Trespass, *Quare Clausum fregit*, must be brought in *six* Years after Cause of Action. Assault, Menace, Battery, Wounding, and Imprisonment, within *four* Years; and Slander in *two* Years, vid. 21 Jac. 1. Cap. 16. s. 3.

As to Infants, Feme Coverts, Persons *non-compos Mentis*, imprisoned, or beyond Sea, they may sue within the same Times, after full Age, Discovert, Sane Memory, at large, or returned, &c. Vid. same Stat. Sec. 2.

CHAP. II.

Of the Processes of the Court, and herein of the Venire Facias ad respondendum.

HAVING mentioned the Parties, who may or ought to sue, and be sued in the Exchequer of Pleas, and the various Actions, which may be prosecuted therein, I will now proceed to an Explanation of the different Processes, for the Commencement of those Actions, and of the various Cases, to which such Processes are peculiarly adapted.

The several Writs issued out of this Office are, the *Capias*, *Venire facias ad respondendum*, *Quo-minus*, and *Subpæna ad respondendum*.

As to the first, I mention it as being in Force, though out of Use, or at least confined in its Operation, to those who are Officers of the Court, and Accomptants, by whom it is sued forth as a Writ of Privilege. It was formerly used to arrest the Person of a Defendant, when he had no Property, by which Issues could be raised, under Writs of *Distringas*, as hereafter treated of, but such Writs of *Distringas* are now principally used, where the Defendant cannot be found; in Cases where he can, the *Quo-minus* answers every Purpose, either of Personal Service, or an Arrest; the Old Writ of *Capias*, is therefore fallen into Disuse.

The *Venire Facias ad Respondendum*, which is to be obtained on the following Præcipe, by the Solicitor.

Montgomeryshire, Ven. Fac. *Case*. David Lloyd against Rhys Jenkin ret. in eight Days of Saint Hilary.

Llewellin Morgan, Solicitor, 1st Dec. 1791.

is the first and most antient Process of this Court, and is in its Nature an original Writ. It specifies the Cause of Action, and is directed to the Sheriff, ordering him, to summon the Defendant to appear according to the Exigency of the same. This Writ is made returnable, either on a general Return, or Day certain, but can only be issued against one, unless there are joint Defendants in the same Suit. The Form of a

Venire Facias ad respondendum.

George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth. To the Sheriff of Montgomeryshire, Greeting. We command you, that you omit

omit not, by reason of any Liberty of your County, but that you enter the same, and cause Rhys Jenkin to come before the Barons of our Exchequer, at Westminster, in eight Days of Saint Hilary next coming, to answer David Lloyd our Debtor, of a Plea of *Trespass on the Case*, whereby he is the less able to satisfy us, the Debt, which he owes us at our said Exchequer, to his great Damage, as he says, he can reasonably shew, that thereof he ought to answer, and have you there this Writ. Witness, Sir James Eyre, Knt. at Westminster, the Twenty-eighth Day of November, in the Thirty-second Year of our Reign.

Rose. L. S.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

This Writ issues in any Case, and, being an Original, is a very proper Process, where it may be necessary to avoid the Operation of the Statute of Limitations. For which last-mentioned Purpose, the Solicitor leaves the Writ at the Sheriff's Office till the Return is expired; he then calls on the Sheriff for the Return of *Nihil Habet*, which he receives of course, and brings to his Clerk in Court, who records and files the same regularly, and perfects the whole. It is also peculiarly adapted and effectual, where Personal Service, or an Arrest of the Defendant is impossible, either by his secreting himself, or being out of the Kingdom, or where the Action is against a Corporate Body, or where an Arrest is illegal, Defendant being a Peer, a Member of Parliament, or otherwise privileged. In any of these Cases, if the Defendant has real or personal Property, on which Distresses may be made, the Plaintiff can enforce his Appearance, by the Effect of this Process.

The Manner of executing this Writ, is by a Warrant from the Sheriff to his Bailiff, in the Nature of a Summons, and in the following Form.

Sheriff's Warrant, or Summons thereon.

To William Davies, and George Smout, my Bailiffs.

Montgomeryshire, to wit. By Virtue of his Majesty's Writ of *Venire facias ad respondendum* unto me directed, you shall cause Rhys Jenkin to come before the Barons of his Majesty's Exchequer at Westminster, in eight Days of Saint Hilary next coming, to answer David Lloyd, his Majesty's Debtor, of a Plea of *Trespass on the Case*, whereby he is the less able, &c. Dated the eighth Day of December 1791.

Lewellin Morgan, Solicitor.
Richard Edmunds. Rose.

Arthur Williams, Esq; Sheriff. L. S.

The Sheriff's Fee for granting this Warrant is 2s. 6d.

The Bailiff should be very careful that the Copy of the above Warrant is perfectly correct, before he serves the same, for which his Fee is in common Cases, 5s. and if distant, 6d. per Mile additional.

How to be served.

A Copy of this Summons is given to the Defendant personally, or left, *by the Bailiff*, at his Dwelling House, with the Defendant's Wife, Child, or Servant (at Years of Discretion) or, in Case of his being a Lodger, it is delivered to the Person with whom he lodges.

Time to appear thereto.

The Defendant has four Days to appear to this Writ, exclusive of the Return Day; if he does not then

then appear, request the Sheriff to return the Writ, which he does by an Indorsement in the following Form.

Return of a Summons.

"The Summoners of the within-named Defendant are William Davies, and George Smout, my Bailiffs: The Answer of

Arthur Williams, Esquire, Sheriff."

Return in a County Palatine.

The Answer of the Right Honourable Lord Hawkesbury, Chancellor of the County Palatine of Lancaster, to this Writ.

By Virtue of this Writ, to me directed, and delivered, by another Writ, under the Seal of the County Palatine of Lancaster, within-mentioned, and directed to the Sheriff of the said County, I commanded the said Sheriff, as within I am commanded, which said Sheriff, to wit, Charles Gibbon, Esquire, in Answer to the said Writ, saith, That the Summoners of the within-named Defendant are John Barlow and Thomas Tonge.

By the same Chancellor.

On Default of Appearance.

The Writ with this Return, being brought to the Clerk in Court, and filed in the Office, there issues a Writ of *Distringas ad respondendum*, directed to the Sheriff of the same County, commanding him to distrain on the Defendant's Property, in the following Form.

Distringas ad respondendum.

GEORGE the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of

of the Faith, and so forth, To the Sheriff of Montgomeryshire, Greeting: We command you, that you Omit not, by Reason of any Liberty of your County, but that you enter the same, and distrain, Rhys Jenkin, by all his Lands and Chattels in your Bailiwick, so that neither he, nor any one by him, lay Hands on the same, until we shall command you otherwise therein, and that you answer us out of the Issues of those Lands, so that you have him, before the Barons of our Exchequer at Westminster, on the Morrow of the Purification of the Blessed Virgin Mary, next coming, to answer David Lloyd, our Debtor, of a Plea of *Trespass on the Case*, whereby he is the less able to satisfy us the Debts, which he owes us at our said Exchequer, to his great Damage, as, he says, he can reasonably shew, that thereof he ought to answer, and have you there this Writ. Witness Sir James Eyre, Knight, at Westminster, the Twenty-third Day of January, in the Thirty-second Year of our Reign.

Rose.

L. S.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

On this Writ, the Sheriff issues a Warrant to his Bailiff, thus.

Warrant on a Distring. ad respond.

To William Davies and George Smout, my Bailiffs.

Montgomeryshire to wit. Distrain Rhys Jenkin by all his Lands and Chattels in my Bailiwick, so that he appear, before the Barons of his Majesty's Exchequer at Westminster, on the Morrow of the Purification of the Blessed Virgin Mary next coming, to answer David Lloyd his Majesty's Debtor, of a Plea

a Plea of *Trespass on the Case*, whereby, &c. Dated this Thirty-first Day of January 1792.

Llewellin Morgan, Solicitor.
Richard Edmunds. Rose.
Levy forty Shillings.
Arthur Williams, Esq; Sheriff. L. S.

The Bailiff's Fee, for Execution of this Writ, is ten Shillings, in ordinary Cases, and 6d. per Mile, for each Mile distant, additional.

How to be executed.

The Bailiff thereupon distrains on the Defendant's Lands or Goods, to the Amount of *forty Shillings*, or he may take any entire Chattel of greater Value, which the Sheriff retains in Possession, as a Pledge for Defendant's Appearance; this the Defendant ought to enter *on the Return Day*, but should he neglect to do so in Contempt of the Process of the Court, call upon the Sheriff, for a Return of the *Distringas*, which he makes in the following Manner.

Return of a Levy.

" The Manucaptors of the within-named Defendant, are William Davies and George Smout, " my Bailiffs. Issues forty Shillings. The Answer of " Arthur Williams, Esq; Sheriff."

The *Distringas* thus returned, is sent to the Clerk in Court, which he files in like Manner, as that of the *Ven. Fac.* and this authorizes the issuing an *alias Distringas*, on which as before, is granted a Warrant to the Bailiff, who, in the like Manner, levies further Issues, to double the Amount of the former, viz. Four Pounds.

On a similar Return being made to the *alias Distringas*, and filed, (should the Defendant still decline to appear) a *Pluries Distringas* issues, and so on

on *de Die in Diem* (no Day of Favour being allowed on this or any other Process of Contempt) suing out succeeding Process of *Distringas*, and doubling, on each, the Amount, levied on the preceeding one, till sufficient is obtained, to satisfy the Plaintiff his whole Demand with Costs.

If the Sheriff returns *Nihil habet*, to any of the Writs of *Distringas*, on the same being filed by the Clerk in Court, a *testatum Distringas* may be issued into any other County, where the Defendant has Property, which is to be pursued, and may be repeated in the same Manner, as the former ones.

Return of Nihil habet.

"The within named Defendant, hath not any "thing within my Bailiwick, where, or by which "he can be distrained, or can cause him to come "as I am within commanded, or is the said De-"fendant found in the same. The Answer of

"Arthur Williams, Esq; Sheriff."

The Sheriffs Fee for these Returns are severally 2s.

In urgent Cases, or where the Debt is large, it is usual, on Affidavit thereof, to apply by Motion to the Court, from Time to Time, for an Increase of Issues, after a Return of the first *Distringas*, which is ordered at their Discretion, according to the Amount of the Debt, or Nature of the Case, and which Order is in the Form following:

"Hilary Term, in the 32d Year of the Reign of "King George the Third.

"David Lloyd, Plaintiff, agt Rhys Jenkin, Deft:
"Wednesday, the Day of } Upon the Motion of Mr. *Ellis* of Counsel for the Plain-"tiff, and reading the Writ of *Distringas* issued in "this Cause, and the Return made thereon, by the Sheriff

"Sheriff of the County of Montgomery, and "the Affidavit of the said Plaintiff, It is ordered, "that the said Sheriff, return the Sum of *Three* "*Hundred* Pounds Issues, on the next *Distringas* "to be issued in this Cause.

"By the Court. Rose."

An Office Copy of this Order is annexed to the *Distringas* issuing next after such Motion, and delivered to the Sheriff, who is bound to distrain Issues, as he is ordered thereby.

In Default of Defendant's Appearance to any *Distringas*, successive Applications to the Court, and Distresses thereon, may be made, as the Nature of the Case, may further require.

This Practice is completely established, by the following Rule in Trinity 1753.

"It is ordered, that where Issues shall be ob-"tained upon any Writ of *Distringas* to be issued "out of this Court, the Plaintiff in such Writ may "immediately, after the Return thereof, apply by "Motion to the Court, for increasing Issues, "upon further Process to be issued between the "Parties, which said Issues shall be increased from "Time to Time at the Discretion of the Court."

These Issues are estreated into the Exchequer for the Use of the King, but the Plaintiff is empowered to present a Petition, praying, that the Money may be paid over to him, towards Satisfaction of the Debt and Costs, but

It is now more usual, since the 10 George III. Cap. 50. to adopt the Remedy prescribed by the third Section of that Act, which (after reciting that the Process by *Distringas* is dilatory and expensive) enacts,

"That for Remedy thereof, the Court out of "which the Writ proceeds, may order the Issues "levied from Time to Time to be sold, and the "Money arising thereby, to be applied to pay such

"Costs to the Plaintiff, as the said Court shall "think just, under all the Circumstances to order, "and the Surplus to be retained, until the De- "fendant shall have appeared, or other Purpose of "the Writ be answered."

As the only Object of these penal Processes of Contempt, is to compel the Appearance of the Defendant, when that Purpose is effected, the Issues (which remain, in the Hands of the Sheriff, as Pledges for the Defendant's Appearance) are to be restored to him.

This Practice also is clearly confirmed by the fourth Section of the above-mentioned Act of Parliament, which enacts, that

S. 4. "When the Purpose of the Writ is an- "swered, the Issues shall be returned, or if sold, "what shall remain of the Money arising by such "Sale, shall be paid to the Party distrained "upon."

And such Return is obtained, by an Authority from the Plaintiff's Solicitor, in the following Form

"To the Sheriff of Montgomeryshire,
"Or his Bailiff in this Case appointed."

David Lloyd, Plaintiff, agt Rhys Jenkin Defendant.

Sir,

The Defendant having appeared, you are hereby authorized and required to restore to him, the several Issues, levied by you on Process issued in this Cause, between the said Parties, for which this shall be your Warrant, dated this Day of February 1792.

Llewellin Morgan, Solicitor for the said Plaintiff.

The

The following Bill of Costs, may be applicable to many Cases where the Proceedings have been had upon this Process of *Venire Facias ad respondendum*, and is inserted for the Service of the Solicitor, who it is hoped will find it useful.

In the Exchequer of Pleas. Michaelmas Vacation 1791. Lloyd against Jenkin.	Clerk in Court on the Solicitor		Between Party and Party.	
	s.	d.	s.	d.
ATtending to take Instructions for this Action, and an Authority to sue — —			4	4
Warrant of Retainer, filling up the same, Filing and Duty	3	7		
Venire facias ad respondendum, and Solicitor's Fee thereon —	6	8	13	4
Paid Postage of Letters up to London for, and another down, with this Writ — —		6	1	6
Paid the Sheriff for a Summons on this Process — —			2	6
Messenger to the Sheriff's Office for the same —			1	6
Making a fair Copy thereof for Service —			1	
Paid the Bailiff his Fee for serving such Copy on the Defendant			5	

HILARY TERM, 1792.	Clerk in Court on the Solicitor s.	d.	Between Party and Party s.	d.
Attending to search if the Defendant had appeared —	1	8	3	4
Paid the Sheriff for a Return of the *Venire facias ad respondendum*			2	
Paid the Clerk in Court for filing the same —	1		1	
The Defendant having neglected to appear within Four Days after Return of the *Venire facias*, 27 January 1792, *Distringas ad respondendum*, and Solicitor's Fee thereon —	6	8	13	4
Paid the Postage of the *Venire facias* returned up to, and the *Distringas* down from London	1		2	
Paid the Sheriff for a Warrant on this Process —			2	6
Messenger to the Sheriff's Office for the same —			1	6
Paid the Bailiff his Fee, for executing this Warrant, by levying on the Defendant's Effects to the Value of *Forty Shillings*			10	
Paid the Sheriff Two Shillings for a Return, and the Clerk in Court One Shilling, for filing of the *Distringas ad respondendum*, returned —	1		3	
Drawing and Ingrossing an Affidavit of the Plaintiff's Debt, Duty and Oath —			5	7
Paid One Shilling filing the same, and Three Shillings and Sevenpence for an Office Copy thereof — —	4	7	4	7

	Clerk in Court on the Solicitor		Between Party and Party	
	s.	d.	s.	d.
Drawing a Brief for Councel to move for an Increase of Issues, and making a fair Copy of the same —— ——	1		1	6
Paid a Fee to Councel to make such Motion ——	10	6	10	6
Attending him therewith, and the Court on Motion, when the Order was granted ——	3	4	3	4
Paid the Bag-bearer for bringing the File into Court, with the *Distringas* and Return recorded thereon ——	1		1	
Paid entering, and for an Office-Copy of the Order of Court, to increase the Issues ——	4	4	4	4
Close Copy of such Order to keep		6	1	
The Defendant having still neglected to appear to the *Distringas* which was returnable yesterday, *Alias Distringas ad respondendum*, and Solicitor's Fee thereon 4th Feb.	6	8	13	4
Paid the Postage of the *Distringas* returned, up to, and *Alias Distringas* down from London, with the Order to increase Issues	1		2	
Paid the Sheriff for a Warrant on the *Alias Distringas* ——			2	6
Messenger to the Sheriff's Office for the same ——			1	6
Paid the Officer his Fee for executing the same, by again levying on the Defendant's Effects, to the Amount ordered by the Court ——			10	

	Clerk in Court or the Solicitor		Between Party and Party	
	s.	d.	s.	d.
Paid the Sheriff Two Shillings for the Return of the *Alias Distringas*, and Clerk in Court One Shilling for filing the same	1		3	
Paid Postage thereof to London	1		1	
Drawing a Brief for Councel to move to sell the Issues distrained, and making a fair Copy of the same —	1		1	6
Paid Councel a Fee to move for an Order for that Purpose, and that Plaintiff's Bill of Costs might be paid out of the Proceeds —	10	6	10	6
Attending the Councel therewith, and Court on Motion, when an Order was made arcordingly	3	4	3	4
Paid entering, and for an Office Copy of the Order —	4	4	4	4
Paid Postage of this Order into the Country —			1	
Copy and Service of the same on the Sheriff —			3	
HILARY VACATION.				
Paid the Sheriff his Bill, occasioned by a Sale of the Effects levied in Pursuance of the Order of Court last-mentioned				
Drawing Bill of Costs, and making a fair Copy thereof	1		2	
Attending the Clerk of the Pleas to tax the same —	3	4	6	8
Paid the Clerk of the Pleas for taxing the Bill of Costs —	2		2	

	Clerk in Court or the Solicitor		Between Party and Party	
	s.	d.	s.	d.
Copy and Service of the Rule on the Sheriff, with the Clerk of the Pleas *Allocatur* thereon, for the Amount of the Costs as taxed — —			3	
Attending the Sheriff for Payment of the Costs, and giving a Receipt for the same —			3	4
Attending the Defendant's Summons, that the Plaintiff may be ordered, to deliver to his Clerk in Court, a Bill of Particulars for which this Action is brought	1	8	3	4
Copy of such Order sent into the Country —	1		1	
Drawing out and making a fair Copy of such Bill of Particulars	1		2	
Attending the Defendant's Summons, to stay Proceedings on Payment of Debt and Costs	1	8	3	4
Copy of such Order sent into the Country — —	1		1	
Drawing a Bill of Costs, and making a fair Copy thereof	1		2	
Attending the Clerk of the Pleas to tax Costs —	3	4	3	4
Paid the Clerk of the Pleas for taxing same —	2		2	
Drawing an Authority, and making a fair Copy thereof, directing the Sheriff to restore the several Issues levied in this Cause to the Defendant, the Debt and Costs having been paid			2	6
Paid the Postage of Letters in this Vacation — —			2	

CHAP. III.

Of the Quo-minus, and herein of holding to Special Bail, of putting in, and justifying such Bail, and of entering common Appearances.

THE *Quo-minus* is the next principal Process of this Court, so called from the Fiction in its Form, "*whereby the Plaintiff is the less able to satisfy the King's Debt.*"

This is not a Writ, or Bill of Privilege; nor is it so called, as when privileged Persons sue in the Courts, where they are privileged. Dy. 328. pl. 9. 3 Leon. 323. pl. 300.

A *Quo-minus* is now as a common Action in the Exchequer; it did not lie, unless a Debt were confessed to the King, and then the King's Debtor had a *Quo-minus* for the King's Benefit. Hard. 507.

It is to be obtained on the following Præcipe to the Clerk in Court.

Montgomeryshire, *Quo-Minus.*——David Lloyd, against Rhys Jenkin, returnable in eight Days of Saint Hilary.

Llewellin Morgan, Solicitor, 1st Dec. 1791.

Writ of Quo-minus.

George the Third, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, and so forth; to the Sheriff of Montgomeryshire, Greeting. We command you, that you

you omit not, by Reason of any Liberty of your County, but that you enter the same, and take Rhys Jenkin and John Doe, wheresoever they shall be found in your Bailiwick, and them safely keep, so that you may have their Bodies, before the Barons of our Exchequer at Westminster, in eight Days of Saint Hilary next coming, to answer David Lloyd our Debtor of a Plea of Trespass, whereby he is the less able to satisfy us the Debts, which he owes us at our said Exchequer, to his great Damage, as, he says, he can reasonably shew, that thereof they ought to answer, and have you there this Writ. Witness, Sir James Eyre, Knight at Westminster, the Twenty eighth Day of November in the Thirty-second Year of our Reign.

Rose. 5th Day of Dec. 1791.

Llewellin Morgan, Solicitor,

Richard Edmunds. Rose.

Rhys Jenkin. You are served with this Process, to the Intent that you may, by your Attorney, appear in the Office of Pleas, of his Majesty's Court of Exchequer at Westminster, at the Return thereof, being the Twentieth Day of January 1792, in order to your Defence in this Action.

Notice.

If the Defendant is to be arrested, the above Notice is omitted, and the Sum, for which Bail is to be taken, indorsed on the Writ, precisely correspondent with the Affidavit of Debt.

This Writ is the proper Process in Cases, where the Plaintiff purposes, either to arrest the Defendant, or serve him with a Copy. Should he fail to do either, before the Expiration of the Return of the Writ, he may, in the first Case, on the following Return being made by the Sheriff of a

Non est inventus.

"The within-named Rhys Jenkin is not found "in my Bailiwick,. The Answer of

"Arthur Williams, Esq; Sheriff."

Or by the usual Application to the Clerk in Court, in the latter, obtain an *Alias Quo-minus*,

 and,

and, if necessary, a *Pluries*; and so successively, till the Purpose of the Writ is answered.

The only Variation from the first, in the subsequent Processes, is inserting, after the Words, "we command you," these Words, "as before," or, "as oftentimes before."

Arrests on Quo-minus.

If the Defendant resides in Wales, or any of the Counties Palatine, he cannot be arrested, but where the Debt amounts to 20l. or upwards, Vide 11 and 12. W. III. c. 9. s. 2. which says,

"No Sheriff, or other Officer, within the said "Principality, or Counties Palatine, upon any "Writ or Process issuing out of any his Majesty's "Courts of Record at Westminster, shall hold any "Person to Special Bail, unless an Affidavit be first "made in Writing, and filed in that Court, out of "which such Writ or Process is to issue, signifying "the Cause of Action, and that the same is *twenty* "Pounds and upwards, and where the Cause of "Action is twenty Pounds and upwards, Bail shall "not be taken for more than the Sum expressed in "such Affidavit."

But in any English County, *ten* Pounds or upwards, vid. 12 George I. c. 29. s. 2.

As to Seamen, vid. 1 George II. Stat. 2. c. 14. s. 15. 16. and 31 George II. c. 10. s. 27. and as to Soldiers, vid 4 Geo. III. c. 3. s. 64.

Affidavits, &c. of Debt.

An Affidavit, or Affirmation of a Debt, must be made in London, before a Baron, the Deputy Clerk of the Pleas, or the Officer, who signs the Writs. In the Country, before a Commissioner appointed for that Purpose, which Appointment or Commission is procured by the Clerk in Court, for the Solicitor, at the Expence of one Pound and four Shillings, Vide 29 C. II. c. 5.

The Affidavit is in the usual Form, entitled, "In the Exchequer of Pleas." And being transmitted

mitted to, and filed by the Clerk in Court, he iſſues a *Quo-minus* thereon, properly indorſed for Bail.

This Writ is then delivered to the Sheriff, who grants a Warrant thereon, to his Bailiffs (to arreſt the Defendant) in the Form following.

Warrant on Bailable Quo-minus.

To William Davies, and George Smout, my Bailiffs.

Montgomeryſhire, to wit. By Virtue of the King's Writ to me directed, I command you, each and every of you, jointly and ſeverally, that you, or any of you, omit not, by Reaſon, &c. but enter the ſame, and take Rhys Jenkin, if he ſhall be found in my Bailiwick, and him ſafely keep, ſo that I may have his Body before the Barons of the King's Exchequer at Weſtminſter, in eight Days of Saint Hilary next coming, to anſwer David Lloyd the King's Debtor, of a Plea of Treſpaſs, whereby, &c. Dated this 8th Day of December 1791.

Take Bail for *five hundred* Pounds and upwards by Affidavit filed.

Writ iſſued, 5 Dec. 1791.

Llewellin Morgan, Solicitor.

Richard Edmunds. Roſe.

Arthur Williams, Eſq; Sheriff. (LS.)

In London, Middleſex, Surry and Kent, you pay the Sheriffs 4d. only, for the Warrant. In all the other Counties 2s. 4d.

When a Defendant has been arreſted, and a Return of the *Quo-minus* is required from the Sheriff, the following Form, is the proper one on that Occaſion of a

Cepi Corpus.

"I have taken the within-named Rhys Jenkin, "whoſe Body I have ready as within I am com-"manded." The Anſwer of

Arthur Williams, Eſq; Sheriff.

On the Caption of a Defendant, and Bail being tendered, the following is the Form of the Bail Bond, necessary to be entered into.

Bail Bond, on a double 6d. Duty.

KNOW all Men by these Presents, that we Rhys Jenkin of Welch Pool, in the County of Montgomery, Draper, Evan Roberts of the same Place, Cordwainer, and James Griffiths of Llanvair Caerinion, in the same County of Montgomery, Butcher, are held and firmly bound to Arthur Williams, Esq; Sheriff of the said County of Montgomery, in the penal Sum of One Thousand Pounds of good and lawful Money of Great Britain, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which Payment to be well and faithfully made, we bind ourselves, and every one of us, by himself for the whole, and every Part thereof, and the Heirs, Executors, and Administrators of us, and every of us, firmly by these Presents, sealed with our Seals, Dated this second Day of January, in the Thirty-second Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord, One thousand Seven hundred and Ninety-two.

Oath for *five hundred Pounds* and upwards.
Richard Edmunds for the Plaintiff.
Llewellin Morgan, Solicitor.

The Condition of this Obligation is such, that if the above-bounden Rhys Jenkin, shall and do appear before the Barons of his Majesty's Court of Exchequer at Westminster, in eight Days of Saint Hilary next coming, to answer to David Lloyd the King's Debtor, of a Plea of Trespass, whereby he

is

is the less able, &c. Then this present Obligation to be void, and of no Force, otherwise to be and remain in full Force, Vigour, and Effect..

R. Jenkin. (LS.)

Sealed and delivered in the Presence of E. Roberts. (LS.)

Owen Tudor. J. Griffith (LS.)

If the Defendant be arrested in London, or Middlesex, Special Bail must be put in within *four* Days after, and exclusive of the Return Day of the *Quo minus*, before one of the Barons of the Court; If in any other County, then within *eight* Days, before a Commissioner appointed for taking Special Bail, the Expence of which Appointment, or Commission is also one Pound and four Shillings. How and to whom such Commissions are granted, Vide 4 W. and M. c. 4.

The Bail Piece, with Affidavits, must be immediately transmitted to the Clerk in Court, who obtains the *Allocatur* thereon by a Baron, and takes all further necessary Steps, to place the Defendant *rectus in curia*

In the same Statute of the 4th W. and M. cap. 4. s. 3. it is further enacted.

"That any Judge of Assize in his Circuit, shall "and may take and receive all and every such Re-"cognizance, and Recognizances of Bail or Bails, "as any Person shall be willing, and desirous to "make and acknowledge before him, which being "transmitted in like Manner as aforesaid, shall "without Oath, be received in Manner as aforesaid, "upon Payment of the usual Fees."

Special

Special Bail Piece.

To be ingrossed on a 2s. stampt Piece of Parchment of the following Form.

Hilary Term, in the Thirty-second Year of the Reign of King George the Third.
In the Exchequer of Pleas.
Montgomeryshire to wit. Rhys Jenkin is delivered to Bail, on a *Cepi Corpus*, to
Oath for 500 l. and upwards } Randle Powell, of Welch Pool, in the County of Montgomery, Tanner.
Phillip Rider, Deft's Solicitor. and Daniel Evans, of the Town of Montgomery, Apothecary,
At the Suit of David Lloyd.
Taken and acknowledged conditionally, at Welch Pool aforesaid, the Twenty-third of January, 1792.
Randle Powell
David Evans
Before me, Thomas Jones by Commission.

The Sum sworn to, must appear on the Face of the Bail Piece, and the Bail sign their Names in the Right Hand Corner thereof.

Affidavit of the Caption.

In the Exchequer of Pleas.

David Lloyd, Plaintiff, agt Rhys Jenkin, Deft.

Owen Tudor, of Welch Pool, in the County of Montgomery, Gentleman, maketh Oath, that the Recognizance of Bail, hereunto annexed, was duly acknowledged, by the said Randle Powell and Daniel Evans, the Bail therein named, in this Deponent's

ponent's Presence, before Thomas Jones, Esquire, the Commissioner who took the same.

Owen Tudor.

Sworn at Welch Pool aforesaid, the Twenty-third Day of January, 1792, before me

Edward Parry,

A Commissioner for taking Affidavits in the said Court.

Affidavit of the Justification of Bail.

In the Exchequer of Pleas.

David Lloyd, Plaintiff, agt Rhys Jenkin, Deft.

Randle Powell, of Welch Pool, in the County of Montgomery, Tanner, and Daniel Evans, of the Town of Montgomery, Apothecary, the Defendant's Bail in this Cause, severally make Oath, and say, And first this Deponent Randle Powell for himself saith, that he is a House-keeper in Welch Pool aforesaid, and worth in Money, Goods, and Effects, the Sum of One thousand Pounds of lawful Money of Great Britain, more than sufficient to pay and satisfy all his Debts. And the said Deponent Daniel Evans, for himself saith, that he is a House-keeper in the Town of Montgomery, aforesaid, and worth in Money, Goods, and Effects, the Sum of One thousand Pounds of lawful Money of Great Britain, more than sufficient to pay, and satisfy, all his Debts.

Randle Powell
Daniel Evans.

Sworn at Welch Pool aforesaid, the Twenty-third Day of January 1792, before me,

Thomas Jones,

A Commissioner for taking special Bail.

The Commissioner's Fee for taking the Acknowledgment of the Bail is, by the 4 W. & M. c. 4. s. 1. the

the Sum *of Two Shillings and no more*, and for the several Affidavits, One Shilling, for each Deponent.

There have also been various Rules made from Time to Time by the Court, to regulate this material Branch of its Practice; amongst others, the following seem to require particular Attention.

"It is ordered, that in taking the Recognizance "the following Words must be used, namely. You "*(naming the Bail)* do take to Bail *(naming the De-* "*fendant)* at the Suit of *(naming the Plaintiff)* in a "Plea of *(naming the Cause of Action)*; and you do "jointly and severally agree, that if the said De- "fendant *(naming his Name)* shall be condemned "in this Action, and shall not satisfy the Con- "demnation, or render his Body to the Prison of "the Fleet, that your Bodies, Lands, and Goods, "shall be liable to satisfy the Condemnation."

"And if any Bail be given, upon any Action or "Actions removed out of any inferior Court, by "Writ of *Habeas Corpus*, and returnable in the "Court of Exchequer; then, instead of Writing, "*super Cepi Corpus*, as above; you must write *super* "*breve de Habeas Corpus*, and the Cognizors must "undertake, *that if the Defendant be condemned, at* "*the Suit of the Plaintiff or Plaintiffs, in the Plaint,* "*he shall satisfy the Condemnation, or render his* "*Body, &c.* as aforesaid."

"It is ordered, that the Affidavit, for the due "taking of every such Bail, shall be made either "before some Baron of the Exchequer, to whom "the Bail shall be transmitted, or before some Per- "son, who shall have Power to take Affidavits, in "Matters and Causes, depending in the said "Court."

"It is ordered, that every Commissioner, have a "Book kept purposely for entering exactly, the "Names of the Defendant and his Bail, and of the

"Plaintiff

"Plaintiff or Plaintiffs, as it is in the Bail-piece, "and the Time of the taking thereof, and the "Name of him, by whom such Bail shall be transmitted, and also the Name of the Attorney for the "Defendant."

Both Town and Country Bail-pieces, are to be duly delivered over, by the Defendant's Clerk in Court, to the Plaintiff's Clerk in Court, after Allowance, that his Client may enquire into their Sufficiency, and act accordingly. If not approved, then give a Notice of

Exception to the Bail.

As to the Time and Manner of excepting to Bail, and the Sum in which they are to justify, the following Rules are express and direct, and Notice of Exception is to be given by the Plaintiff's Clerk in Court, in Obedience to the Instructions received from the Solicitor, for that Purpose.

Trinity Term, 26 and 27 Geo. II. "It is ordered, That in every Action, where special Bail "is put in, before one of the Barons of the Court, "the Plaintiff may except thereto within *twenty* "Days next after the putting in of such Bail, and "Notice thereof given in *Writing*, to the Plaintiff "his Attorney, or Clerk in Court; or where special Bail is put in, before any Commissioner, the "Plaintiff may except thereto within *twenty* Days "next after the said Bail, is to be transmitted to "and allowed by one of the Barons of this Court, "and Notice thereof given in Writing as aforesaid; but no Exception to Bail, shall be admitted after the Time herein-before limited; and in "Case Exception shall be taken to the said Bail, "within the Time aforesaid, and Notice of such "Exception shall be given in Writing to the Defendant's Attorney or Clerk in Court, the Defendant shall perfect his Bail, and justify the "same upon the first Day of the subsequent Term,

" unless the Plaintiff his Attorney, or Clerk in " Court, shall consent to a Justification, before " one of the Barons of this Court, in which Case " the said Bail shall justify themselves, before one " of the Barons, within *four* Days, after Notice of " such Exception, in Writing, given to the Defen- " dant his Attorney, or Clerk in Court; and in " Default of the Defendant justifying his Bail, in " either of the said Cases, the Plaintiff shall be at " Liberty to proceed on the Bail Bond."

Easter, 33d Geo. II. It is ordered, " That in " every Action where Special Bail is put in, and " the Plaintiff in such Action shall except to such " Bail, then such Bail (if but two) shall each of " them justify himself in *double* the Sum *sworn to*, " and marked on the Back of the Writ or Process, " by Virtue of which the Defendant was arrested, " or on which he put in Bail."

When to be Justified.

The Bail being excepted to, must be justified within *four* Days after Exception, of which *two* Days Notice (at least) is to be given to the Clerk in Court for the Plaintiff, in Writing.

If the Bail are excepted to in the Vacation, and the Plaintiff's Clerk in Court at same Time notifies in Writing his Desire and Consent to a Justification at a Baron's Chambers, such Notice must be given, and Justification made in the Manner, and within the Time before observed accordingly.

Notice of Justification of Bail.

In the Exchequer of Pleas.

David Lloyd, Plaintiff, against Rhys Jenkin, Deft.

Sir,

Take Notice, that Randle Powell, of Welch Pool, in the County of Montgomery, Tanner, and Daniel

Daniel Evans, of the Town of Montgomery, Apothecary, the Bail already put in, for the Defendant in this Cause, and of whom you have before had Notice, will on the fourth Day of February instant, justify themselves, *by Affidavit*, in open Court, at Westminster-Hall, in the County of Middlesex, as good and sufficient Bail, for the said Defendant in this Cause, Dated the 2d Day of February, 1792.

John Miller,
the Defendant's Attorney.

To Mr. Richard Edmunds,
the said Plaintiff's Attorney.

Affidavit of Service of Notice.

In the Exchequer of Pleas.

David Lloyd, Plaintiff, agt Rhys Jenkin, Deft.

Henry Nugent of the Exchequer Office of Pleas, Lincoln's Inn, in the County of Middlesex, Gentleman, maketh Oath, that he did, on the second Day of February instant, serve Richard Edmunds, the Plaintiff's Attorney in this Cause, with a Notice in Writing, purporting that Randle Powell of Welch Pool, in the County of Montgomery, Tanner, and Daniel Evans of the Town of Montgomery, Apothecary, the Bail already put in for the said Defendant in this Cause, and of whom he before had Notice, will, on the fourth Day of February instant, justify themselves, *by Affidavit*, in open Court, at Westminster Hall, in the County of Middlesex, as good and sufficient Bail for the Defendant in this Cause, by placing such Notice upon the Seat of the said Mr. Edmunds, in the Exchequer Office aforesaid, and leaving the same there.

Henry Nugent.

Sworn at my Chambers, in Serjeants Inn, Chancery Lane, this 3d Day of February 1792, before me,

J. Eyre.

Manner of justifying.

The Afternoon next preceeding the Day, on which the Bail are to be justified, bring to the Clerk in Court, the Affidavit of the Service of the Notice of Justification, and fix with him, to meet in the Court of Exchequer, at Westminster Hall, the next Morning, *precisely at Ten* o'Clock.

Make a fair Copy of your Notice, and Affidavit of Service thereof, intermediately, which give to Council, with a Half Guinea Fee, as a Brief, to move to justify by; Bring down your Bail, in a Town Cause, at the appointed Time, and your Clerk in Court, will punctually attend there, fully prepared to aid in the Completion of such Justification.

In a Country Cause, the whole is conducted by the Clerk in Court, without any Trouble to the Solicitor.

Strict Attention must be paid to this Stage of the Proceedings, and that Special Bail is put in, and perfected regularly, for if the Defendant fail to comply with, or neglect either of the last Requisites, in the first Rule of Trinity Term, the Plaintiff may take an Assignment of, and put the Bail Bond in Suit, according to the Directions of the Statute 4 & 5 Anne, c.16. s. 20. which will create a considerable Expence to the Defendant, who must pay all the Costs of rectifying the Proceedings, before they can be brought into their proper State and regular Course. On Default the Plaintiff may take this

Assignment of the Bail Bond.

I Arthur Williams Esquire, the within-named Sheriff of the County of Montgomery, do hereby assign the within Bond or Writing obligatory, and all Benefit or Advantage of the same, to David Lloyd, the Plaintiff within named; In Witness whereof I have hereunto set my Hand and Seal of Office this fourth Day of February, in the Year of our Lord 1792.

Arthur Williams. (L.S.)

Sealed and delivered in the Presence of } (*Two* Witnesses.)

N. B. The Sheriff's Fee is 6s. 8d. for this Assignmt.

Indemnity to the Sheriff on Assignment of Bail Bond.

I do hereby acknowledge to have received of Arthur Williams Esquire, Sheriff of the County of Montgomery, a Bail Bond for the Appearance of Rhys Jenkin, in his Majesty's Court of Exchequer at Westminster, at the Suit of David Lloyd, the King's Debtor, in a Plea of Trespass whereby he is the less able, &c. Oath for Five hundred Pounds and upwards, with an Assignment indorsed thereon, pursuant to the Statute in that Case made and provided. In Consideration whereof I do hereby promise, to save harmless and keep indemnified the said Sheriff of and from all Costs, Charges, Amerciaments, Damages, and Expences whatsoever, relating to the said Cause. As Witness my Hand the fourth Day of February, One thousand Seven hundred and Ninety two.

Llewellin Morgan, Plaintiff's Solicitor.

Witness, Timothy Ruff.

The Solicitor must understand, that by the Plaintiff's Acceptance of this Assignment, the Sheriff is no longer answerable, but for ever discharged.

The Bail Bond assigned, must be transmitted to the Clerk in Court, who will get it stamped with a double 6d. Duty, and then sue out Process thereon to serve Copies of, as well on the Principal, as his Bail.

All Actions on Bail Bonds must be brought in the same Court where the Bail was given, 3 Burr. 1923, except the Action be brought in the Name of the Sheriff.

The Bail cannot get rid of these Actions, but on Payment of Costs, and putting the Plaintiff in the same State, he would have been in, had Special Bail been regularly perfected; but if that cannot be done, and the Plaintiff has lost a Trial, the Bail Bond must remain as a Security for the Debt and Costs, to be recovered in the Action.

If

If the Plaintiff declines to take an Assignment of the Bail Bond, he may force the Defendant to a Justification of Special Bail, by serving the Sheriff with Rules, as observed below.

When a Plaintiff puts in Suit an Assignment of the Bail Bond, the Defendant's Solicitor may apply for, and obtain an Order to stay Proceedings, on putting in good Bail, and Payment of Costs, and such Costs being paid, if the same Persons, who were Bail to the Sheriff, are put in as Bail above, the Plaintiff cannot except to them, for he has admitted their Sufficiency by taking such Assignment of the Bail Bond, but

In order to compel Special Bail to justify in Cases, where an Assignment of Bail Bond, has not been taken, and the same Bail become Bail above, as were Bail to the Sheriff, the Plaintiff must first deliver in writing to the Defendant's Clerk in Court, an Exception to the Bail, then Rule the Sheriff to return the Writ, and on a Return thereon of a *Cepi Corpus*, prosecute another Rule to bring in the Body. The following are the Forms of

A Rule to return the Quo-minus.

Hilary Term in the Thirty-second Year of the Reign of King George the Third.

Lloyd, against Jenkin.

Monday the Twenty-third Day of January.

SIDE BAR: It is ordered, that the Sheriff of the County of Montgomery, do peremptorily return here into Court, his Majesty's Writ of *Quo-minus* to him directed, and delivered, between the said Parties, and returnable at a Day now past, within *six* * Days next after Notice of this Rule to be given to him, or his Under Sheriff.

By the Court, Rose.

* In London or Middlesex *four* Days only are allowed.

A Cepi

A *Cepi Corpus* being returned on the *Quo minus*, the Writ must be delivered to the Plaintiff's Clerk in Court, who files the same, and the Solicitor then issues this

Rule to bring in the Body.

Hilary Term, in the Thirty-second Year of the Reign of King George the Third.

Lloyd against Jenkin.

Wednesday the First Day of February.

SIDE BAR: It is ordered that the Sheriff, of the County of Montgomery, do peremptorily bring here into Court, the Body of the said Defendant, whom he has taken, and detained in his Custody, by Virtue of his Majesty's Writ of *Quo-minus*, issued between the said Parties, as the said Sheriff has charged himself by his Return, made on the said Writ, within *six* * Days, next after Notice of this Rule to be given him, or his Under Sheriff.

By the Court. Rose

Affidavit of Service of Rule.

In the Exchequer of Pleas

David Lloyd, Plaintiff, agt Rhys Jenkin Defendant.

Owen Tudor of Welch Pool, in the County of Montgomery, Gentleman, maketh Oath, that he did, on the fourth Day of February instant, serve Isaac Lewis, Undersheriff of the County of Montgomery, with a true Copy of the Rule hereunto annexed, by delivering such Copy to Timothy Ruff, the Clerk of the said Isaac Lewis, at his Office in Welch Pool aforesaid, and at the same Time shewed to him the said Original Rule.

Sworn, &c. Owen Tudor.

* In London or Middlesex, *four* Days only are allowed.

Should

Should the Sheriff disobey either of these Rules, the Court will order him to be attached, on an Affidavit of due Service, and that no Return is filed, and Motion made thereon, which will make him liable, personally, to the Payment of the Debt and Costs, if the same is granted.

When the Bail is perfected, the Parties are compleatly in Court, and the Plaintiff at Liberty to proceed in due Course, towards Judgment

Declaration de Bene esse, on bailable Quo minus.

A Declaration may be filed, *de bene esse*, on the Return Day of the Writ, of which it is not necessary to give the Defendant Notice, for if he appears (by his special Bail) as he ought to do, according to the Tenor of the Writ and Bail Bond, he will then find the Declaration filed, and may take it out of the Office.

As it saves future Trouble, it is usual, and frequently of great Advantage to the Defendant's Solicitor, to transmit to the Clerk in Court, the Affidavit of Justification of the Bail, at the same Time with the Bail Piece, or Recognizance, and Affidavit of due Caption.

Of Service of a Copy of Quo minus.

If the *Quo-minus* does not require Special Bail, the Defendant is to be personally served with a *correct* Copy thereof, to which he must enter his Appearance within *eight* Days after, and exclusive of the Return Day of such Writ. If he neglects so to do, the Plaintiff may enter it for him according to the Statute of the 5th George II. Cap. 27. upon the following

Affidavit

Affidavit of Service of a Quo-minus.

In the Exchequer of Pleas.

David Lloyd Plaintiff, agt. Rhys Jenkin Defendant.

Owen Tudor of Welch Pool, in the County of Montgomery Gentleman, maketh Oath, that on the Sixteenth Day of January instant, he personally served the Defendant above-named, with a true Copy of a *Quo-minus*, appearing to be regularly issued out of, and under the Seal of this Honourable Court, against him, at the Suit of the above-named Plaintiff, returnable in eight Days of Saint Hilary next coming, under which said Copy, was an English Notice of the Intent and Meaning thereof.

Owen Tudor.

Sworn at Welch Pool, aforesaid,
the seventeenth Day of
January 1792, before me

Edward Parry, by Commission, &c.

N. B. It is not necessary, on *this* Service, to shew the Original Writ.

The Defendant being thus brought into Court, either by special Bail perfected, a common Appearance entered, or an Appearance entered according to the Statute of 5th George II. may be forthwith declared against, by either delivering the same to his Clerk in Court, or filing it, and giving him Notice thereof, and further Proceedings taken towards the Completion of a final Judgment, as will be hereafter more fully treated of.

It is recommended, that every Solicitor transmit to his Clerk in Court, an Affidavit of the Service of *any* Process, as soon as the same is effected.

CHAP. IV.

Of the Subpœna ad respondendum, *and its subsequent Processes of Contempt.*

THE *Subpœna ad respondendum*, which is to be obtained on the following Præcipe.

"*Spa ad respond.* David Lloyd against Rhys "Jenkin, Jacob Lane, Peter Dax, and "Isaac Vaughan, ret. in eight Days of Saint "Hilary.

"Llewellin Morgan, Solicitor, 1st Dec. 1791,"

is the *only* Process, for commencing of Suits, which remains to be treated of.

This Writ is merely a Summons to the Defendant, to appear before the Barons, at the Return thereof, "*Sub pœna centum librarum*," from which Clause it takes its Name. As it specifies neither the Cause of Action, nor the County, it may be directed to any four Defendants, though they reside in different Counties.

If a Defendant resides within the Bills of Mortality, and this Writ is issued in Term Time, it may be made returnable immediately after the Receipt thereof, i. e. the Service on the Defendant. The Form of a

Subpœna ad respondendum.

George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth; to Rhys Jenkin, Jacob Lane, Peter Dax and Isaac Vaughan, Greeting. We command and strictly injoin you, that all Excuses apart, you appear before the Barons of our Exchequer

chequer at Westminster in eight Days of Saint Hilary next coming, to answer us concerning certain Articles, then and there on our Behalf, to be objected against you, and this in no wise omit under the Penalty of *One hundred Pounds*, which we shall cause to be levied to our Use, upon your Goods and Chattels, Lands, and Tenements, if you neglect this our present Command. Witness, Sir James Eyre, Knight, at Westminster, the Twenty-eighth Day of November, in the Thirty-second Year of our Reign. By the Barons

And is thus indorsed

At the Suit of David Lloyd,
In the Office of Pleas.
Richard Edmunds, for the Plaintiff.

This Writ is peculiarly advantageous to a Plaintiff, where an Arrest, or personal Service of the Defendant, with a Copy of the *Quo-minus*, is difficult, or inconvenient, or when he has no Property, on which Issues may be levied, by the Processes of *Distringas*, so as to enforce Obedience to the *Venire Facias ad respondendum*.

It has already been observed, that no County is named in the Writ of Subpœna, therefore if a Creditor has four Debtors, one residing in Montgomeryshire, another in Merionethshire, a third in Denbighshire, and a fourth in Shropshire, he may insert them all in one Subpœna, and serve them severally, with a Copy or Labell thereof.

The Service, if by Labell, is effected by the following Form, fairly wrote on a Slip of Parchment.

Form of a Labell.

" To Rhys Jenkin to appear, in the Office of
" Pleas, of his Majesty's Court of Exchequer at
" Westminster, in eight Days of Saint Hilary next
" coming at the Suit of David Lloyd:
" Richard Edmunds for the Plaintiff."

and personally delivered to the Defendant, his Wife, or on any of the Family, at Years of Discretion, or left with the Person, with whom Defendant lodges, *always* shewing, at the same Time, the original Writ to the Person so served.

To this Writ, the Defendant is bound to appear within *four* Days after and exclusive of the Return Day *in every Case*, and at any Distance from Westminster Hall, in Default whereof an Affidavit in the following Form, must be made,

Affidavit of Service of a Subpæna ad respondendum.

In the Exchequer of Pleas.

David Lloyd — Plaintiff,
against
Rhys Jenkin, Jacob Lane, Peter Dax, and Isaac Vaughan — Defendants

Owen Tudor of Welch Pool in the County of Montgomery Gentleman, maketh Oath, That at Welch Pool aforesaid, on the seventh Day of December instant, he personally served Rhys Jenkin, one of the Defendants above-named, with a true Copy *(or Labell)* of a Writ of *Subpæna ad respondendum* : and on the eighth Day of December instant, did serve Jacob Lane, another Defendant above-named, with another true Copy, of the said Writ of Subpæna, by delivering the same to the Wife of the said Jacob Lane, at his Dwelling-house at Bala, in the County of Merioneth: And on the tenth Day of December instant, he did also serve Peter Dax, another Defendant above-named, with a true Copy of the said Writ of Subpœna, by delivering the same to a Maid-servant of the said Peter Dax, at his Dwelling-house in Chirk, in the County of Denbigh; and on the twelfth Day of December instant, did also serve Isaac Vaughan, another of the Defendants above-named, with another true Copy of the said Writ of Subpœna, by delivering

delivering the ſame to Martha Black, at her Dwelling-houſe at Wem, in the County of Salop, with whom the ſaid Iſaac Vaughan then lodged and reſided. And this Deponent further ſaith, that the ſaid Writ of Subpœna, appeared to be regularly iſſued out of, and under the Seal of this Honourable Court, againſt the ſaid Defendants at the Suit of the ſaid Plaintiff, returnable in eight Days of Saint Hilary next coming, and that he did on each of the ſaid ſeveral Services, ſo as aforeſaid made, produce and ſhew to the ſaid ſeveral and reſpective Perſons the ſaid original Writ of Subpœna.

Sworn, &c. before me. Owen Tudor.

Edward Parry,

A Commiſſioner, &c.

This Affidavit muſt be forthwith tranſmitted to the Clerk in Court, together with the following Precipe, for an Attachment.

"Montgomeryſhire Attachment, David Lloyd, "againſt Rhys Jenkin, returnable the twelfth Day "of February.

"Llewellin Morgan, Solicitor, 28th Jan. 1792."

Or in like manner againſt the other Defendants.

On this Precipe an Attachment is obtained, which is a Writ directed to the Sheriff to attach the Defendant by his Body, and have him before the Barons, at the Return, to anſwer certain Contempts, &c. and is in the following Form.

Attachment for Non-appearance, or Contempt.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and ſo forth. To the Sheriff of Montgomeryſhire, Greeting. We command you, that you omit not, for any Liberty, but that you enter the ſame, and attach Rhys Jenkin and John Doe, by their Bodies wherefoever you ſhall find them in your Bailiwick,

Bailiwick, and them safely and securely keep, so that you may have them before the Barons of our Exchequer at Westminster, on the twelfth Day of February next coming, to answer us concerning divers Trespasses, Contempts, and Offences, by them lately done and committed, and that you have there then this Writ. Witness, Sir James Eyre, Knight, at Westminster, the twenty-seventh Day of January, in the Thirty-second Year of our Reign. By the Barons.

Issued the same Day.

Indorsed thus.

At the Suit of David Lloyd,
In the Office of Pleas,
Richard Edmunds for the Plaintiff,
Llewellin Morgan, Solicitor.

On this Writ, the Sheriff issues a Warrant, directed to his Bailiffs, for Execution, according to the following Form, whereon the Defendant is to be arrested for the Purpose of enforcing an Appearance.

Warrant on the Attachment.

Montgomeryshire, to wit. To the Keeper of the Goal of the said County, and also to William Davies and George Smout, my Bailiffs, Greeting; By Virtue of the King's Writ to me directed, I command you, and each and every of you, jointly and severally, that you, or any of you, omit not by Reason, &c. but enter the same, and take Rhys Jenkin, if he shall be found in my Bailiwick, and him safely keep, so that I may have his Body, before the Barons of the King's Exchequer at Westminster, on the twelfth Day of February next coming, to answer the Lord the King, concerning divers

divers Trespasses, Contempts, and Offences, by him lately done and committed; Given under my Hand and Seal of Office, this thirty-first Day of January, 1792.

Writ issued 27 January 1792. Bail for £. 40.

In the Office of Pleas, Richard Edmunds for Plaintiff.

Llewellin Morgan, Solicitor.

Arthur Williams Esq; Sheriff (LS.)

"Before you arrest the Defendant, beware he is "not an Ambassador, or Servant to an Ambassa-"dor, or otherwise priviledged, or protected."

If the Defendant should not be attached thereon, and does not enter his Appearance, and pay his Contempts, the Solicitor then calls upon the Sheriff for a Return of such Attachment, which he makes in the usual Form of a

"*Non est inventus.*"

This Attachment, with its Return, the Solicitor must forthwith transmit to the Clerk in Court, and an *Alias Attachment* may then issue against Defendant, with no other Variation, than was before observed as to the *Quo-minus*, *viz. We command you, as before, &c.*

If the Defendant is not taken on this Writ, and still continues in Contempt, a similar Return, &c. is obtained, and though formerly a *Pluries Attachment*, only, used to be issued, yet it has long been the Practice of the Court, to issue a *Pluries Attachment with Proclamation*, as follows.

A Pluries Attachment, with Proclamation.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth. To the Sheriff of Montgomeryshire, Greeting. We command you, that you omit not by reason of any Liberty of your County,

County, but that you enter the same, and in all Places of your Bailiwick, wheresoever you shall see it most expedient, you cause public Proclamation to be made, that Rhys Jenkin upon Pain of his Allegiance from him to us due, do personally appear before the Barons of our Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, and in the mean Time, that you omit not, by Reason of any such Liberty, but enter the same, and attach the said Rhys Jenkin by his Body, wheresoever he shall be found in your Bailiwick, and him safely and securely keep, so that you may have him before the Barons of our said Exchequer, at the Day and Place aforesaid, to answer us concerning divers Trespasses, Contempts, and Offences, by him lately done and committed, and have you there then this Writ; Witness Sir James Eyre, Knight at Westminster the twenty-first Day of May, in the thirty-second Year of our Reign.

Issued 23 May 1792. By Writs returned, and By the Barons.

Indorsed,
At the Suit of David Lloyd.
In the Office of Pleas.
Richard Edmunds for the Plaintiff.
Llewellin Morgan, Solicitor.

On which last mentioned Writ the Sheriff grants this Warrant, for the Proclamation and Caption of the Defendant.

Warrant on a Proclamation.

Montgomeryshire to wit. Arthur Williams, Esq; Sheriff of the County aforesaid, To the Keeper of the Goal of the said County, and also to William Davies and George Smout, my Bailiffs, Greeting. By Virtue of a Writ of our Sovereign Lord the King to me directed. I command you, and every of

of you, jointly and ſeverally, that you omit not, &c. but that you, or one of you, cauſe public Proclamation to be made in all Places within my Bailiwick, that Rhys Jenkin do, upon his Allegiance, perſonally appear before the Barons of the King's Exchequer at Weſtminſter, on the Morrow of the Holy Trinity next coming, and in the mean time, if you can find the ſaid Rhys Jenkin, that you attach him by his Body; ſo that I may have him before the aforeſaid Barons, at the Day and Place aforeſaid, to anſwer his Majeſty concerning divers Treſpaſſes, Contempts, and Offences by him lately done and committed. Hereof fail not, as you will anſwer at your Peril. Given under the Seal of my Office, the Twenty-ſixth Day of May, in the Year of our Lord One Thouſand Seven Hundred and Ninety-two.

At the Inſtance of David Lloyd,

For Want of an Appearance in the Office of Pleas

Richard Edmunds for the Plaintiff,

Llewellin Morgan, Solicitor.

Writ iſſued the Twenty-third Day of May, 1792.

Bail for £.40.

Arthur Williams, Eſq; Sheriff. (L.S.)

And the like Proceedings are taken, upon this Warrant, as to the Caption of the Defendant, as upon thoſe granted on ordinary Attachments.

Proclamation *may* be made by the Bailiff, before the Door of the Pariſh Church, within which the Defendant's Reſidence is, immediately after Divine Service, on the Sunday, next preceding the Day of the Return of the Writ.

If the Defendant is not taken on this Warrant the Sheriff is to return the Writ, in the following Manner, to juſtify the iſſuing of further Proceſs.

Return to the Proclamation.

" By Virtue of this Writ to me directed, I have " caufed public Proclamation to be made in all " Places, within my Bailiwick, where it feemed " moft expedient, as I am within commanded; " and I further certify that the within-named Rhys " Jenkin is not found in my Bailiwick."

The Anfwer of
Arthur Williams, Efq; Sheriff.

This Return being made, muft be forthwith tranfmitted to the Clerk in Court; and if the Defendant's Appearance is not entered, and Contempts paid, he files the fame, and thereupon iffues a Commiffion of Rebellion, directed to certain Commiffioners therein named, of the Plaintiff's own Appointment (who are generally the neighbouring Goalers and moft active Bailiffs) in the Form following, which Commiffioners Names, the Solicitor muft, at the fame Time, fend to the Clerk in Court.

Commiffion of Rebellion.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and fo forth. To our beloved William Davies, George Smout, John Doe, and Richard Roe, Greeting. Whereas Rhys Jenkin, who has been commanded by public Proclamation made on our Behalf, by the Sheriff of our County of Montgomery, in divers Places thereof, by Virtue of our Writ in that Behalf to him directed, that he fhould on Pain of his due Allegiance, perfonally appear before the Barons of our Exchequer at Weftminfter, at a certain Day now paft, hath manifeftly refufed to obey our faid Command. We do therefore command you, and every of you, jointly and feverally,

ſeverally, that you omit not by Reaſon of any Liberty, but that you enter the ſame and attach, or cauſe to be attached, the ſaid Rhys Jenkin, wherefoever he ſhall be found within England, Wales, or the Town of Berwick upon Tweed, as a Rebel and Contemner of our Laws, ſo that you, or any one or more of you, may have him, or cauſe him to be had, before the Barons of our Exchequer at Weſtminſter on the Morrow of All Souls next coming, to anſwer to us, touching thoſe Matters, which ſhall then and there be objected to him, and further to do and receive in the Premiſes, what our ſaid Court ſhall then and there conſider in that Behalf concerning him. Moreover, we give to all and ſingular our Mayors, Sheriffs, Bailiffs, Conſtables, and all other our Officers, Miniſters, and Subjects, ſtrictly in Charge, that they aid and aſſiſt you in the Execution thereof, as becometh them, on Pain of our Diſpleaſure. Witneſs, Sir James Eyre, Knight, at Weſtminſter the Twenty-ſeventh Day of June in the Thirty-ſecond Year of our Reign.

By the Remembrance Rolls,

And by ſeveral Writs returned, and

By the Barons.

Indorſed.

At the Suit of David Lloyd,
For Want of an Appearance,
In the Office of Pleas,
Richard Edmunds for the Plaintiff.

Any one of the Commiſſioners may arreſt the Defendant *wherefoever* he can be found, on *this* Writ itſelf, and without any other Authority or Warrant, but they cannot remove him, from their Cuſtody, into that of any other Perſon, not named in the Commiſſion, and therefore it is uſual, to add to the other Commiſſioners, the Names of neighbouring

Goalers, or the Keepers of Houses of safe Custody, who may take charge of the Defendant on Caption.

This Writ may be executed on a *Sunday*, notwithstanding 29 Car. II. c. 7. said Holt Ch. Just. See Cases in King William's Time, 348, also 6 Mod. 95. Salk. 626. Also ex Parte Cromp. 47. Whitchurch, 1 Atk. 55. yet *special Exertion* must have been made, on the preceding Processes of Contempt, to have arrested the Defendant, on any other Day.

The Commissioners may with, the Assistance of a Constable, break open the Defendant's House to take him, but in every Case, where Doors may be broke open, in order to arrest, *Notification must be first given* of the Business, Demand of Admission, and Refusal be made, before the Parties concerned proceed to that Extremity. Fost. Cr. Law, 319.

If the Defendant cannot be found, and taken by the Commissioners on this Writ, the following is the proper Return to the Commission, whereon to procure a second for Execution.

Return to the Commission.

"To the within-written Barons, at the Day and "Place within-mentioned; We humbly certify, that "the within-named Rhys Jenkin, is not found "within England, the Dominion of Wales, or the "Town of Berwick-upon-Tweed, so that we "cannot have the said Rhys Jenkin, before the said "Barons, at the Day and Place within con-"tained."

W D
G S
J D
R R

Should the Defendant be taken, but refuse to enter his Appearance, and pay the Contempt Fees, he may, on Application to the Court, by the Plaintiff, be committed to the Fleet, there to remain until, &c.

The Contempt Fees above-mentioned, are settled as follows, encreasing in Proportion to the Obstinacy of the Defendant, viz. On the *Attachment*, 13s. 4d. on the *Alias Attachment*, 1l. 6s. 8d. On the *Pluries Attachment* with Proclamation, 2l. And on the Commission of Rebellion, 3l. 13s. 4d.

These Fees, each Defendant (unless any two be Man and Wife, who are considered in the Law but as one) is to pay, on entering his Appearance, Respect being paid to the Period, at which he does so.

The other Costs, attendant on the Execution of these Processes of Contempt, abide the Event of the Suit, and are allowed to the Plaintiff on Taxation.

And thus is the Defendant to be proceeded against, while in Contempt, but if he is attached, on either of the *three* first Processes, he may enter into a Bail Bond, in the Sum of 40l. (Vide 13 Car. II. St. 2. cap. 2.) to the Sheriff, conditioned for his Appearance, in the following Form.

Bail Bond, on a Process for Contempt.

At the Suit of David Lloyd,
In the Office of Pleas,
Richard Edmunds for the Plaintiff.
Llewellin Morgan, Solicitor.

KNOW all Men by these Presents, that we Rhys Jenkin of Welch Pool, in the County of Montgomery Draper, Evan Roberts of the same Place, Cordwainer, and James Griffiths of Llanvair Caerinion, in the said County of Montgomery Butcher, are held and firmly bound to Arthur Williams, Esq; Sheriff of the said County of Montgomery, in the Sum of Forty Pounds of good and lawful Money of Great Britain, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which Payment well and faithfully to be made, we bind ourselves, each and every one of us, by himself for the whole, and every Part thereof, and the Heirs, Executors, and Administrators of us, and

and every of us, firmly by these Presents, Sealed with our Seals, Dated this Twenty-fifth Day of February, in the Thirty-second Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord, One thousand Seven hundred and Ninety-two.

The Condition of this Obligation is such, that if the above-bounden Rhys Jenkin, shall and do appear before the Barons of the King's Exchequer at Westminster, from the Day of Easter in fifteen Days next coming, to answer our said Lord the King, of divers Trespasses, Contempts, and Offences, by him lately done and committed, Then this present Obligation to be void, and of no Force, otherwise to stand and remain in full Force, Vigour, and Effect.

R. Jenkin. (LS.)

Sealed and delivered in the Presence of E. Roberts. (LS.)

Owen Tudor. J. Griffith (LS.)

On Default of Appearance.

If the Defendant neglects to appear, according to the Condition of the Bail Bond, the Plaintiffs Solicitor may either rule the Sheriff to return the Writ, and again to bring the Body into Court, (as before observed on the *Quo minus*, in fol. 38.) or call upon the Sheriff, and request such Bail Bond to be delivered to him, for the Purpose of being put in Suit, in the Name of the Sheriff, and proceed thereon in the ordinary and common Course of other Actions (such Bail Bond not being assignable under the 4th of Ann, cap. 16. sec. 20.) which is done of Course by

by the Sheriff, on giving him an Indemnity in the following Form.

Indemnity to the Sheriff on Delivery of a Bail Bond, on an Attachment for Contempt.

I do hereby acknowledge to have received, from Arthur Williams, Esq; Sheriff of the County of Montgomery, a Bail Bond for the Appearance of Rhys Jenkin in his Majesty's Court of Exchequer at Westminster, from the Day of Easter in fifteen Days last past, at the Suit of David Lloyd, to answer the Lord the King, concerning divers Trespasses, Contempts and Offences, by him lately done and committed, with Licence to use the Name of the said Arthur Williams Esquire, to whom it is become forfeited, In Consideration whereof, I do hereby promise and undertake, to save harmless and keep indemnified the said Sheriff, of from and against all Costs, Charges, Amerciaments, Damages, and Expences whatsoever, relating thereto. As Witness my Hand this 28th Day of April, 1792.

Lewellin Morgan, Plaintff's Solicitor.
Witness, Timothy Ruff.

When a Defendant obstinately resists, and a Plaintiff is thereby compelled to pursue him, through the several Processes of Contempt, such Processes may successively issue *de Die in Diem*, without waiting for *four* Days, after the Return of either of the previous Writs of Attachment, or other Process of Contempt. But if the Defendant is not attached, till by the Commission of Rebellion, the Bail Bond is to be taken by the Commissioners, and not by the Sheriff.

It is now the most usual Practice (at least amongst liberal Professors of the Law,) for the Defendant's Solicitor, to undertake for his Appearance, at the Return of any one of the above-mentioned Processes, (at the same time paying the Contempt Fees) by

by indorsing such Undertaking, on the Warrant of Caption. This Proceeding is accommodating, without Prejudice, as it forthwith procures the Defendant's Discharge, and saves him much Inconvenience and Expence.

The Court will uphold this beneficial Practice, and compel the Solicitor to fulfil such an Engagement; Should he attempt to evade it, an Attachment may be obtained, by a Motion made to the Court, on a full Affidavit of Facts.

When therefore the Defendant has appeared, and paid the Contempt Fees, the Plaintiff proceeds to declare, &c. and obtain a final Judgment, as in other Cases; but the Payment of these Contempt Fees, is absolutely necessary to perfect the Appearance, unless the Plaintiff for sake of Expedition, waives the same, and prefers declaring against him without, relying on receiving his Costs at the End of the Suit.

On Caption of the Defendant, by any of the aforesaid Process of Contempt, should he be taken to the County Goal, and remain a Prisoner there, he can never be discharged, without Payment of the Contempt Fees, and entering his Appearance; yet the Plaintiff may, notwithstanding, proceed against the Defendant, as a Prisoner in Custody, &c. immediately on Return of the Process, whereon the Caption was made, and to obtain a Judgment in the ordinary Course.

Thus the Practice of this Court tends to the Furtherance of Justice, in a superior Degree, by adapting its Process variously, to remove every Difficulty, which the Dishonesty, or Obstinacy of a Defendant might occasion; and when it has vindicated its own Dignity, by its penal Processes, resigning the Defendant to the Course of Law, and leaving the Plaintiff to proceed to obtain Redress and Satisfaction, at his own Discretion, under the Advice and Direction of his Solicitor.

The

The following Bill of Costs may be useful to Solicitors; yet observe, that Credit must be given for the Contempt Fees received, when the Defendant appears, by deducting the same out of the total Amount of the Bill taxed.

In the Exchequer of Pleas. Michaelmas Vacation 1791. Lloyd against Jenkin.	Clerk in Court on the Solicitor	Between Party and Party.
	£. s. d.	£. s. d.
ATTENDING the Plaintiff, taking Instructions for this Action, and an Authority to prosecute it — —		4 4
Warrant of Retainer, filling up, Filing it and Duty —	3 7	
Subpœna ad respondendum, and Solicitor's Fee thereon	6 2	12 10
Copy and Service thereof on the Defendant *in ordinary Cases*		2 6
If distant from Plaintiff's Atty.		5
Or by an Attorney in another County — —		6 10
Affidavit of Service, Duty and Oath — —		5 7
Postage of Letters up to London for, and down with this Writ inclosed —	6	1 6
HILARY TERM, 1792.		
Searching if the Defendant had entered an Appearance —	1 8	3 4
Filing Affidavit of Service —	1	1
27th January. The Defendant having neglected to appear, Attachment against him, and Solicitor's Fee thereon	6 2	12 10
Postage of Affidavit up to, and of Letter down from London, with Attachment inclosed	1	2
Paid the Sheriff for his Warrant on Attachment —		2 6

	Clerk in Court on the Solicitor	Between Party and Party
	£. s. d.	£. s. d.
Paid a Messenger to the Sheriff's Office for the same ——		1 6
Defendant not being arrested thereon, paid the Sheriff for a Return of *non est inventus* on the Attachment ——		2
Paid the Clerk in Court for filing the Attachment and Return —— ——	1	1
6th February. *Alias Attachment* against Defendant, and Solicitor's Fee thereon ——	6 2	12 10
Postage of Attachment up to, and *Alias Attachment* down from London — ——	1	2
Paid the Sheriff for his Warrant on the *Alias Attachment* —		2 6
Paid a Messenger to the Sheriff's Office for the same —		1 6
Bailiff being unable to arrest Defendant, paid Sheriff for a Return of the *Alias Attachment non est inventus*, and the Clerk in Court for filing the *Alias Attachment* and Return	1	3
VACATION.		
A Writ of Proclamation against the Defendant, and Solicitor's Fee thereon	9 6	16 2
Postage of *Alias Attachment* up to and *Proclamation* down from London —— ——	1	2
Paid the Sheriff for his Warrant on this Process ——		2 6
Paid a Messenger to the Sheriff's Office for the same ——		1 6

	Clerk in Court on the Solicitor	Between Party and Party
EASTER TERM, 1792.		
	£. s. d.	£. s. d.
Paid the Sheriff for Proclaiming the Defendant, and a Return of *non est inventus*, &c. thereon		4
Paid the Clerk in Court for filing Proclamation with Return	1	1
The Defendant still continuing to abscond, Commission of Rebellion, and Solicitors Fee thereon — — —	1 10 2	1 16 10
Postage of the Proclamation up to, and Commission of Rebellion down from London —	1	2
VACATION.		
Paid for Return and filing the Commission of Rebellion	1	3
Not being able to take the Defendant on this Writ, as he continued to secrete himself, the Plaintiff was obliged to sue forth a second Commission of Rebellion		
The like Fees thereon —	1 10 2	1 16 10
Postage of first Writ up to, and second down from London	1	2
Paid the Commissioners Fee on Caption of the Defendant		1 1
Paid taking Defendant to the County Goal, at Twenty Miles distance from the Place of Caption, the Goaler being one of the Commissioners named in this Writ —		1

CHAP. V.

HAVING obſerved upon the Nature and Effect of the different Proceſſes, iſſuing out of this Court, I think it unneceſſary, to enlarge this Treatiſe by an elaborate or very minute Detail, of any other Matters of Practice, as to the ſubſequent Conduct of a Suit, commenced by common Proceſs for Proſecution therein; becauſe the Solicitor may with Confidence, rely on the diligent Exertions and Advice of the Clerk in Court, in its Agency.

When the Parties are *recti in Curiâ*, and the Proceedings arrived at this Stage, every future Step, till the entering the Record, with the Marſhal, at the Aſſizes, or Sittings in London, and Middleſex, for Trial, is taken by the Clerk in Court, who, from Time to Time, tranſmits Copies of the ſeveral Pleadings to his Client, informs him of the Proceedings progreſſively, and receives Inſtructions, as to the reciprocal further neceſſary Steps, to be purſued to a compleat Iſſue for Deciſion; I ſhall therefore only obſerve, very briefly, on ſome few principal Parts, and firſt on that of

Appearances.

It has already been ſtated, within what Time *Appearances* muſt be entered, according to the different Manner or Proceſs, by which a Plaintiff chooſes to commence his Action, and all Appearances are ſuppoſed to be to the Bill, not to the Writ.

The following is the Præcipe, which a Solicitor ſhould tranſmit to his Clerk in Court, as Inſtructions for an Appearance to be entered, viz.

" Rhys Jenkin at the Suit of David Lloyd.

" Appear for this Defendant, to a Writ of *Quo-*
" *minus*, directed to Montgomeryſhire *(or other*
" *Proceſs*

" *Process as the Case may be)* returnable in eight " Days of St. Hilary next. Richard Edmunds " for the Plaintiff."

Philip Ryder Defendant's Solicitor, 18th Jan. 1792.

General Table for Appearances.

To a *Quo-minus*, Eight Days To a *Venire facias*, Four Days To a *Subpœna*, Four Days	After, and exclusive of the Day, on which they are severally returnable.

To Process of Contempt.

To every Process of Contempt, the Defendant must enter his Appearance, *before the Day expires*, on which such Writ is returnable, or further Process of Contempt, may issue *de Die in Diem*, no Grace or Favor being allowed, in any Case whatsoever, where a Party is in Contempt.

Little remains to be observed on this Head; but as to the Sheriffs, and immediate Accountants, the Court seems to have been strict, with respect to their being always present in Court, partly that they might be ready to answer any Complaint, which might be brought against them, and partly that they might not be surprized, by Bills being filed against them, *as present in Court*, and Judgment obtained thereon, for Want of an Appearance. The following Rule, amongst others, particularly relates to this Practice.

Sheriffs and Accomptants.

" That for the better preventing of Surprizes a- " gainst the Sheriffs and Accountants, upon Bills " filed against them, all Sheriffs and Accountants, " who heretofore have put in their Warrants of " Attorney, in the Offices of the First Fruits, and " of the Treasury Remembrancer, of this Court, " *in like Manner*, shall hereafter put in their re- " spective Warrants of Attorney, *in the Office of* " *the Clerk of the Pleas*, to one of the Attornies in " that Office at their Peril."

Of

Of Declarations, Pleas, Imparlances, *&c.*

Declarations.

In Order to *expedite* a Suit, the Solicitor will find it frequently very advantageous, as soon as the Process is served, to transmit an Affidavit of such Service, to his Clerk in Court, with full Instructions to Declare, by which the Clerk in Court, will be enabled to file a Declaration *de bene esse*, against the Defendant, on the Return Day of the Writ, and provide his Solicitor also, with a proper and correspondent Notice thereof, to serve on the Defendant on such Return Day, as follows.

Notice of Declaration filed.

In the Exchequer of Pleas at Westminster.

David Lloyd Plaintiff, agt Rhys Jenkin Defendant.

SIR,

Take Notice, that a Declaration is filed against you, as of this present Hilary Term, in the Office of Pleas of this Honorable Court, at the Suit of the Plaintiff above-named, in an Action of *Trespass on the Case*, to the Plaintiff's Damage of One Thousand Pounds, and unless you plead thereto, within eight Days after Service hereof, Judgment will be entered against you by Default; Dated this 23d Day of January 1792.

To Rhys Jenkin, the above-named Defendant. } Richard Edmunds, Attorney for the Plaintiff.

Times

Times for Pleading.

The particular Parts of Practice, as to Pleas of the same Term, or Imparlances, will be fully explained by the following Rules, as well with Respect to the Process of *Quo-minus*, as those of *Venire facias ad respondendnm* and the *Subpœna ad respondendum.*

" Trinity Term, in the Twenty-sixth Year
" of King George the Third.

" It is ordered, that from and after the last Day
" of this Term, upon all Process of *Quo-minus*, *ad*
" *respondendum*, and *Capias*, to be issued out of
" this Court, returnable before the last Return of
" any Term, where no Affidavit shall be made and
" filed of the Cause of Action, pursuant to the Act
" of Parliament for, *preventing frivolous and vexa-*
" *tious Arrests*, the Plaintiff may file or deliver a
" Declaration, *de bene esse*, at the Return of such
" Process, with Notice to plead in *eight* Days, after
" the filing or Delivery thereof, and if the Defend-
" ant doth not enter an Appearance, and plead
" within the said *eight* Days, the Plaintiff having
" entered an Appearance, according to the said Act,
" may sign Judgment, for want of a Plea, provided
" that such Declaration be filed, or delivered, and
" Notice thereof given, *four* Days exclusively before
" the End of such Term, and a Rule to plead, be
" duly entered."

" And it is further ordered, that from and after
" the last Day of this Term, upon all Process of
" *Quo-minus*, *ad respondendum*, and *Capias*, to be
" issued, and made returnable as aforesaid, where an
" Affidavit shall be made, and filed, of the Cause of
" Action, pursuant to the said Act, a Declaration
" may be filed, or delivered *de bene esse* at the Re-
" turn of such Process, with Notice to plead in
" *four* Days after such filing or Delivery (if the
" Action be laid in London or Middlesex, and
" the Defendant lives within *twenty* Miles of
" London, and in *eight* Days, if the Action be laid
" in

"in any other County, or the Defendant lives *above* "twenty Miles from London) and if the Defendant "puts in Bail, and doth not plead within such "Times, as are respectively before-mentioned, "Judgment may be signed, provided that such De-"claration be delivered or filed, *and Notice thereof* "*given four Days, exclusively, before the End of* "such Term, and a Rule to plead be duly en-"tered."

"And in all Cases, where Process of Contempt "shall issue, in Default of an Appearance, upon "the several Processes aforesaid, and after an Ap-"pearance thereto, a Declaration may be delivered, "with Notice to plead in Manner aforesaid, pro-"vided that such Declaration be delivered, with "such Notice as aforesaid thereon given, before the "End of the Term, in which such Appearance "shall be entered, and if the Defendant doth not "plead, within the Time allowed, a Rule to plead "being duly entered, and a Plea demanded, Judg-"ment may be signed for want of such Plea."

"By the Court."

Imparlance.

In all Cases, where the Writ is not returnable before the last general Return Day of any Term, and Declaration delivered to, or Notice thereof being filed, is not served, on the Defendant, *four* Days, exclusive of the Day of Delivery, before the End of the Term, in which such Process is returnable, as in the three last-mentioned Rules is observed, the Defendant is entitled to an Imparlance, and the Declaration being afterwards delivered to, or Notice of same being filed served on, the Defendant, before the Essoign Day, of the following Term, the Defendant, though entitled to an Imparlance, must plead to the same, within the first *four* Days of the next Term; unless he is a Prisoner, and then within *eight* Days. The ordinary Notice in such Case, is this.

Notice

Notice of Declaration filed on an Imparlance.

In the Exchequer of Pleas, at Weſtminſter.

Between David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

Sir,

Take Notice that a Declaration is filed againſt you, as of laſt Hilary Term in the Office of Pleas of this Honourable Court, at the Suit of the Plaintiff above-named, in an Action of *Debt upon Bond*, to the Plaintiff's Damage of Twenty Pounds, and unleſs you plead thereto, within the firſt *four* Days of next Eaſter Term, Judgment will be entered againſt you by Default. Dated the Eighteenth Day of February 1792.

To Rhys Jenkin, the above-named Defendant. } Richard Edmunds, Attorney for Plaintiff.

Service of Notice of Declaration filed.

Is to be made either Perſonally, on the Defendant, or on his Wife, Child, or Servant, at Years of Diſcretion, at the Defendant's Dwelling-houſe, or laſt, and moſt uſual Place of Abode, or on the Landlord or Landlady, with whom Defendant lodges.

Declarations by the Bye.

May alſo be delivered, againſt a Defendant, at the ſame Plaintiff's Suit, and Notice ſerved thereof, as above, inſerting the Words, "by the Bye," after the Word "Declaration" therein.

As to Time to Declare.

The Plaintiff has of common Right, on any Proceſs returnable in this Court, Time to Declare, till

the Essoign Day, of the fourth Term, (that in which the Writ is returnable being included as one) unless the Defendant chooses to force him to do so sooner, which he may do, on the first Day of the Term next ensuing that, in which the Writ is returnable, by a Rule given for that Purpose, which in Town Causes, is of *eight* Days, and Country Causes, of *fourteen* Days.

This is done by the Clerk in Court under the Directions of the Solicitor, and if no Declaration is delivered before the Expiration of such Rule, the Defendant may sign a Judgment of *Non Pros.* However, should the Plaintiff be unable to perfect such Declaration, within the Times before respectively limited by the Rules, he may obtain further Time, for that Purpose, by a Summons before one of the Barons, who will grant an Order at Discretion for his Accommodation.

Should the Plaintiff not be inclined to proceed further, he may discontinue his Action, on Payment of Costs, which the following Rule will better explain.

Discontinuances.

The old Practice, by which a Plaintiff might, as of Course, discontinue his Action, without Payment of Costs, enabled a vindictive and litigious Person, to vex and harrass a Defendant, with much Anxiety and Expence: But the Inconveniencies attending this Practice being felt, it was ordered.

"That no Discontinuance, of any Action by "any Plaintiff, either before or after Issue joined, "shall be entered without the special Order of the "Court, and Payment of such Costs, to the De-"fendant, or his Attorney, as shall be taxed by the "Master of the Office, by reason of such Discon-"tinuances, except in such Cases, where, by Law, "Costs are not payable." Vide 13 C. II. Stat. 2. "c. 2. 3. and Sayers Laws of Costs, 74.

Executors and Administrators, are still within the former Rule, paying no Costs on Discontinuing, which

which is reasonable and consistent, in as much as not being liable to pay Costs, when Plaintiffs, though Nonsuit, or having a Verdict against them, there can be no Hardship on a Defendant, that they should have the same Privilege, on the Suits being declined sooner, but this has been otherwise decided in Hale Administrator, against Norton, Mich. 6. Geo. II. Barn. 1st Vol. fol. 110. and many other Cases.

Should a Plaintiff be disposed to discontinue an Action commenced in this Court, without the Concurrence or Consent of the Defendant's Clerk in Court, such a Discontinuance is at any Time effected, as a Matter of Course, by Motion at Side Bar, for a Rule for that Purpose, on Payment of Costs, or

Where a Plaintiff means to discontinue, on the Appearance only of a Defendant, and before a Rule to Declare is given, the common and fixed Costs, in such Case, are thirteen Shillings and Ten-pence.

If after a Rule to Declare hath been given, then, and before Judgment of *Non Pros* is signed, in lieu thereof, the stated Costs are one Pound, nine Shillings, and Ten-pence, and

The Costs of a Judgment of *Non Pros* when signed, are forty-four Shillings and Ten-pence.

Of changing the Venue.

There are certain Actions, the Venue of which ought to be laid, in those Counties, where the Causes thereof happen to arise, and where they are otherwise laid, the Court will, on an Affidavit, "that the Plaintiff's Cause of Action, mentioned "in the Declaration, in this Cause, if any, did "arise in the County of *Montgomery*, and not in "the County of *Radnor*, or elsewhere out of the said "County of *Montgomery*," change the Venue, unless the Plaintiff will undertake, to give some material Evidence, in the County where the Action is laid.

Privilege.

Every privileged Person of this Court, is entitled to lay his Venue in Middlesex, where he is a Plaintiff, or to change it into Middlesex, where he is a Defendant, if sued in his own proper Person; *aliter* if a joint Defendant.

Oyer.

Oyer and Copy of any Deed, Instrument, or Writing, stated in the *Plaintiff*'s Declaration, and of which he makes, a *Profert in Curiâ*, may be demanded before the Rule to plead is out, vide 1 Barn. 234, 2 Barn. 265, and the Defendant is entitled to receive the same, on payment of four pence per fol. for the Copy; this Demand is made by the Clerk in Court, under the Solicitor's Directions.

So if a *Defendant* in his Plea, makes a *Profert in Curiâ*, the Plaintiff is, in like Manner, entitled to Oyer and Copy.

And neither is obliged to plead, or reply, till Oyer is given.

If Oyer is demanded, and not given within a reasonable Time, Judgment may be signed, 1 Barnes 168. Blaxland against Burges, Widow.

Pleas and Time for Pleading.

Pleas are either dilatory, or to the Merits, both of which may be pleaded, after an Imparlance.

Mutual Debts may be one set off against the other, either by Plea or Notice.

All Pleas in Abatement, by the 4th Anne, c. 16. s. 11. must be supported, by an Affidavit, "That the Substance and Matter of Fact, in the "Plea hereunto annexed contained is true," but this Plea cannot be pleaded, after the Rule to plead is expired.

Money may be paid into Court, at the Time of pleading, whether on a Tender (vide 1 Barn. 200) or any other Plea, with set off, &c. Vide 2 Geo. II. c. 22. s. 13. and 8 Geo. II. c. 24. s. 5. even tho' the Plea

Plea should be of several Matters, under the 4th Ann. c. 16. sec. 4. This is of Course, and conducted by the Clerk in Court, who procures the Rule, &c.

In *Actions on* penal Statutes, a Defendant cannot plead double. Vide 2 Barn. 10. Anonymous.

A Rule to plead having been given, and Demand made, a Plea must be delivered within the prescribed Time, or the Defendant's Clerk in Court submit to a Judgment being signed, unless he procures and serves a Summons, signed by one of the Barons, on the Plaintiff's Clerk in Court, to obtain further Time, to prepare, perfect, and deliver such Plea, which in most Cases is allowed of course.

The Time within which a Defendant is *to plead*, has been before stated in the Rules of Trinity Term, 26 Geo. III. fol. 63 and 64, but in all Cases, *after Imparlance*, the Rule is within the first *four* Days of the Term, next succeeding the Delivery, or filing of Declaration, (except as to a *Prisoner* where it is *eight* Days) and the first Day of the Term is always inclusive.

The Defendant hath Twenty-four Hours, to plead after a Demand made, where the Rule for pleading hath expired, and no Plea demanded within that Time.

Payment of Money into Court.

Money may be paid into Court with the general Issue, or when such Issue is accompanied by several Special Pleas, pleaded by leave of the Court, as is common in various Cases to file, the Design and Effect of which, will be better explained, by the following Order.

"Hilary Term, in the Thirty-second Year of
"King George the Third.

"Monday the Thirteenth Day of February.
"Lloyd against Jenkin."

Upon the Motion of Mr. Ellis, of Council for the Defendant, It is ordered, that the said Defendant

fendant shall pay to the Plaintiff, or his Attorney, the Sum of Ninety-two Pounds, Two Shillings and Four-pence, together with Costs to be taxed by the Deputy Clerk of the Pleas, if the Plaintiff will accept thereof, in full Discharge of this Suit, and that thereupon all further Proceedings in this Action, shall be stayed; but if the said Plaintiff will not accept thereof in full Discharge of this Suit, then the said Defendant, shall immediately bring the said Sum of ninety-two Pounds, two Shillings and Four-pence into this Court, and the said Sum of ninety-two Pounds two Shillings and Four-pence, shall be considered, as struck out of the Declaration, and be paid out of Court to the said Plaintiff, or his Attorney, and upon the Trial of the Issue, between the said Parties, the said Plaintiff shall be permitted to take a Verdict for so much Money only, as he shall be able to prove *beyond* the said Sum of ninety-two Pounds two Shillings and Four-pence.

By the Court. Rose.

Money paid into Court must be before Plea pleaded, 1 Barn. fol. 200. 2 Barn. 230. 235.

And the Plaintiff taking the same out may proceed notwithstanding, if the Costs are not paid on Taxation. Vide Str. 1220. Hand against Dinely.

Replication, Rejoinder, &c.

All subsequent Rules, after the Plea delivered, are of *four* Days, and if no Replication, Rejoinder, &c. within that Time, a Judgment may be signed by Default, and any such Rule may be given, within sixteen Days after the End of the Term.

It is an admirable Maxim in this Office, never to sign a Judgment by Surprise.

Issue.

The whole of these Proceedings, are particularly attended to by the Clerk in Court, under the Directions

rections of the Solicitor, who is from Time to Time advised thereof, and in the most easy, safe, and liberal Way, an Issue is perfected, so as to bring the Merits of the Cause before a Court, and Jury for Decision.

Issues Directed.

Issues are frequently directed out of the Court of Chancery, and the Equity Side of the Court of Exchequer to be tried upon Records, &c. out of this Court, in soliciting of which, every Ease, Security and Dispatch is experienced in a superior Degree, and with every Efficacy.

Subpœna ad testificandum.

The Solicitor orders as many Subpœnas for Witnesses, as may be necessary for his Purpose, which the Clerk in Court will make out and transmit to him.

Witnesses must be personally served with Copies, and Conduct Money given to them therewith producing the Original on every such Service.

Notices of Trial and Countermand.

In Middlesex, or London, and when a Defendant lives within forty Miles, *eight* Days.

Countermand, *two* Days.

If above forty Miles, *fourteen* Days.

These are *computed* Miles, 2 Strange 954. 1216.

In Country Causes, *ten* Days Notice for the Assizes.

If on an old Issue, a *full Term's* Notice, to be given, before the Essoign Day, 1 Barn. 209.

Countermand, in the three last Cases, *six* Days.

Short Notice of Trial.

Short Notice of Trial in Country Causes, under restrictive Orders, must be *four* Days at least, before the Commission Day.

General Rule of 26th June 1789, for Entry of Causes.

"It is Ordered, that all Causes, to be entered "for Trial, in Middlesex and London, shall be en- "tered as follows (that is to say) if any Notice of "Trial, shall be given at any Sitting *within* Term,

"*two*

"*two* Days before the Day of Sitting; if at a Sit-
"ting *after* Term, before *eight of the Clock in the*
"*Evening of the Day, before* the first Day of such
"Sitting, or before eight of the Clock in the Even-
"ing of the Day, before the Day, on which such
"Sittings shall be adjourned, and that if the same
"shall not be so entered, for such Sittings re-
"spectively, a *Ne Recipiatur* may be entered."

Sittings in Middlesex and London.

WITHIN TERM.

Are invariably, in Middlesex on the *second* Day before the End of the Term, and in London on the *Day next* before the last Day of Term, and one sitting *only*, is appointed in any Term.

AFTER TERM.

In Middlesex the Day *next* after the End of the Term, and in London the second Day after the End of the Term, but in Middlesex the fourth Day after *the Term ends is particularly* fixed, for Trial of *Nisi prius Causes* at Westminster Hall.

Record, &c. and Briefs.

The Issue being compleated, and Notice of Trial given, the Clerk in Court of the respective Parties, transmits a correct Copy of the same, and Advice of the Notice given, to his Solicitor, who will of Course, proceed to prepare Briefs thereof immediately, with a full State of Circumstances, and the Evidence to be produced on the Trial, in Support of his Client's Case.

The Plaintiff's Solicitor, will in due Time, direct the Record, &c. of the Proceedings, to be sent to him, which is intirely prepared and compleated by the Clerk in Court, and each Party, orders such *Subpœnas ad testificandum* from their respective Clerks in Court, as the Nature of the Business may require.

Trial.

Trial in Middlesex and London.

The Clerk in Court delivers the Record with Jury Processes to the Solicitor, who gets the latter returned by the Sheriff, which he then annexes to the Record and delivers the whole to the Chief Baron's Marshall, who takes 16s. 8d. for Entry thereof.

Trial at the Assizes.

At the Assize Town, the Plaintiff's Solicitor, must get the *Venire facias*, and *Distringas Juratorum* returned by the Under Sheriff, on the Commission Day, and deliver the same, with the Record and Commission, to the Judge's Marshall to be entered for Trial, vid. fol. 4, and each Party waits on their respective Council with their Briefs, &c.

Witnesses.

The Care and Protection of Witnesses must be particularly studied, and their Accommodation made comfortable during their Attendance. Inattention to this material Point is frequently injurious.

A Special Jury.

May be had at the Instance of either Party on a common Motion, at the Costs of that Party who shall apply for the same. Vide 3 Geo. II. c. 25. s. 16.

Should the Party, obtaining such Special Jury, succeed on the Trial, he should instruct his Council, immediately after the Verdict is delivered, to pray the Judge at *Nisi Prius*, to certify on the Record, that the Cause was a proper one to be tried by a Special Jury, to warrant the Clerk of the Pleas, in allowing the Expences thereof, on Taxation of Costs, which cannot be afterwards done, *if neglected while the Court is sitting.* Vide 24 Geo. II. c. 18. s. 1.—also 1 Barn. 97. as to the Costs allowed.

If such Certificate is neglected, or refused, the Costs of the *Special* Jury, cannot be allowed.

How to be obtained.

The Rule for a Special Jury, is procured by the Clerk in Court, who will get and serve an Appoint-

ment on the ſame, upon the adverſe Party and Sheriff's Agent, and alſo adviſe his Solicitor, that he may be preſent, at nominating of the forty-eight Jurors, qualified to ſerve. He will then procure a Copy of, and ſend the Solicitor, the Names of ſuch forty-eight Perſons, and get and ſerve another Appointment in like Manner, to reduce them to twenty-four Jurors, for Trial of the Cauſe.

[*See Bill of Coſts under Title Ejectment as to a Special Jury.*]

Rule of Court for a Special Jury.

Hilary Term, in the Thirty-ſecond Year of the Reign of King George the Third.
Monday the Thirteenth Day of February.
Lloyd againſt Jenkin."

Upon the Motion of Mr. Ellis, of Council for the Plaintiff, It is Ordered, that the Sheriff of the County of Salop do attend the Deputy Clerk of the Pleas, with the Book or Liſt of the Names of the Freeholders of the ſaid County, who ſhall name out of that Liſt, forty-eight Freeholders, twelve of which ſhall be ſtruck out by each Party, and twenty-four, the Remainder, returned for the Trial of this Cauſe.

By the Court. Roſe.

A View by Jurors.

May be had in like Manner by the Statute of the 4th and 5th Anne, c. 16. ſ. 8. and is frequently neceſſary, particularly in Suits of Ejectment and Treſpaſs, where Boundaries or Limits, are the Points in Conteſt. This better qualifies the Jurors to judge of the Evidence and decide with Preciſion.

It ought to be by ſix of the firſt Jurors, named in the Pannell as is directed by the Statute (vide 1 Barn. 328, 329.) who are uſually ſummoned, upon this Buſineſs, and a Shewer of each Side appointed. A Time and Place (*an Inn*) is then fixed for all Parties to meet, to take View.

The Rule is then compleated by the Clerk in Court, and delivered by the Solicitor to the Sheriff.

He

He grants a Warrant to his Bailiff, to ſummon the Attendance of the Jurors, who are met at the *Locus in quo* accordingly, by the Solicitors, Shewers, &c. and the Sheriff *having directed* the View to be taken, under the Authority of the Rule, and Information of the Shewers, returns to the Inn, where a decent Refreſhment is prepared, at the *mutual* Expence of the Parties.

Viewing Jurors.

On Trial of the Cauſe, the Jurors, who were upon the View, are firſt called, and ſworn, from the Sheriff's Return to the *Diſtringas Juratorum*, and the Reſidue out of the Box, by Ballot, until the number Twelve is compleat for the Trial of the Cauſe. Vide 3 Geo. II. c. 25. ſ. 14. and the 6 Geo. II. c. 37.

This Rule is procured in like Manner by the Clerk in Court.

See the Bill of Coſts under Title Ejectment as to the View.

Rule of Court for a View.

Hilary Term, in the Thirty-ſecond Year of the Reign of King George the Third.
Monday the Thirteenth Day of February.
Lloyd againſt Jenkin.

Upon the Motion of Mr. Ellis of Council for the Plaintiff, It is Ordered that a *Special Diſtringas*, for impanneling a Jury, ſhall iſſue in this Cauſe, directed to the Sheriff of Shropſhire, commanding that the aforeſaid Sheriff, have ſix, or more, of the firſt twelve Jurors, impanneled to try the Iſſue, between the ſaid Parties, according to the Form of the Statute in that Caſe, made and provided, to view the Place in Queſtion between the Parties aforeſaid, on Thurſday the firſt Day of March next coming, which ſaid Jurors, ſhall meet at the Houſe of Joſeph Morris, known by the Name or Sign of the Royal Oak Inn, in the Town of Welch Pool, in the County of Montgomery, at Eleven of the Clock, in the Forenoon of the ſame Day, and there ſhall be

refreſhed, at the *equal Charge* of the Parties aforeſaid, and that Aaron Smith on the Behalf of the ſaid Plaintiff, and Gabriel Holmes on the Behalf of the ſaid Defendant, ſhew the Place in Queſtion and Diſpute between the ſaid Parties to thoſe Jurors, but no Evidence ſhall then and there be given them, thereon in any Sort, and that the ſame Jurors, who ſhall view the Place in Queſtion as aforeſaid and appear, ſhall before any drawing, be firſt ſworn upon the Jury for the Trial of this Cauſe.

By the Court. Roſe.

A Witneſs in Cuſtody.

It ſometimes happens, that the Evidence of a Perſon unhappily confined for Debt, may be eſſential, in which Caſe the Plaintiff muſt ſue out a *Habeas Corpus ad teſtificandum*, but before it can be iſſued, Application muſt be made by the Clerk in Court to one of the Barons for a *Fiat* to warrant it, — Vide Rex againſt Burbage. 3 Bur. 1440. on the following,

Affidavit of the Materiality of ſuch Witneſs.

In the Exchequer of Pleas.

Between David Lloyd Plaintiff, againſt Rhys Jenkin Defendant.

David Lloyd of Welch Pool, in the County of Montgomery, Gentleman, the above-named Plaintiff maketh Oath, and ſaith, that the above Action, is brought by him this Deponent, againſt the above Defendant, to recover a large Sum of Money, due to this Deponent, from the ſaid Defendant, and that this Deponent is adviſed and believes that Maurice Brown, late of Welch Pool, aforeſaid, Taylor, is a material and neceſſary Witneſs, to give Evidence for and on the Part and Behalf of this Deponent, on the Trial of the ſame, and this Deponent further ſaith, that the ſaid Maurice Brown is, as he this Deponent is informed and believes, now a Priſoner for

for Debt, in his Majesty's Goal in and for the said County of *Montgomery*, and that without an *Habeas Corpus* to be issued out of this Honourable Court, directed to the Sheriff of the said County of *Montgomery*, to bring the said Maurice Brown to the next Assizes to be holden in and for the County of *Salop* to give Evidence on Behalf of this Deponent, he cannot safely proceed to Trial of the said Cause.

Sworn, &c. David Lloyd.

Having obtained the necessary *Fiat*, the Clerk in Court issues thereon a

Habeas Corpus ad testificandum.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, To the Sheriff of Montgomeryshire, Greeting. We command you that the Body of Maurice Brown, in our Prison under your Custody, as it is said, detained under safe and secure Conduct by whatsoever Name the said Maurice Brown may be called in the same, you have before our Justices assigned to hold the Assizes in and for the County of Salop according to the Form of the Statute in such Case made and provided, on Saturday the Seventeenth Day of March next coming, at Shrewsbury in the said County of Salop, by Nine of the Clock in the Forenoon of the same Day, there to testify the Truth according to his Knowledge, in a certain Cause, now depending in our Court of Exchequer at Westminster, and then and there to be tried, between David Lloyd our Debtor Plaintiff, and Rhys Jenkin Defendant, of a Plea of *Trespass on the Case*, on Behalf of the said Plaintiff, and immediately after the said Maurice Brown, shall then and there have given his Evidence, before our said Justices, to return him the said Maurice Brown to our said Prison, under safe and secure Conduct, and have you there then this Writ,

Witness,

Witness, Sir James Eyre, Knight, at Westminster, the Thirteenth Day of February in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

This Writ is to be delivered to the Sheriff, as long before the Assizes, as you possibly can, that he may be properly prepared, for the safe Conduct, and certain Attendance of the Witness.—Indeed, in all Cases, a Solicitor ought to make such Duty, as convenient, and easy to the Officer, as the Nature of the Case will admit of.

The Sheriff's Fee is One Shilling per Mile Conduct Money on this Occasion.

The Business at the Assizes being concluded, the Solicitor must then forthwith furnish his Clerk in Court with a full

Affidavit for Increase of Costs.

In the Exchequer of Pleas

Between David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

David Lloyd of Welch Pool, in the County of Montgomery, Gentleman, the Plaintiff in this Cause, and Llewellin Morgan of the same Place, Solicitor for the above-named Plaintiff, severally make Oath and say, and first this Deponent Llewellin Morgan for himself saith, that Notice of Trial was given in this Cause, for the last Assizes, holden at Shrewsbury in and for the County of Salop; that he did cause, two *Subpœnas* for Witnesses, to be issued out of this Honourable Court, for and on the Part and Behalf of the said Plaintiff, and that Ralph Edwards, of the City of London, Merchant, John Jones, and Richard Oliver of &c. Esquires, Henry Jacks of &c. Hugh Dixon of &c. Gentlemen, Jervis Pugh of &c. and Martha Vaughan of &c. were all of them necessary and material

material Witnesses, and severally Subpœna'd, for and on the Behalf of the said Plaintiff, and that the respective Places of Residence, of the said John Jones and Richard Oliver were distant from this Deponent's Residence Ten Miles, and from the Town of Shrewsbury, Twenty-one Miles; of the said Henry Jacks and Hugh Dixon, Eight Miles in a different Direction from this Deponent's Residence, and Thirty Miles from the Town of Shrewsbury, and of Jervis Pugh, and Martha Vaughan, Twelve Miles in a different Direction from the four other Witnesses, and this Deponent's Residence, and Thirty-three Miles from the said Town of Shrewsbury, which said several before-mentioned Witnesses, were duly served with Copies of such *Subpœnas ad testificandum*, and one Shilling given to each of them, at the Time of such Service; and this Deponent further saith, that in the Judgment of this Deponent, and the better to establish the Justice of the said Plaintiff's Case on the Trial of this Cause, it became absolutely necessary, that the said Defendant should produce to the Court, certain Deeds, Papers, Writings and Memorandums in his Custody, which materially related to the subject Matter in Issue and Dispute between the said Parties, he for that Purpose did therefore draw a Notice, and make two fair Copies of the same, to serve on the said Defendant, and his Solicitor in this Cause, which he accordingly caused to be done, by Caleb Davies his Clerk, at the Distance of twelve Miles from this Deponent's Residence, who attended at the said Shrewsbury Assizes for the Purpose of proving such Service, in Obedidience to a *Subpœna ad testificandum*, served on the said Caleb Davies for that Purpose, and that he was, on that Occasion, necessarily absent, attending as such Witness, on the Trial of this Cause, three Days; and this Deponent further saith, that the six said other several Witnesses, in Obedience to the said *Subpœna*, so served upon them respectively as aforesaid, attended at the Town of Shrewsbury afore-

said,

ſaid, for the Purpoſe of giving Evidence in this Cauſe, at the ſaid Aſſizes, on Behalf of the ſaid Plaintiff, and were on that Occaſion, neceſſarily abſent from their reſpective Places of Abode as follows (that is to ſay) the ſaid John Jones and Richard Oliver three Days each, the ſaid Henry Jacks and Hugh Dixon four Days each, and the ſaid Jervis Pugh, and Martha Vaughan five Days each, and this Deponent ſaith, that from the great Age, bodily Infirmities, and ill State of Health, of the ſaid Jervis Pugh and Martha Vaughan, they were unable to travel, otherwiſe than in a Poſt Chaiſe, which this Deponent was obliged to, and did procure for them, and that this Deponent paid the Sum of for the Hire and Expences of ſuch Poſt Chaiſe; and this Deponent further ſaith, that the Briefs in this Cauſe ſeverally conſiſted of ſix Sheets of Paper fairly written, and to each Brief was annexed a Bill of the Particulars of the ſaid Plaintiff's Demand, in this Cauſe, of the Contents of a full Brief Sheet more, and a Copy of the ſaid Notice, ſo as aforeſaid ſerved on ſaid Defendant and his ſaid Solicitor, reſpectively, and that he did pay to Mr. with his Brief the Sum of Guineas, and to Mr. the Sum of Guineas with his Brief, and to each of their Clerks Two Shillings and Sixpence; and this Deponent further ſaith, that he paid to the Sheriff, for returning the *Diſtringas* Twelve Shillings, and to the Marſhall for entering the Record Sixteen Shillings and Eight Pence, *vid. fol.* 4, and the following Court Fees, on a Verdict being given for the ſaid Plaintiff (that is to ſay) to the Jury, Tipſtaff and Bailiff To the Marſhall and Cryer To the Aſſociate and to the Hall-keeper, And this Deponent David Lloyd for himſelf ſaith, that he did pay to the ſaid Jervis Pugh and Martha Vaughan for their Loſs of Time and Trouble in attending the Aſſizes, the Sum of To the ſaid John Jones and Richard Oliver, Eſquires, the Sum of and to the

the ſaid Henry Jacks and Hugh Dixon the Sum of and that he did pay for the Entertainment and neceſſary Expences of all the ſaid Witneſſes in going to, ſtaying at, and returning from the ſaid Aſſizes, the Sum of

And this Deponent Llewellin Morgan for himſelf further ſaith, that he was neceſſarily abſent from his Place of Reſidence, in attending the Trial of this Cauſe four Days, and that he paid for the Horſe-hire and other Expences of himſelf, and the ſaid Caleb Davies his Clerk, in going to, ſtaying at, and returning from the ſaid Aſſizes, the Sum of

and that Welch Pool, this Deponent's Place of Reſidence, is diſtant from Shrewſbury eighteen Miles; and this Deponent on his Oath further ſaith that a certain Deed Poll, bearing Date the Day of One Thouſand Seven Hundred and Eighty-ſeven and made between the ſaid Plaintiff of the one Part, and the ſaid Defendant of the other Part, being material and neceſſary to be produced and given in Evidence, on Behalf of the ſaid Plaintiff on the Trial of this Cauſe, to which the ſaid Witneſs Ralph Edwards was the ſole ſubſcribing Witneſs, he this Deponent did, from a Deſire to ſave Expence to the ſaid Parties, and the Trouble Fatigue and Inconvenience of the ſaid Ralph Edwards's Attendance, to give Evidence of the ſame, at the ſaid Aſſizes at Shrewſbury aforeſaid, on the third Day of March laſt, apply himſelf to and requeſt, Philip Ryder, the ſaid Defendant's Solicitor, to admit the Execution of ſuch Deed in Evidence by Conſent, and without Proof, or the Attendance of the ſaid Ralph Edwards, which the ſaid Philip Ryder refuſed to comply with, or agree to, therefore this Deponent was compelled to, and did cauſe the ſaid Ralph Edwards to be ſubpœnaed for that Purpoſe, and to be paid with his ſaid *Subpœna* Copy, the Sum of Ten Guineas; and this Deponent further ſaith that he hath ſince paid the ſaid Ralph Edwards for his Loſs of Time and Expences, in coming to, ſtaying at the ſaid Aſſizes,

and returning to London, the further Sum of all of which extraordinary Expences, would have been saved and avoided, had the said Philip Ryder, agreed to admit the due Execution of such Deed Poll, without the Attendance and Proof of the said Ralph Edwards.

David Lloyd.
Llewellin Morgan.

Sworn, &c.

Final Judgment and Execution after the Trial.

The Clerk in Court procures the *Postea* from the Associate, and proceeds to Judgment and Taxation of Costs, which being compleated, he enters the same on the Roll, very carefully docquets the Judgment, and issues such Execution thereon as may be ordered.

Old Judgment.

If Execution be not sued out within one Year and a Day after Judgment signed, such Judgment must be revived by *Scire facias* before Execution can issue.

As to Poundage, &c.

In order to save Sheriff's Poundage, Bailiff's Fees, &c. to the Plaintiff, which are unavoidable under an Execution, without a Penalty, and which many Defendants, well able to pay, obstinately put Plaintiffs to the Expence of; or to avoid the Costs of reviving an *old* Judgment by *Scire facias*, it is often most prudent to commence a new Action on such Judgment, whereby an ill-disposed Defendant, may be induced, to pay the Debt due, rather than incur the Expence and Costs of a new Action (inevitably attendant on the Prosecution thereof) or the following *Maxim* may be adopted in bailable Actions, by

Proceeding against the Bail.

Advert to the Condition of the Recognizance, and see if the Bail, have discharged themselves, according to its triple Tenor.—What the Defendant may

may neglect to do, the Bail are bound to perform, *viz.* pay the Condemnation Money, or surrender himself to the Fleet Prison; neither done, it is the Duty of the Plaintiff's Solicitor, to resort to any Quarter, where he can best secure his Client's Interest; most probably the Bail would be his Election, and to fix them, he must sue out a *Capias ad Satisfaciendum*, against the Defendant, to the Sheriff of the County, where the *Venue* is laid in the Action; This Writ must be delivered to the Sheriff, four clear Days before the Return Day thereof.

When that is expired, the Solicitor should procure a Return of *Non est inventus*, and sue out immediately either a *Venire facias ad respondendum*, or *Subpœna ad respondendum*, returnable as soon as conveniently may be, after Service thereof can be effected.

Observe, this is an Action on the Recognizance of Bail, and unless the Bail, surrender the Defendant, and he be committed a Prisoner to the Fleet, within *four* Days, after the Return-day of the Process, so served upon them as aforesaid, the Bail, are incontrovertibly fixed with, and become liable to pay the Debt and Costs in the original Suit, together with Costs of this new Action.

A *Quo-minus* is not the proper Process on this Occasion, as the Surrender will then be effectual at any time, within *eight* Days.

Or, After the Return of *Non est inventus*, to the *Capias ad satisfaciendum*, the Plaintiff may proceed by

Scire facias against the Bail.

Which Writ demands of them to shew Cause, why the Plaintiff should not have Execution against them, for his Damages recorded in the Judgment, against the said Defendant.

If a *Scire feci* is returned, to the *Scire facias*, a *four* Day Rule being given, and no Cause shewn, final Judgment, may of course, be signed against the Bail.—But the most secure Mode of fixing the Bail, by *Scire facias*, is, to issue a *Scire facias*, and an *Alias*

Scire facias, in which between the Teste of the first, and return of the last, there must be *fifteen* Days, and each left in the Sheriff's Office *four* Days before their respective Returns; Get them both returned *Nichils*, filed of Record, and a *four* Days Rule given, if no Cause be then shewn, final Judgment may be signed against the Bail, who are liable, by an Execution, to be compelled to the Payment of Debt and Costs in the Original Action, but no Costs on the *Scire facias*, &c. are attainable to the Plaintiff, unless the Judgment is upon a Penalty.

Rendering in Discharge of Bail,
See Title Prisoner hereafter.
Non Pros, see Title, "Time to declare," fol. 65.

CHAP. VI.

Judgment by Default.

WHEN a Defendant, in any one Stage of a Cause, makes Default, and the Rule given for the specific Purpose is expired, the Plaintiff may sign his Judgment, either final or interlocutory, as the Nature of the Action may be.

If a final Judgment the Clerk in Court taxes his Costs, and sues out such Execution as he is directed to do. If interlocutory, he makes out, and transmits to the Solicitor, a Writ of Enquiry of Damages, to be executed before the Sheriff of that County, where the *Venue* is laid, after the following Form.

Writ of Inquiry of Damages.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; To the Sheriff of Montgomeryshire greeting, whereas David Lloyd, our Debtor in our Court, before the Barons of our Exchequer at Westminster, heretofore that is to say in Hilary Term last past, impleaded Rhys Jenkin in a Plea of Trespass on the Case, For that Whereas, &c. *(the whole of the Declaration is recited here to the*

Rose. (LS.)

the Words) whereby he is the less able, to satisfyus the Debts, which he owes us, at our said Exchequer, and thereupon he brought Suit, and so forth, and such are the Proceedings in our said Court, between the said Parties, in the Plea aforesaid, that the said David ought to recover his Damages against the said Rhys, by Reason of the aforesaid Premises, but because it is not known what Damages the said David has sustained, by Reason of the said Premises, therefore we command you, that by the Oaths of *twelve* honest and lawful Men of your Bailiwick, you diligently enquire what Damages the said David hath sustained, as well by Reason of *the not performing the several Promises and Undertakings aforesaid*, as for his Costs and Charges, by him laid out and expended in and about his suit in this Behalf, and the Inquisition which you shall make thereof, you make known to the aforesaid Barons of our said Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, under your Seal, and the Seals of those, by whose Oaths you shall make that Inquisition, and have you there the Names of those by whose Oaths you shall make that Inquisition, and this Writ. Witness Sir James Eyre, Knt. at Westminster, the twenty-first Day of May, in the thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

The Solicitor must give *ten* Days Notice to the Defendant, of his Intention to execute such Writ of Inquiry, in the Form following, and same must always be confined to *two* Hours. Vide 1 Barn. 210. 213. 214.

Delivery of the Writ.

The Writ of Inquiry should be delivered to the Sheriff, with a Minute of the Notice served on the Defendant, indorsed thereon, *two* Days *at least* before the Day on which the same is to be executed.

Notice

Notice of executing Writ of Inquiry.

In the Exchequer of Pleas.

David Lloyd, Plaintiff, against Rhys Jenkin, Deft.

Sir,

Take Notice that a Writ of Inquiry of Damages will be executed against you, in this Cause, on Thursday, the thirty-first Day of May Inst. at the Dwelling-house of Joseph Morris, Innholder, known by the Name or Sign of the Royal Oak, situate in the Town of Welch-Pool, in the County of Montgomery, between the Hours of *ten* and *twelve* of the Clock, in the Forenoon of the same Day, *when and where Counsel will attend on Behalf of the said Plaintiff.* Dated the Twenty-first Day of May, One Thousand, Seven Hundred, and Ninety-two.

Yours, &c.

To Mr. Rhys Jenkin, the above-named Deft. } Richard Edmunds, Plaintiff's Attorney.

On an Old Judgment.

If there have been no Proceedings for *twelve* Months, after interlocutory Judgment has been signed, there must be a full Term's Notice given, of executing a Writ of Inquiry of Damages, and such Notice must be given before the Essoign Day of the Term. 1 Barnes 209 Paul against Gledhill. 2 Strang. 1109, Peyton against Burdus. 2 Strang. 1164, Bogg against Rose.

How to be served.

The Notice of executing it may be delivered personally to the Defendant, or left at his Dwelling-house, with his Wife, Child, or Servant.

Should

Should there be any Difficulty, or it be inconvenient to make this Service, the Solicitor may instruct his Clerk in Court, to give such Notice in Town, to the Defendant's Clerk in Court, which he does by an Entry thereof, in the Book of Orders, kept in the Exchequer-Office for that Purpose.

How to be Executed.

On the Sheriff's attending, pursuant to the Notice, and Jurors being sworn, you proceed before them to Examination of Witnesses, from whose Evidence the *Quantum* of Damages is to be collected, and will be assessed by the Jury accordingly.

Witnesses.

Should any Witness be refractory, or refuse voluntary Attendance, you may in this Case (as upon a Trial at the Assizes) issue a *Subpœna ad Testificandum*, and serving a Copy thereof personally on such Witness, (producing the original on such Service,) enforce his Attendance, giving such Witness a reasonable Sum for his Conduct-money, which in ordinary Cases is One Shilling.

Subpœna ad Testificandum.

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth: To
Greeting; We command you, and each of you, that all other Things set aside, and ceasing every Excuse, you and every of you be and appear in your proper Persons, before our Sheriff of the County of Montgomery, on Thursday the Thirty-first Day of May Instant, by Ten of the Clock in the Forenoon of the same Day, at the House of Joseph Morris, Innholder, known by the Name or Sign of the Royal Oak, in the Town of Welch-Pool, in the County of Montgomery, and there to give Evidence according to the best of your Knowledge, on a cer-

tain Writ of Inquiry of Damages, then and there to be executed, between David Lloyd, our Debtor, Plaintiff, and Rhys Jenkin, Defendant, of a Plea of Trespass on the Case, on the Part of the said Plaintiff; and this you, nor any one of you, shall in no wise omit, under the Penalty of One Hundred Pounds, which we shall cause to be levied on your Lands and Tenements, Goods and Chattels, if you neglect this our present Command. Witness Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor,
Richard Edmunds. Rose.

Final Judgment.

On the *fifth* Day after the Return of the Writ of Inquiry, call upon the Sheriff for a Return of the same, which will be delivered to you of course; Send the Writ and Return immediately to the Clerk in Court, who will give a Rule for and proceed to perfect final Judgment, tax Costs, and sue out Execution on the same, as he may be directed by his Solicitor, in like Manner as on the Postea.

Countermand of Notice.

Should any Circumstance occur, which may make it necessary, after Notice of Executing the Writ of Inquiry has been given, to defer Execution of the same, a Notice of Countermand should be forthwith given to the Defendant; otherwise, upon an Affidavit, on the Defendant's Behalf, he will be allowed his Costs of the Day. Vid. Str. 728. Sutton against Bryan. 1 Barn. 155.

If

If two Defendants, and one Pleads.

When there are two Defendants, and the one pleads, and the other suffers Judgment by Default, the Plaintiff must, on Trial of the Issue, get his Damages assessed on the interlocutory Judgment also, as the Record in such Case is, as well to try the Issue, as inquire into the Damages, &c.

Bills of Costs on a Judgment by Default, against Two Defendants in a Country Cause.

In the Exchequer of Pleas.
Michaelmas Vacation, 32d George III.
Lloyd against Jenkin and Lewis. (*Joint Action*).

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
ATTENDING the Plaintiff to take Instructions for this Action, and to prosecute the same				4	4	
Warrant of Retainer, filling up, Filing it and Duty	3	7				
Quo-minus, and Solicitor's Fee thereon, against Jenkin, into Montgomeryshire —— ——	6	8		13	4	
The like against Lewis into Denbighshire ——	6	8		13	4	
Paid Postage of a Letter up to London ordering the Writs, and of another back, with both inclosed			6	2		
Copy and Service of the Writ upon Jenkin				5	0	
Drawing and Engrossing an Affidavit of that Service, Duty and Oath ——				5	7	
Copy of the *Quo-minus* to serve on Lewis ——				1		

	Clerk in Court on the Solicitor			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
Paid an Attorney at Ruthin, endeavouring to serve the Defendant, and Postage					4	4
HILARY TERM, 1792.						
An *Alias Quo-minus* into Denbighshire, and Solicitor's Fee thereon, against Lewis, who could not be served with the first *Quo-Minus* — —		5	2		11	10
Paid Postage of Letter up to Town for, and back again with the Writ inclosed — —			6		1	6
Copy and Service thereof on Lewis — —					5	0
Drawing and Ingrossing an Affidavit of Service of *Alias Quo-minus* on Lewis, Duty and Oath —					5	7
Paid an Attorney at Ruthin his Fee for effecting this Service, and the Postage of Letters — —					4	4
Searching if Defendant Jenkin had appeared —		1	8		3	4
Entering an Appearance according to the Statute, for Jenkin, and Solicitor's Fee thereon v. 6. G. II. c. 14		6	0		9	4
The like for Lewis — —		7	8		12	8
Taking Instructions for a Declaration — —					3	4
Drawing Declaration against both Defendants, Fol. 18.		9	0		18	

Ingrossing

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Ingrossing the same and Duty — —		6	6		9	6
Fair Clerk of the Pleas for Entry thereof — (*If above Fol.* 20 *the Entry is* 6s. 8d. *above Fol.* 30, 10s. *and so in Proportion.*		3	4		3	4
Fair Copy of the Declaration filed on Duty —		6	6		6	6
Drawing a Notice thereof, and fair Copy of the same served upon Jenkin		1			5	
The like on Lewis — —		1			5	
Paid an Attorney at Ruthin his Fee for effecting the Service, and the Postage of Letters — —					4	4
Rule of *four Days* to plead, and Warrant —		2	10		2	10
Signing Judgment by Default against both —		2			2	
Entering Interlocutory Judgment on the Roll, Fol. 22 — — —		3	8		7	4
Term Fee Clerk in Court and Solicitor —		3	4		10	
Paid Postage of Letters during this Term —					4	
HILARY VACATION.						
Drawing and making a fair Copy of a Notice of executing a Writ of Inquiry of Damages, and Service thereof upon Jenkin					5	

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
The like upon Lewis —					5	
Ten Days Notice to each —						
Paid an Attorney at Ruthin his Fee for effecting this Service, and the Postage of Letters —— —					4	4
Drawing and Ingrossing Writ of Inquiry of Damages, Fol. 21, and Solicitor's Fee on the Writ —— —		7			13	10
Paid for Parchment and Duty 3*s.* 9*d.* Signing 2*s.* and Sealing 9*d.* of this Writ —— —		6	6		6	6
Paid Postage of Writ of Inquiry down to Wales					3	
Subpœna *ad Testificandum*, and Solicitor's Fee thereon		5	2		8	6
Copy and Service of one Witness, and Conduct-Money —— —					4	6
The like of one at eight Miles distance —					8	6
The like on one at Shrewsbury . —— ——					4	6
Paid an Attorney his Fee thereupon, and for the Postage of his Letters					4	4
Paid for Warrant to summon Jury —— —					4	6
Paid Bailiff for summoning them —— — —					4	
Paid the Sheriff for executing the Writ of Inquiry				1	1	
Paid the Cryer, Jury, and Bailiff —— — —					11	6

The

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
The one Witness for his Attendance — —					5	
Another at the distance of eight Miles —					9	
The other at the distance of eighteen Miles —					14	
Attending the Execution of the Writ of Inquiry					13	4
EASTER TERM, 1792.						
Attending the Sheriff for a Return of the Writ of Inquiry — —					3	4
Paid the Clerk in Court for filing the Writ of Inquiry returned with the Inquisition annexed —		1			1	
Rule of *four Days* for final Judgment, Signing it, and Duty — —		11	2		11	2
Paid Usher's Clerk 2*s.* and Docquet 1*s.* — —		3			3	
Drawing and Entering up final Judgment on the Roll, Fol. 6 — —		2			4	
Bill of Costs and fair Copy —		1	6		3	
Drawing and Ingrossing Affidavit of Increase of Costs, Fol. 9, Duty, Oath, and Filing —		1			9	7
Paid for an Office Copy thereof — — —		7	7		7	7
Attending the Clerk of the Pleas to tax the Costs		3	4		6	8
Paid him for taxing the Bill — — —		2			2	

A Ca-

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
A Capias *ad Satisfaciendum* into Montgomeryshire against Jenkin — —		5	2		8	6
A *Fieri Facias* Return, Filing and *Testatum* against Lewis into Denbighshire, and Solicitor's Fee thereon —— —		12	10	1	0	6
Term Fee and Letters —		3	4		14	
If in a County Palatine Case.						
Paid for Mandate on the Writ of Inquiry from the Chamberlain — —					8	6
Solicitor's Fee thereon, —					3	4
Paid for Receipt of the Writ, and Mandate by the Sheriff —— —					6	8
Paid for Precept, and Panel to summon the Jury					2	6
Paid the Bailiff for summoning the Jurors ——					4	
Paid for Precept for the Witnesses —— —					2	6
Copy Service and Money given to each Witness					4	6
Paid the Sheriff's Fee for Executing the Writ of Inquiry —— —				1	1	
Paid the Crier, Jury, and Bailiff — —					13	6
Solicitor's Attendance on the Execution thereof					13	4
Expences of Witnesses — (*Common Allowance*) —					10	

Paid

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Paid the Sheriff for returning the Inquiry —					8	8
Attending him for that Purpose, and afterwards at the Chamberlain's Office to perfect the same					3	4
Paid Postage of Inquiry and Inquisition ——					3	
EASTER TERM, 1792.						
Filing the Inquisition and Rule for Judgment as before till you come to —— ——						
Capias *ad Satisfaciendum* into Cheshire, and Solicitor's Fee thereon —		5	2		8	6
Paid the Chamberlain for his Mandate and Seal					16	6
Solicitor's Fee thereon —					3	4
Paid the Sheriff for a Return of *Non est Inventus* to the Mandate — —					2	
Attending the Sheriff for that Purpose, and afterwards on the Chamberlain for his Return to the Capias *ad Satisfaciendum*					3	4
Paid Clerk in Court for Filing Writ and Return					2	
Testatum Capias *ad Satis.* and Solicitor's Fee —		5	8		9	
Term Fee Clerk in Court and Solicitor ——		3	4		10	
Paid Postage of Letters —					4	

If

If in Debt by Nil Dicit.	Clerk in Court on the Solicitor £.	s.	d	Between Party and Party £.	s.	d.
Rule to plead and Warrant—	2	10		2	10	
Attending Summons for Time to plead —	1	8		3	4	
Copy of the Order — —	1			1		
Signing final Judgment —	9			9		
Paid Usher's Clerk, and Docquetting the Judgment —	3			3		
Drawing and Entering the Judgment on the Roll, Fol. 10 —	3	4		6	8	
Bill of Costs and fair Copy —	1	6		3		
Notice of taxing Costs, Copy, and Service	1			2		
Attending to tax the same —	3	4		6	8	
Paid Clerk of the Pleas for taxing —	2			2		
Capias *ad Satisfaciendum* and Solicitor's Fee	5	2		8	6	
Paid the Sheriff for a Return of *Non est inventus*				2		
Paid the Clerk in Court for Filing Writ and Return	1			1		
Testatum Capias ad Satisfaciendum into Salop, and out of Montgomeryshire, and Fee	5	8		9		
Term Fee Clerk in Court and Solicitor	3	4		10		
Paid Postage of Letters, &c. — —				4		

Plaintiff's

Plaintiff's Costs on an Inquiry into Middlesex.

The Costs of David Lloyd, Plaintiff, against Rhys Jenkin, Defendant, in Case on Promises, on a Judgment by Default, wherein a Writ of Inquiry of Damages hath been executed and returned by the Sheriff of Middlesex, and Damages found by the Jury to 196 *l.*

Michaelmas Vacation 1791.	Clerk in Court on the Solicitor			Between Party and Party		
	£.	*s.*	*d.*	*£.*	*s.*	*d.*
ATTENDING the Plaintiff taking an Authority and Instructions to sue					4	4
Warrant of Retainer, Duty, filling up, and filing it		3	7			
Quo minus and Solicitor's Fee thereon ——		6	8		13	4
Copy and Service of the same ——					5	
Affidavit thereof, Duty and Oath —— ——					5	7
HILARY TERM.						
Searching if the Defendant had appeared ——		1	8		3	4
Entering an Appearance for the Defendant according to the Statute 12 Geo. I.		6			9	4
Taking Instructions for Declaration ——					3	4
Drawing the Declaration, Fol. 21 ——		10	6	1	1	

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
To special Pleader to settle, 5s. and attending him		6	8		8	4
Ingrossing it and Duty —		7	9		11	3
Paid Clerk of the Pleas for entering it ——		6	8		6	8
Copy filed on Duty —		7	9		7	9
Drawing Notice of Declaration, being filed, Copy and Service ——		1			5	
Rule to plead and Warrant —— ——		2	10		2	10
Signing an interlocutory Judgment ——		2			2	
Entering interlocutory Judgment on the Roll, Fol. 25 —— ——		4	2		8	4
Term Fee Clerk in Court and Solicitor ——		3	4		10	
HILARY VACATION.						
Drawing and Ingrossing a Writ of Inquiry of Damages. Fol. 24		8			12	
Parchment and Duty, signing and sealing the same		6	11		6	11
Solicitor's Fee thereon —					3	4
Drawing a Notice of executing Writ of Inquiry of Damages, Copy and Service on Defendant's Wife		1	6		5	
Paid the Sheriff for executing the same ——				1	9	4
Attending the Execution thereof by Clerk in Court and Solicitor ——		6	8		13	4
Expence of Witnesses — *(Common Allowance).*					5	

EASTER

	Clerkin Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
EASTER TERM, 1792.						
Attending to get the Writ of Inquiry returned, and paid filing the same, with the Inquisition —	1			4	4	
Rule for final Judgment of *Four Days*, signing it, and Duty —	11	2		11	2	
Paid the Usher's Clerk, and for docqueting the Judgment —	3			3		
Drawing and entering final Judgment on the Roll, Fol. 6 —	2					
Drawing a Bill of Plaintiff's Costs, and fair Copy thereof —	1	6		3	4	
Attending the Clerk of the Pleas to tax same	3	4		6	8	
Paid him for taxing the Bill — —	2			2		
Execution and Solicitor's Fee into Middlesex	5	2		8	6	
Paid for a Return of *Nulla Bona* thereon —				2		
Paid the Clerk in Court for filing such Return	1			1		
Testatum Fieri facias into London, and Solicitor's Fee thereon —	5	8		9		
Term Fee Clerk in Court and Solicitor	3	4		10		
Letters and Porters during this Suit —	1	6		3		

Plaintiff's Costs on a Common Writ of Inquiry in the Country.

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Lloyd against Jenkin.		
HILARY TERM, 1792.		
ENTERING an Appearance according to the Statute of the 12th G. I. C. 29, and Fee	6	9 4
Taking Instructions for a Declaration —		3 4
Drawing the Declaration. Fol. 21 —	10 6	1 1
To special Pleader 5s. to settle, and attending him	6 8	8 4
Ingrossing it 10s. 6d. and paid Entering 6s. 8d. and Duty 6d. —	13 11	17 8
Copy thereof filed on Duty —	7 9	7 9
Drawing Notice of Declaration being filed, making a fair Copy thereof, and Service of it	1 6	5
Rule to plead and Warrant —	2 10	2 10
Signing interlocutory Judgment — —	2	2
Entering Interlocutory Judgment on the Roll, Fol. 25 — —	4 2	8 4
Term Fee Clerk in Court and Solicitor	3 4	10
Paid Postage of Letters —		4

Term

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
VACATION.						
Ingrossing the Writ of Inquiry, Fol. 24 ——		8			12	
Parchment, Duty, signing, and sealing ——		6	9		6	9
Solicitor's Fee thereupon —					3	4
Notice of *Ten Days* executing the Writ, Copy, and Service on Defendant's Son		1	6		5	
Subpœna for Witnesses, and Fee ——		5	2		8	6
Paid Postage of the whole to the Country					3	
Copy and Service of Subpœna on two Witnesses, and Conduct-Money given them ——					9	
Sheriff's Warrant to summon the Jury ——					4	6
Paid the Bailiff for summoning them ——					4	
Paid the Sheriff for executing the Writ of Inquiry of Damages ——				1	1	
Paid the Crier, Jury, and Bailiff ——					11	6
Paid two Witnesses for their Attendance ——					10	
Solicitor's Fee attending thereupon ——					13	4

EASTER

EASTER TERM, 1792.	Clerk in Court on the Solicitor. £.	s.	d.	Between Party and Party. £.	s.	d.
Attending the Sheriff for a Return of the Writ of Inquiry —— ——				3	4	
Paid the Clerk in Court for filing the same, with the Return ——	1					
Rule of *four Days* for final Judgment, and paid signing it, and Duty —	11	2		11	2	
Paid the Usher's Clerk, and for docqueting the Jugdment —— —	3			3		
Drawing and entering final Judgment on the Roll fo. 6.	2			4		
Drawing the Plaintiff's Bill of Costs, and making fair Copy thereof ——	1	6		3		
Attending the Clerk of the Pleas to tax the same	3	4		6	8	
Paid him for taxing the Bill	2			2		
Execution of *Capias ad Satisfaciend.* & Solicitor's Fee	5	2		8	6	
Paid to the Sheriff for a Return of *Non est inventus*				2		
Paid the Clerk in Court for filing the *Ca. Sa.* & Return	1			1		
Testatum Capias ad Satisfaciendum and Fee ——	5	8		9		
Term Fee, Clerk in Court, and Solicitor —	3	4		10		
Paid Postage of Letters				4		

Plaintiff's

Plaintiff's Costs on executing a Writ of Inquiry after dilatory Pleadings.

	Clerk in Court on the Solicitor			Between Party and Party		
HILARY TERM, 1792.	£.	s.	d.	£.	s.	d.
RULE to plead and Warrant —— ——		2	10		2	10
Fair Copy Deed for Defendant's Clerk in Court, folio 36, Oyer and Copy being demanded ——		9			12	
Attending to deliver same, and examine the Deed with the Copy		1	8		3	4
Paid for an Office Copy and Plea fol. 4, and Duty		1	7		1	7
Drawing Replication, fol. 2.		1			2	
Paid for Entry with Clerk of the Pleas and Duty		2	3		2	3
Drawing Issue folio 31.		15	6	1	11	
Paid for an Office Copy of Demurrer fol. 3, & Duty		1	3		1	3
Drawing Joinder in Demurrer, fol. 2. ——		1			2	
To Council to sign same, and Attendance thereon		12	2		13	10
Paid for entering it, & Duty		2	3		2	3
Drawing Demurrer Book, folio 40. ——	1			2		
Entering it on the Roll		10		1		
Office Copy thereof & Duty		14	10	1	8	2
Rule to bring in Demurrer Book — —		2	2		2	2
Brief and fair Copy for Council to move on for a Concilium ——		1			1	6

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
To Council a Fee to move the same		10	6		10	6
Attending him and Court on Motion		1	8		3	4
Paid Bagbearer carrying the Roll to Westminster		1			1	
Paid entering and for an Office Copy of the Rule		4	4		4	4
Copy and Service on the Defendant's Clerk in Court		1			2	
Two Copies of the Demurrer Book for the two senior Barons	1	6	8	2	13	4
Attending them therewith		3	4		6	8
Paid to their Clerks 2s. each		4			4	
Copy of Demurrer Book for Council to argue		13	4	1	6	8
Drawing and making a fair Copy of Instructions to Council therewith		1	6		2	6
To Council to argue Demurrer	1	1		1	1	
Attending him and Court, when Judgment given for Plaintiff		3	4		6	8
Paid carrying Record into Court on Argument		1			1	
Entering Rule for Judgment		2	2		2	2
Signing *Nil dicit*		2			2	
Term Fee, &c. as before						

CHAP-

CHAP. VII.

Of EJECTMENTS.

EJECTMENTS also may, in the common Form, be prosecuted in this Court. The Title being well considered, and Declaration perfected, so many Copies must be made, as there are Tenants to be served. Vid. 21 Jac. I. cap. 16. as to Limitation of Suits of this Nature.

Declaration in Ejectment.

Michaelmas Term, in the Thirty-second Year of the Reign of King George the Third.

Montgomeryshire to wit. John Goodtitle, Debtor of his present Majesty, comes before the Barons of this Exchequer at Westminster, on the Twenty-eighth Day of November in this same Term, by Richard Edmunds his Attorney, and complains by Bill against Richard Badtitle, present here in Court the same Day, of a Plea of Trespass and Ejectment of Farm: For that Whereas David Lloyd, on the Thirtieth Day of September, in the Year of our Lord One Thousand Seven Hundred and Eighty-two, at Welch Poole, in the said County of Montgomery, had demised to the said John Goodtitle, Five Messuages, Five Cottages, Eight Barns, Eight Stables, Two Water Grist-Mills, Eight Gardens, Eight Orchards, Three Hundred Acres of Land, Three Hundred Acres of Pasture, Three Hundred Acres of Meadow, Three Hundred Acres of Arable Land, Three Hundred Acres of Wood, Five Hundred Acres of Marsh Land, and Five Hundred Acres of Furze and Heath, and Common of Pasture for all manner of Cattle with the Appurtenances, situate, lying, and being in the Parish of Forden, in the said County of Montgomery; To have and to hold the Tenements aforesaid, with the Appurtenances, unto the said John Goodtitle and his As-

signs, from the said thirtieth Day of September aforesaid, in the said Year of our Lord One Thousand Seven Hundred and Eighty-two, for and during, and unto the full End and Term of Twenty-one Years from thence next ensuing, and fully to be complete and ended; By Virtue of which said Demise, he the said John Goodtitle entered into the Tenements aforesaid, with the Appurtenances, and was thereof possessed, and being so possessed thereof, the said Richard Badtitle afterwards, to wit, on the First Day of October, in the said Year of our Lord One Thousand Seven Hundred and Eighty-two, with Force and Arms into the Tenements aforesaid, with the Appurtenances, which the said David Lloyd had demised to the said John Goodtitle in Manner aforesaid, for the Term aforesaid, which is not yet expired, entered, and him the said John Goodtitle, from the Possession of the Farm aforesaid, did eject, expel, put out, and amove; And also, for that Whereas the said David Lloyd, on the Twenty-sixth Day of December, in the Year of our Lord One Thousand Seven Hundred and Ninety-one at Welch-Poole aforesaid, in the County of Montgomery aforesaid, had demised to the said John Goodtitle Five other Messuages, Five other Cottages, Eight other Barns, Eight other Stables, Two other Water Grist-Mills, Eight other Gardens, Eight other Orchards, other Three Hundred Acres of Land, other Three Hundred Acres of Pasture, other Three Hundred Acres of Meadow, other Three Hundred Acres of Arable Land, other Three Hundred Acres of Wood, other Five Hundred Acres of Marsh Land, and other Five Hundred Acres of Furz and Heath, and Common of Pasture for all Manner of Cattle with the Appurtenances, situate, lying, and being in the Parish of Forden, in the said County of Montgomery; To have and to hold the Tenements aforesaid with the Appurtenances, unto the said John Goodtitle and his Assigns, from the Twenty-sixth Day of December last aforesaid, in the said Year of our Lord One Thousand Seven Hundred and Ninety-one, for and during,

during, and unto the full End and Term of Fourteen Years, from thence next ensuing, and fully to be compleat and ended; by Virtue of which last-mentioned Demise, he the said John Goodtitle entered into the Tenements aforesaid, with the Appurtenances, and was thereof possessed, and being so possessed thereof, the said Richard Badtitle afterwards, to wit, on the Twenty-seventh Day of December, in the said Year of our Lord One Thousand Seven Hundred and Ninety-one, with Force and Arms, into the Tenements aforesaid with the Appurtenances, which the said David Lloyd had so demised to the said John Goodtitle in Manner aforesaid, for the Term last aforesaid, which is not yet expired, entered, and him the said John Goodtitle from his Possession thereof did eject, expel, put out, and amove, and other Injuries to the said John Goodtitle, the said Richard Badtitle then and there did, to the great Damage of the said John Goodtitle, and against the Peace of his present Majesty; wherefore he says he is injured, and hath received Damage to the Value of One Hundred Pounds, whereby he is the less able to satisfy his said Majesty the Debts, which he owes him at his said Exchequer, and therefore he brings Suit, &c.

Pledges to prosecute { John Doe and Richard Roe.

This Notice must be subscribed to every Declaration.

Rhys Jenkin and Peter Harrris, *(the Tenants)*

I am informed that you are in Possession of, or claim Title unto, the Premises mentioned in the above Declaration in Ejectment, or to some Part thereof, and I being sued as casual Ejector only, and having no Claim or Title to the same, do therefore advise you to appear in the Office of Pleas of his Majesty's Court of Exchequer at Westminster in next Hilary Term, by some Attorney of that Court,

in this Action, in my Stead, and defend your Title to such Part or Parts of the said Premises as is, or are, in your Possession, otherwise I shall suffer Judgment therein to be entered against me by Default, and you will be turned out of Possession. Dated this Fifth Day of January, in the Year of our Lord One Thousand Seven Hundred and Ninety-two.

Your humble Servant,

Richard Roe.

Notwithstanding the Title of the Lessor accrues, and the Demise is laid after Michaelmas Term, which the Declaration is of, yet if the Tenant does not appear, Judgment may be signed against the casual Ejector, and no Motion or Writ of Error can be had in his Name. Vid. Gilbert's Law of Ejectments, fol. 23.

If the Tenant appears, the Declaration, &c. must be of Hilary Term, which will be after the Demise laid, and the whole Proceedings will be right.

Manner of Service.

The Service must be on the Tenant personally, or on his Wife, at the Tenant's Dwelling-house, if she cohabits with him, but a Service on any other Person will not be good, unless the Defendant afterwards acknowledges having received it, and it is so stated in the Affidavit circumstantially and correct.

At the Time of Service, the Notice at the Bottom of the Declaration ought to be read, and that, as well as the Declaration itself, explained, and made intelligible to the Person on whom it is so served.

Where Tenants in Possession abscond, the Court on proper Affidavits, will order the Tenants to shew Cause, why Service on a Servant should not be good. Vid. 2 Barn. 157.

When to be made.

Every Service must be made before the Essoign Day of the Term, in order to entitle the Plaintiff to an Appearance, or Judgment, as will hereafter appear.

Matters

Matters in Ejectment are immediately under the Controul of the Court, and they on Application will model them to answer every Purpose of Justice and Convenience. Vid. 3 Butr. 1290.

Affidavit of Service of Declaration. Vid. 4 Geo. II. c. 28. f. 2.

In the Exchequer of Pleas.

Between John Good-title on the several Demises of David Lloyd, Plaintiff, and Richard Bad-title, Defendant.

Owen Tudor, of Welch-Poole in the County of Montgomery, Gentleman, maketh Oath and saith, that he did on the Twelfth Day of January Instant, personally serve Rhys Jenkin *, Tenant in Possession of Part of the Premises in the Declaration of Ejectment hereunto annexed mentioned, with a true Copy of the said Declaration and Notice thereunder written, and at the same Time this Deponent acquainted the said Rhys Jenkin with, and explained to him the Intent and Meaning of the same respectively; And this Deponent further saith, that he did, on the Nineteenth Day of January Instant, also serve Peter Harris *, another Tenant in Possession of other Part of the Premises, in the said Declaration hereunto annexed mentioned, with another true Copy of the said Declaration and Notice thereunder written, by delivering to, and leaving the same at the Dwelling-house of the said Peter Harris, being Part of the Premises aforesaid, with one Mary Harris, who informed this Deponent, that she was the Wife of, and then cohabited with, the said Peter Harris, and which Information this Deponent believes to be true, and at the same time Time explained to and acquainted her with the Intent and Meaning of the same respectively, and directed her

* *Tenant secreting Declaration in Ejectment, forfeits Three Years improved Rent.* Vide 11 Geo. II. c. 19. f. 11.

to

to deliver such Copy of Declaration and Notice, to her said Husband forthwith.

Owen Tudor

Sworn at Welch-Poole, in the County of Montgomery, this twenty-first Day of January, 1792, before me Edward Parry. *(by Commission)*

If a Defendant absconds, to avoid being served with a Declaration in Ejectment, the Court will on Motion order that Service on some Person in the House shall be sufficient. 2 Burr. 1116, and 1181.

This Affidavit of Service being annexed to one Copy of the Declaration (on treble Penny Stamp Duty) is transmitted to the Clerk in Court, who thereon gets same moved in Court, and the common Rule ordered for the Tenant's Appearance, which, if entered, he advises the Solicitor of, and takes every further Step, necessary to the Completion of the Cause, either on a final Judgment by Default, or an Issue to Trial, &c. after the manner of other Issues.

As Part of the 2d Sect. of 4 Geo II. c. 28. is material and important in the Practice relative to Ejectments, it is here inserted. It enacts,

"That in all Cases between Landlord and Tenant, as often as it shall happen, that one Half-year's Rent shall be in Arrear, and the Landlord or Lessor, to whom the same is due, hath Right by Law to re-enter for the Non-payment thereof, such Landlord or Lessor, shall and may without any formal Demand, or Re-entry, serve a Declaration in Ejectment, for the Recovery of the demised Premises, or in case the same cannot be legally served, or no Tenant be in actual Possession of the Premises, then to affix the same upon the Door of any demised Messuage, or in case such Ejectment shall not be for the Recovery of any Messuages, then upon some notorious Place of the Lands, Tenements, or Hereditaments, comprized in such Declaration in

"Eject-

" Ejectment, and such Affixing shall be deemed " legal Service thereof, which Service or affix- " ing such Declaration in Ejectment, shall stand " in the Place or Stead of a Demand, or Re- " entry."

And it is afterwards enacted,

" That Judgment may be had thereon," with a Proviso to protect the Rights of Mortgagees.

A Landlord must not receive Rent after an Ejectment is brought, nor till the same is determined, for such would be a Waiver of the Trespass, on which this Action is grounded, and he will be non-suited on the Trial for so doing. His Remedy for the Rent in Arrear, is by an Action for the *Mesne Profits*. 2 Burr. 665. Aslin against Paskin.

Appearance to an Ejectment.

The Time for Appearance, to Actions of Ejectment depends on the *Venue*, and on the Time of the Motion for Judgment against the casual Ejector.

If the Premises are situated in London, or Middlesex, the Defendant has a *Week's* Time, after the Ejectment is moved, to appear in, although the Notice, in such Cases, commonly directs the Tenant to appear on the *first* Day of the next succeeding Term. In any other County, the Defendant has till the last Day of Hilary or Trinity Terms respectively, to appear, (if the Ejectment be moved in Easter or Michaelmas Terms); but if it be moved in Hilary or Trinity Terms, he must appear within *four* Days after the End thereof. The following Rule directs this Practice, and requires the Attention of the Solicitor in this particular.

Trinity 1753. " Where Judgment in Eject- " ment shall be moved for, in an issuable Term, " and the Premises in question do not lie in " London or in Middlesex, the Plaintiff shall be " at liberty to sign Judgment, unless an Appear- " ance be entered to such Ejectment within *four* " Days after the *last* Day of such Term."

In

	Clerk in Court on the Solicitor. £.	s.	d.	Between Party and Party. £.	s.	d.
Entering an Appearance for the casual Ejector, and Solicitor's Fee thereon	6			9	4	
Drawing a Declaration against casual Ejector, folio 16. — —	8			16		
Ingrossing the same on Duty	5	10		8	6	
Paid Clerk of Pleas for entering the Declaration	3	4		3	4	
Making Two fair Copies thereof on Paper, to serve upon Tenants, and One to annex to the Affidavit of Service and Duty				17	6	
Two Services of a Copy of the Declaration upon two Tenants — —				10		
Drawing and Ingrossing an Affidavit of such Services Duty and Oath —				5	7	
Term Fee, Clerk in Court, and Solicitor —	3	4		10		
Postage of Letters —				4		
MICHAELMAS TERM.						
Warrant of Retainer, filling up, filing it, and Duty — —	3	7				
Filing Declaration in Ejectment, with Affidavit annexed of Service on the Tenants — —	1			1		
Drawing and making a fair Copy of a Brief, to move for Judgment against the casual Ejector —	1			1	6	

To

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
To Counsel a Fee therewith of — —	10		6	10		6
Atttending Counsel and Court on Motion	1		8	3		4
Entering Rule for Judgment against casual Ejector	2		2	2		2
Term Fee Clerk in Court and Solicitor —	3		4	10		
Postage of Letters —				4		
HILARY TERM, 1792.						
Searching if any Appearance entered to the Ejectment	1		8	3		4
Paid signing final Judgment against the casual Ejector	9			9		
Paid the Usher's Clerk 2s. and 1s. for docqueting the Judgment —	3			3		
Paid the King's Fine —	6		8	6		8
Entering the Judgment on the Roll, fol. 19	3		2	6		4
Bill of Costs and fair Copy —	1		6	2		6
Attending Taxing, 6s. 8d. and paid 2s. for taxing the Bill —	5		4	8		8
Drawing and Ingrossing Writ of Possession	6		4	6		4
Parchment, Duty, Signing, and Sealing —	6		3	6		3
Solicitor's Fee thereon —				3		4
Term Fee Clerk in Court and Solicitor —	3		4	10		
Letters — —				4		

In EJECTMENT.	Clerk in Court on the Solicitor			Between Party and Party		
On Verdict for Plaintiff at the Assizes.	£.	s.	d.	£.	s.	d.
HILARY TERM, 1792.						
Searching for Appearance	1	8		3	4	
Copy Rule giving the Landlord leave to be made Defendant in Place of the Tenants —	1			1		
Drawing Declaration against him fol. 14	7			14		
Ingrossing it and Duty —	5	2		7	6	
Paid Clerk of the Pleas for Entry thereof —	3	4		3	4	
Drawing Issue fol. 16 —	8			16		
Ingrossing a Copy on Duty —	5	10		5	10	
Jurata — —	1			1		
Paid for Entering, and an Office Copy of a Rule to confess Lease, Entry, and Ouster — —	5	8		5	8	
Term Fee Clerk in Court and Solicitor —	3	4		10		
Paid the Postage of Letters —				4		
EASTER TERM, 1792.						
Continuance and Term Fee	3	10		3	10	
TRINITY TERM, 1792.						
Three Subpœnas *ad Testificandum* — —	15	6		1	5	6
Continuance and Term Fee Clerk in Court and Solicitor — —	3	10		10	6	

One

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
One Subpœna *duces tecum*, and Solicitor's Fee		7	2		10	6
Letters, &c. — —					4	
VACATION.						
Notice of Trial, Copy, and Service —		1			1	6
Ingrossing Record, fol. 19, and Solicitor's Fee thereon, 3*s.* 4*d.* —		6	4		12	10
Parchment, Duty 6*s.* 6*d.* Signing and Sealing the Record 4*s.* 2*d.*		10	8		10	8
Venire facias Juratorum, and Solicitor's Fee —		5	2		8	6
Distringas Juratorum, and Solicitor's Fee thereon		5	8		9	0
Commission, and Solicitor's Fee on the same		11	2		14	6
Paid Carriage of same to the Country, with Rule to confess Lease, &c.					3	6
Taking Instructions for a Brief — —					6	8
Drawing the same, being four Sheets of Paper, fairly wrote —				1	6	8
Two fair Copies thereof —				1	6	8
To Counsel, their Fees, with Briefs — —						
To their Clerks each 2s 6d. and Solicitor attending them —					11	8
Six Copies 6 s. and Services on six Witnesses 15s. and Conduct Money 6 s. —				1	7	

Copy

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Copy of the Subpœna *Duces tecum*, 1 *s.* 6*d.* and Service 2*s.* 6 *d.* at twelve Miles Distance 6*s.* and Conduct Money 1*s.* given to the Witness therewith, *Or it may be*				11		
Paid an Attorney's Fee there, and Postage of his Letter				4	4	
Paid Sheriff for a Return of *Venire facias Juratorum*,				2	6	
Ditto *Distringas Juratorum*				12		
Paid the Marshall entering the Record at the Assizes	*vid.* fol. 5.			16	8	
Attending for those several Purposes ——				3	4	

If by a Special Jury and View.

The Costs of a Special Jury are not allowed between Party and Party, but in Cases where an Issue is directed by a Court of Equity, to be tried by such. Vide 3 Geo. II. cap. 25. sec. 15 & 16, & 24 Geo. II. c. 18. s. 1. *unless the Judge certifys.*

Drawing a Brief, and making a fair Copy thereof to move for a Special Jury	1	–		1	6	
Paid a Fee to Council, to move same, and attending him and the Court for that Purpose ——	12	2		13	10	
Paid for Entering, and an Office Copy of the Rule a Special Jury	5	8		5	8	

The

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
The like Charge on a Motion for a View. Vide 4 Anne c. 16, s. 8. and 3 Geo. II. c. 25, s. 14.		18	10	1	1	
Copy and Service of Rule for Special Jury on the Under Sheriff's Agent, with Master's Appointment thereon —		1	6		2	6
The like on Defendant's Clerk in Court —		1	6		2	6
Paid the Master on naming the 48 special Jurors	2	2		2	2	
Ditto the Under-sheriff's Agent attending with Freeholders Book —	2	2		2	2	
Attending on that Occasion, Clerk in Court and Solicitor —		6	8		13	4
Paid for a Copy of the 48 Jurors Names —		2	6		2	6
Close Copy sent to the Solicitor in the Country —		1	6		2	6
Attending and inquiring into the Connections, &c. of the 48 Jurors —					6	8
Copy & Service of Appointment to reduce the Jury		1	6		2	6
Attending reducing Jury to twenty-four by Clerk and Solicitor —		3	4		6	8
Paid for a Copy of the 24 Jurors Names —		2	6		2	6
Close Copy sent to the Solicitor in the Country —		1			2	
Copy and Service of Rule for a View on Defendants Clerk in Court —		1	6		2	6

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Attending Defendant's Clk in Court, appointing Shewers, and a Time and Place for the Viewers, &c. to meet to view the *Locus in quo* — —	3 4	6 8
It being absolutely necessary to have a Map made of the *Locus in quo*, paid a very eminent Surveyor for taking the same, and making 5 fair Copies thereof		3 13 6
The Crown being interested in the Question, and having retained King's Council, and in Want of the best Assistance, paid Fees for and soliciting a Licence under manual Royal, for such Council to plead for Lessor of Plaintiff —		
Distringas for Special Jury, and View, signing, sealing and Solicitor's Fee	8 8	12
Paid Under-sheriff for Precept to summon Jury on the View —		4
Paid six of the special Jurors attending the View —		5 6
Paid the Shewer his Fee for his Attendance —		1 1
Paid Under-sheriff attending on this Occasion —		1 1
Solicitor's Attendance thereon — —		1 1

Paid

	Clerk in Court on the Solicitor			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
Paid half their Refreshment at the Inn appointed for the Viewers Meeting						
Paid Bailiff for summoning the Jurors and Viewers, and attending them on the View and Trial				1	1	
Paid Sheriff summoning special Jury, and returning *Distringas Juratorum*				2	2	
Paid the Court Fees, on a Verdict for the Plaintiff, as by Affidavit —						
Paid Six special Jurors attending on Trial —				6	6	
A Tales being prayed, paid six Talesmen 5s. each				1	10	
Paid for Certificate of the Propriety of a special Jury					6	
Charge here the Attendances of Witnesses, Solicitor, &c. on Trial, and all the Expences attendant thereon, which see the Rule of hereafter, under Title Plaintiff's Bill of Costs at the Assizes.						
MICHAELMAS TERM, 1792.						
Defendant having on the 8th of November prayed the Liberty to move for a new Trial on that Day Se'ennight, paid for Office Copy of that Rule		2	2		2	2
Close Copy thereof sent —		1			1	

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Paid for Office Copy of the Rule for a new Trial		2	2		2	2
Copy thereof sent to the Country ——		1			1	
Drawing Brief to oppose it		5			6	8
Two fair Copies thereof		5			6	8
To two Counsel therewith, viz. 3*l.* 3*s.* and 2*l.* 2*s.*	5	5		5	5	
To their Clerks 2*s.* 6*d.* each, and attending them		11	8		11	8
Attending the senior Counsel to get an Appointment made for a Consultation, and the junior Counsel with Notice thereof		6	8		6	8
Attending the Consultation		6	8		6	8
A Fee of One Guinea to each Counsel ——	2	2			2	2
Fee to the senior Counsel's Clerk —— ——		7	6		7	6
Attending Court on shewing Cause, when Rule was discharged with Costs —		3	4		6	8
Paid Entering and Copy Rule		4	4		4	4
Copy and Service thereof on the Associate ——		1			2	
Return and filing Postea		2	8		4	4
Rule for Judgment, signing, and Duty ——		11	2		11	2
Usher's Clerk and Docquet		3			3	
Paid the Capiatur Fine		6	8		6	8
Entering Judgment on the Roll, fol. 26 ——		4	4		8	8
Drawing and Ingrossing Affidavit for Increase of Costs, fol. 24 ——					16	

Duty

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Duty 1s. 7d. Swearing 1s. and Filing 1s. —		1			3	7
Paid for an Office Copy thereof — —		17	7		17	7
Drawing a Bill of Costs, and making a fair Copy thereof		3			4	
Notice of taxing Costs, Copy, and Service —		1			2	
Attending taxing Costs before the Clerk of the Pleas		3	4		6	8
Paid him for taxing the Bill		2			2	
Writ of Possession, signing, sealing, and Solicitor's Fee — —		12	7		15	11
Capias *ad Satisfaciendum* for the Costs, Return, filing, and *Testatum* —		12	10	1	0	6
Term Fee Clerk in Court and Solicitor —		3	4		10	
Paid Postage of Letters					4	
If for Want of Confessing Lease, &c. thus:						
Return and filing the Postea		2	8		4	4
Drawing Brief, and making a fair Copy thereof for Counsel to move for leave to enter up Judgment		1			1	6
To Counsel a Fee of		10	6		10	6
Attending him, and Court on Motion —		1	8		3	4
Paid Entering the Rule, and Signing Judgment		11	2		11	2
Paid Capiatur Fine —		6	8		6	8

 Paid

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Paid Usher's Clk & Docquet		3			3	
Entering the Judgment on the Roll, fol. 18 ——		3			6	
Writ of Possession, signing, sealing, and Solicitor's Fee		12	7		15	11
Drawing and Ingrossing Affidavit for Increase of Costs, fol. 12 ——					8	
Duty, Oath, and filing		1			3	7
Office Copy thereof		9	7		9	7
Notice of taxing Costs, Copy, and Service ——		1			2	
Drawing Bill of Costs, and Fair Copy ——		3			4	
Attending the Clerk of the Pleas to tax the same		3	4		6	8
Paid him for taxing		2			2	
Subpœna for Costs, and Solicitor's Fee thereon		6	2		12	10
Drawing and Ingrossing a Letter of Attorney from the Lessor of the Plaintiff, to demand the Costs, Duty, and Paper, and attending the Execution thereof ——					18	8
Copy of the Subpœna and Letter of Attorney to deliver to the Defendant, and thereon to demand the Costs — ——					6	
Attending to deliver same, & demand Costs *personally*					5	
Term Fee Clerk in Court and Solicitor ——		3	4		10	
Letters, &c. ——					4	

If

If the Costs are not paid by Defendant on serving him *personally* with a Copy of the Subpœna, and Letter of Attorney, and shewing both originals, at the same time demanding the Costs, the Court will grant an Attachment against him, on an Affidavit of that Fact, and the due Execution of Letter of Attorney, which see the Form of in the Appendix.

Where a Plaintiff recovers in Ejectment by Verdict, he may bring his Action for the *mesne Profits*, from the time of the Defendant's Entry, laid in the Declaration. 2 Barn. 59. This Action is best brought in the Name of the *nominal* Plaintiff, who needs only on Trial, to produce an Office Copy of the *Postea* of Recovery, but if in the Name of the Lessor, he must prove his Title over again, if insisted on, or he will be nonsuited. 2 Burr. 668.

This Office Copy to be moved by a Counsel's Clerk.

Should a Writ of Error be brought on a Judgment, after Verdict in Ejectment, a Recognizance must be entered into, of two Years Value of the Premises. 2 Barnes, 86. and the Cognizors justify in double that Amount.

Defendant's Costs in Ejectment.

Doe Lessee &c. against Roe

HILARY TERM, 1792.

Badtitle at the Suit of Goodtitle Lessee, &c.

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
ATTENDING to take Authority to appear, and Instructions to defend this Suit —— ——					4	4
Searching if this Ejectment was moved ——	1	8			3	4
Drawing a Brief to move to make the Landlord Defendant in the Stead of the Tenants, and fair Copy ——	1				1	6

To

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
To Counsel a Fee to move, and attending him	12	2		13	10	
Paid for entering, and an Office Copy of the Rule	4	4		4	4	
Entering an Appearance accordingly, and Solicitor's Fee thereon ——	6			9	4	
Warrant of Retainer, filling up, Duty, and filing it	3	7				
Paid for an Office Copy of Declaration, fol. 14, and Duty —— ——	5	2		5	2	
Drawing and Entering a Plea of *Not Guilty* & Duty	3	3		3	3	
Paid for an Office Copy of the Issue, fol. 16, & Duty	5	10		5	10	
A Subpœna *ad Testificandum*, and Solicitor's Fee thereon	5	2		8	6	
Copy Notice of Trial sent	1			1		
Term Fee Clerk in Court and Solicitor ——	3	4		10		
Paid Postage of Letters				4		
TRINITY TERM, 1792.						
Copy Minute for a special Jury. —— ——	1			1		
Attending Plaintiff's appointment to strike special Jury	6	8		13	4	
Paid for a Copy of the 48 special Jurors Names	2	6		2	6	
Close Copy thereof sent to the Country ——	1	6		2	6	
Attending to and making Inquiry into the Connections, &c. of the 48 Jurors				6	8	

Attending

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Attending Ptiff's Appointmt to reduce the special Jury		3	4		6	8
Paid for Copy of the 24 special Jurors' Names as reduced — —		2	6		2	6
Close Copy sent to the Country — —		1			1	6
Copy of the Minute ordering a View of the *Locus in Quo*, by six of the special Jurors —		1			1	
Attending to fix the Viewers, and Time and Place of the Meeting, to take View of the *Locus in Quo*		3	4		6	8
Attending the special Jurors, Sheriffs, &c. on the View				1	1	
Paid the Shewer for his Attendance —				1	1	
Paid half of their Refreshment at the Inn						
Service of Subpœnas for Witnesses, drawing Briefs, attending at the Assizes, Fees disbursed, &c. The same Rule to be observed as in the preceding Bill for the Plaintiff.						
MICHAELMAS TERM, 1792.						
Drawing a Brief to move for liberty to apply for a new Trial on this Day se'ennight, if advised thereto in the mean time, and making a fair Copy thereof		1	6		2	6

To

	Clerk in Court on the Solicitor.			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
To Counſel a Fee to move the ſame, and attending him and Court ——		12	2		13	10
Paid for entering, and an Office Copy of the Rule		4	4		4	4
Copy and Service on the Plaintiff's Clerk in Court		1			2	
Drawing a Brief to move for a new Trial, and making a fair Copy of the ſame		2	6		5	
To Counſel a Fee to move for that Purpoſe	1	1		1	1	
Attending him therewith, and the Court on Motion		1	8		3	4
Paid for entering, and an Office Copy of the Rule to ſhew Cauſe ——		4	4		4	4
Copy and Service on the Plaintiff's Clerk in Court		1			2	
Affidavit of ſuch Service, Duty, and Oath		5	7		5	7
Drawing a further Brief, with Obſervations on the Trial, and Evidence, for Counſel to move to make the Rule abſolute, and making a fair Copy thereof		5			10	
Making two fair Copies of Brief for Counſel		5			10	
To Counſel their Fees with Briefs —— ——	4	4		4	4	
Attending inſtructing them		3	4		6	8

Attend-

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Attending the Judge, who tried this Cause at *Nisi Prius*, requesting Minutes of the Trial, and to report the same to the Court on Argument ——		3	4		3	4
Paid the Judge's Clerk his Fee thereon ——		10	6		10	6
It being considered necessary to have a Consultation with Counsel, previous to the final Argument, attending senior Counsel to appoint the same, and afterwards on the junior Counsel to apprize him of the Meeting, and request his Attendance		3	4		6	8
Paid Counsel on Consultation, each a Fee of One Guinea —— ——	2	2		2	2	
Paid senior Counsel's Clerk his Fee —— ——		7	6		7	6
Attending the Consultation, Clerk, and Solicitor		3	4		6	8
Attending Counsel and Court on Motion, when our Rule was discharged		3	4		6	8
Pd for Office Copy of Plaintiff's Affidavit for Increase of Costs, fol. 12 and Duty		9	7		9	7
Attending to tax the Plaintiff's Bill of Costs ——		3	4		6	8
Paid for a fair Copy Bill of Plaintiff's Costs as taxed		1	6		2	6
Term Fee Clerk in Court and Solicitor, and Letters		3	4		14	

A Letter of Attorney from the Lessor of the Plaintiff, to receive Possession from the Sheriff, on an Hab. fac. Possessionem.

To all whom these Presents shall come, I David Lloyd of Welch-Poole, in the County of Montgomery, Gentleman, send Greeting; Whereas John Goodtitle, Debtor of his present Majesty, lately in his Majesty's Court, before the Barons of his Exchequer at Westminster, by the Judgment of the same Court, recovered against Rhys Jenkin of the Parish of Forden, in the County of Montgomery, Yeoman, his Term yet to come of and in Five Messuages, Five Cottages, Eight Barns, Eight Stables, Two Water-Grist Mills, Eight Gardens, Eight Orchards, Three Hundred Acres of Land, Three Hundred Acres of Pasture, Three Hundred Acres of Meadow, Three Hundred Acres of Arable Land, Three Hundred Acres of Wood, Five Hundred Acres of Marsh Land, Five Hundred Acres of Furze and Heath, and Common of Pasture for all manner of Cattle, with the Aptenances, situate, lying, and being in the Parish of Forden, in the said County of Montgomery, which I, the above named David Lloyd, on the thirtieth Day of September, in the Year of our Lord One Thousand, Seven Hundred and Eighty-two, demised to the said John, for a Term of Years not yet expired; And also his Term yet to come, of and in Five other Messuages, Five other Cottages, Eight other Barns, Eight other Stables, Two other Water Grist-Mills, Eight other Gardens, Eight other Orchards, other Three Hundred Acres of Land, other Three Hundred Acres of Pasture, other Three Hundred Acres of Meadow, other Three Hundred Acres of Arable Land, other Three Hundred Acres of Wood, other Five Hundred Acres of Marsh Land, other Five Hundred Acres of Furze and Heath, and Common of Pasture for all manner of Cattle, with the Appurtenances, situate, lying, and being in the Parish of Forden, in the said County of Montgomery, which I, the above-named David Lloyd, on the twenty sixth

Day

Day of December, in the Year of our Lord One Thousand Seven Hundred and Ninety-one, demised to the said John Goodtitle for a Term of Years which is not yet expired, as in and by the said Judgment Relation being thereunto had, may more fully appear. And whereas a Writ of *Habere facias Possessionem* on the said Judgment hath lately issued, directed to the Sheriff of Montgomeryshire, returnable from the Day of Easter, in fifteen Days next coming, and the same is intended to be executed forthwith. Now know all Men by these Presents, that I, the above-named David Lloyd, the Lessor of John Goodtitle, the Plaintiff in the above-mentioned Ejectment, and Proceedings thereon named, have made, ordained, nominated, and appointed, and in my Stead put, and by these Presents do make, ordain, nominate, and appoint, and in my Place and Stead put, Llewellin Morgan of Welsh-Poole aforesaid, Gentleman, my true and lawful Attorney, for me and in my Name, and to and for my Use, to receive of and from the present, or any future Sheriff of the said County of Montgomery, the full and peaceable Possession of all and singular, the Tenements in the said Writ of *habere facias possessionem*, mentioned and comprized, and to do, receive, and execute, all and every other Act or Acts, Thing or Things, needful or necessary to be done or executed, in and about the Premises, as full and amply to all Intents and Purposes, as I might or could do if personally present, hereby allowing and ratifying all and every Act or Acts, which my said Attorney can or may lawfully do in and about the Premises, by virtue of these Presents. In Witness whereof I have hereunto set my Hand and Seal, on the first Day of March, in the Year of our Lord One Thousand Seven Hundred and Ninety-two.

David Lloyd.

Sealed and delivered in the Presence of } Owen Tudor.

This is to be ingrossed on 6s. Duty.

I shall now proceed to observe on

Prohibition.

A Prohibition, is a Proceeding issuing from this Court, to restrain inferior Tribunals, in the holding Plea of Suit, the Cognizance of which, it is suggested, does not belong to them; This superintending Power is wisely lodged in the superior Courts, as best qualified to judge of the Jurisdiction, and control the Excesses of the Inferior. It has the salutary Effect of preserving the Discussion of every Cause, within its peculiar Jurisdiction, and to the *Decision of a Jury*, which if it was suffered to be encroached on, would distract the Suitor, and produce infinite Confusion, and Disorder, in the Courts.

How to be obtained.

In order to obtain a Writ of Prohibition, the Solicitor procures, on treble sixpenny stamped Paper, from the proper ecclesiastical Office, *carefully* examined Copies of the Proceedings in the inferior Court, and verifies the Exactness of such Copies by an annexed Affidavit as follows.

Affidavit.

In the Exchequer of Pleas.

David Lloyd against Rhys Jenkin.

Owen Tudor, of Welch Pool, in the County of Montgomery, Gentleman, maketh Oath, and saith, that the several Paper Writings hereunto annexed, containing Copies of the Proceedings in the Consistory Court of the Archdeaconry of and Diocese of in a certain Cause of Disturbance in a Pew, Bench, or Kneeling-place, in the Parish Church of in the County of between David Lloyd, Libellant, and Rhys Jenkin, Respondent, that is to say the Libell, the Personal Answer of the Respondent, the Interrogatories on the Suit of the Libellants, the Depositions

sitions of John Jones, David Adams, and Hugh James, and the Acts of the Court of the of and the of 1791, were duly examined and compared by this Deponent, with the Original Proceedings filed, with the Register of the said Ecclesiastical Court, at the said Register Office at and that the same are true Copies of the said Original Proceedings

Sworn at Welch Pool, &c.

Owen Tudor.

These are sent to the Clerk in Court, who files them, takes Office Copies thereof, prepares and enters the Suggestion on the Roll, prepares a Brief, and instructs Counsel to move thereupon, for a Rule to shew Cause, why a Prohibition should not issue with a *cesset Processus* in the mean time.

If the Court approves the Motion, they grant the following

Rule thereupon.

Hilary Term, Thirty-second, George III.

Monday the Twenty-third Day of January.

David Lloyd against Rhys Jenkin.

Upon the Motion of Mr. Ellis of Counsel for the said Defendant, and reading the Affidavit of Owen Tudor, and the several Paper Writings thereto annexed, and the Record of the Suggestion of the said Defendant; It is ordered that the said Plaintiff, David Lloyd, upon Notice of this Rule to be given to him or his Proctor, in the Consistory Court of the Archdeaconry of and Diocese of shall on the Eighth Day of February next, shew Cause why there should not issue a Writ of Prohibition to the said Court, and in the mean time further Proceedings be staid.

By the Court. Rose.

How

How to be served.

This Rule is procured and sent by the Clerk in Court to the Solicitor, who immediately gets Copies thereof served on all the Parties concerned and named in the Rule, producing such original Rule on every Service; and an Affidavit of the Service of this Rule must be made, and transmitted to the Clerk in Court, who alone takes every future Step necessary for the obtaining the Writ of Prohibition.

Affidavit of Service of Rule.

In the Exchequer of Pleas.

David Lloyd against Rhys Jenkin.

Owen Tudor of Welch-Poole, in the County of Montgomery, Gentleman, maketh Oath and saith, that he this Deponent did on the twenty-eighth Day of January instant, personally serve David Lloyd, the Plaintiff above-named, with the annexed Rule, by laying a true Copy thereof upon his Hands, (he being unwilling, and refusing to receive it) and at the same time shewing him the said original Rule, and acquainting him with the Contents thereof. And this Deponent further saith, that he did on the same Day serve Mr. *John Dale*, Deputy Register of the Consistory Court of the Archdeaconry of and Diocese of with the said annexed Rule, by delivering to Mr. *Lamb*, a Clerk of the said Mr. *Dale*, at his Office, at a true Copy of the said Rule, at the same time shewing him the said original Rule, and directing him to deliver the said Copy to Mr. *Dale*, which he promised to do.

Owen Tudor.

Sworn at Welch-Poole, &c.

The Clerk in Court prepares a further Brief, which he delivers to Council, who thereupon moves

moves to make the ſame abſolute, and if no Cauſe be ſhewn, obtains the following

Rule abſolute.

Hilary Term, in the Thirty-ſecond Year of King George the Third.

Friday, the 10th Day of February.

Lloyd, Plaintiff, againſt Jenkin, Defendant.

Upon reading the Rule made in this Matter, of the twenty-third Day of January laſt, the Affidavit of Owen Tudor, and upon hearing Mr. Ellis, for the ſaid Defendant Rhys Jenkin, It is ordered, that the ſaid Rule of the twenty-third Day of January laſt be made abſolute.

By the Court. Roſe.

The Writ of Prohibition is directed both to the Judge and the Parties; and if they proceed after in the inferior Court, an Attachment may be had, or Action on the Caſe maintained againſt them.

Should the Court refuſe a Prohibition, it will order a Writ of Conſultation to be directed to the Eccleſiaſtical Court, empowering them to proceed, but if the Rule is made abſolute, the Clerk in Court will iſſue the

Writ of Prohibition.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To the Rev. A. B. Clerk, Maſter of Arts, Official Principal of the Conſiſtory Court of the Archdeaconry of lawfully conſtituted, or his lawful Surrogate, or other competent Judge of the Conſiſtory Court of the Archdeaconry of there in this Behalf, and alſo to David Lloyd our Debtor, Greeting; It is ſhewn to us in our Court, before the Barons of our Exchequer at Weſtminſter, on the Part of one Rhys

Rhys Jenkin, that whereas the said David Lloyd, *(here the Suggestion is recited verbatim)* we therefore being willing to maintain the Rights of our Crown, and the Laws and Customs of our Realm of England, as by our Oath we are obliged, and being unwilling that any of our liege Subjects should be unjustly or illegally oppressed or aggrieved, or that Matters, which belong only to the Jurisdiction of our Temporal Courts, should be drawn into an Ecclesiastical Court, or unduly intermeddled with, by the pretended Cognizance, or Sentence, of such Spiritual Court, by this our Writ strictly prohibit you, the said A. B. Spiritual Judge aforesaid, and every other competent Judge in the said Court of the Archdeaconry of in this Behalf whatsoever, firmly enjoining, that you or any of you do not further proceed in the same Court, in anywise touching the said Premises, and that you and every of you discharge the said David Lloyd from the Sentence aforesaid at your Peril; Witness Sir James Eyre, Knight, at Westminster, the thirteenth Day of February, in the Thirty-second Year of our Reign.

Richard Edmunds. Rose.

How to be served, &c.

A Copy of this Writ is served on the several Parties, in like Manner as the Rule to shew Cause was served, shewing the original Writ.

The Defendant is to enter a common Appearance in the Office of Pleas, and the Plaintiff may thereupon declare and proceed to Issue, &c. as in ordinary Cases.

By 2d and 3d, Edw. VI. C. 13, S. 14.

"That in case the said Suggestion of two honest "and sufficient Witnesses at the least, be not proved "true in the Court, where the said Prohibition "shall be so granted, within six Months next fol- "lowing, after the said Prohibition shall be so "granted and awarded, that then the Party that is letted

"letted or hindred of his or their Suit in the Eccle-
"siastical Court by the Prohibition, shall upon his
"or their Request or Suit, without Delay, have a
"Consultation granted; and shall also recover
"double Costs and Damages against the Party that
"so procured the said Prohibition, the said Costs
"and Damages to be assigned or assessed by the
"Court where the said Consultation shall be
"so granted; for which Costs and Damages, the
"Party to whom they shall be awarded may have
"an Action of Debt by Bill, Plaint or Infor-
"mation, in any of the King's Courts of Record,
"wherein the Defendant shall not wage his or their
"Law, nor have any Essoign or Protection allowed
"or admitted."

8th and 9th W. III. C. 11, S. 3.

"In all Actions of Waste, and Actions of Debt,
"upon the Statute of not setting forth of Tithes,
"wherein the single Damage found by the Jury
"shall not exceed the Sum of twenty Nobles, and
"in all Suits upon any Writ or Writs of *Scire Fa-*
"*cias*, and Suits upon *Prohibitions*, the Plaintiff
"obtaining Judgment, or any Award of Execution
"after Plea pleaded, or Demurrer joined therein,
"shall likewise recover his Costs of Suit; and if the
"Plaintiff shall become nonsuit, or suffer a Discon-
"tinuance, or a Verdict shall pass against him, the
"Defendant shall recover his Costs, and have Exe-
"cution for the same, in like Manner as afore-
"said."

Vide also, Rep. Pr. in C. B. 158. Creak against Pitcarn. Latch, 140. Watkinson against Pacy. Rep. Pr. in C. B. Wills against Turner. Hil. 2, G. I. Eod. 21. Bettenson against Henchman. Mich. 7 Geo. I. 2 Barn. 117. Malton against Ackham.

Bill of Costs in Prohibition.

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
TRINITY TERM, 1791.						
ATTENDING Mr. Rhys Jenkin, taking Warrant and Instructions to prosecute a Prohibition					4	4
Paid for Office Copy of the Proceedings in the Spiritual Court to ground the Suggestion ——						
Attending to bespeak the same, and afterwards to examine such Copies with the original Proceedings					6	8
Drawing and Ingrossing an Affidavit, verifying the Copies to be perfect, Duty, Oath, and filing		1			6	7
Drawing the Suggestion, fol. 26 —— ——		13		1	6	
Gave Fee to Counsel to settle the same ——	1	1		1	1	
Attending Counsel thereupon —— ——		3	4		3	4
Ingrossing the Suggestion		8	8		17	4
Paid entering with the Clerk of the Pleas, and Duty		6	11		6	11
Paid for an Office Copy of all the Proceedings, and Affidavit of the Verification thereof ——	1	15	3	1	15	3

Drawing

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Drawing a Brief, and making a fair Copy thereof for Council to move for a Prohibition ——		7	10		15	8
Fee to Council therewith	1	1		1	1	
Attending him thereupon, and the Court on Motion		3	4		6	8
Paid the Bag-bearer for bringing the Suggestion Roll into Court		1			1	
Paid for Entering, and an Office Copy of the Rule to shew Cause ——		4	4		4	4
Copy and Service of the Rule on David Lloyd					6	
Services on the Spiritual Judge, and the adverse Proctor ——					12	
Affidavit of such Services					5	7
Paid for filing the Affidavit of such Services, and Office Copy thereof		6	7		6	7
Brief for Council to make the Rule to shew Cause absolute ——		1	6		2	6
To Counsel to move to make same absolute ——	1	1		1	1	
Attending him and Court on 8th Feb. when the Rule was enlarged by Plaintiff		3	4		3	4
Paid for an Office Copy of enlarged Rule ——		2	2		2	2
Drawing a further Brief, and making a fair Copy thereof, for Council to move to make the Rule absolute —— ——		1			1	6

Fee

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Fee to Counsel therewith	1	1		1	1	
Attending Counsel and Court on the 13th Feb. when the Rule was made absolute —— ——		3	4		6	8
Paid the Bag bearer for bringing the Suggestion Roll into Court ——		1			1	
Drawing and Ingrossing the Writ of Prohibition, Duty, Parchment, signing, and sealing, and Solicitor's Fee —— ——		11	3		17	11
Copy, and Service thereof on the Spiritual Judge and Proctor ——				1	10	
The like on the Party David Lloyd —— ——					15	
Term Fee and Letters		3	4		3	4
MICHAELMAS TERM.						
Attending taking Warrant, and Instructions to appear —— ——					4	4
Appearance for Rhys Jenkin, and Fee ——		6			9	4
Warrant of Retainer, Duty, filling up, and filing	3	7				

The further Part of the Bill is, as in other common Cases at Law to issue.

Judgment

Of Judgments by Confession.

Warrant of Attorney to Confess Judgment, Duty 6s.

To Rogers Jortin, John Miller, Abel Jenkins, and Richard Edmunds, Gentlemen, Attornies of his Majesty's Court of Exchequer at Westminster, jointly and severally.

These are to desire and authorize you, the Attornies above-named, or any one of you, as an Attorney of the Court of Exchequer aforesaid, to appear for me Rhys Jenkin of Welch-Poole, in the County of Montgomery, Grocer, in the said Court of Exchequer, as of last Hilary Term, next Easter Term, Trinity Term, or any other subsequent Term, and then and there to receive a Declaration for me in an Action of Debt, for Five Hundred and Seventy Pounds, Money borrowed, at the Suit of David Lloyd; and thereupon to confess the same Action, or else to suffer a Judgment by *nil dicit*, or otherwise, to pass against me in the same Action, and to be thereupon forthwith entered up against me of Record, of the said Court, for the said Sum of Five Hundred and Seventy Pounds, with Costs. And I the said Rhys Jenkin do hereby further authorize and impower you, the said Attornies, or any one of you, after the said Judgment shall be so entered up as aforesaid, for me and in my Name, and as my Act and Deed, to sign, seal, and execute, a good and sufficient Release in the Law to the said David Lloyd, his Heirs, Executors, and Administrators, of all and all Manner of Error and Errors, Writ and Writs of Error, and all Benefit and Advantage thereof, and all Misprisions of Error and Errors, Defects and Imperfections whatsoever had, made, committed, done, or suffered, or to be had, made, committed, done, or suffered, in, about, touching, or concerning any Writ, Warrant, Process, Declaration, Plea, Entry, or other Proceedings whatsoever, of, or any way concerning the same; And for what you, the said Attornies, or any one of you shall do, or cause to be done in the Premises, or any

any of them, this shall be to you and every of you a sufficient Warrant and Authority. In Witness whereof, I have hereunto set my Hand and Seal, the Twentieth Day of February, in the Thirty-second Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord, One Thousand, Seven Hundred and Ninety-two.

R. Jenkin, (LS.)

Sealed and Delivered, being first duly stamped, in the Presence of } Owen Tudor.

2 Strange, 902. When a Warrant of Attorney is executed by one in Custody, there shall be an Attorney present.—Regula Generalis. Though this Rule does not extend to Cases where the Defendant is in Custody under criminal Process. Charlton against Fletcher. 4 T. R. 433.

An Occasional Indorsement.

The Within Warrant of Attorney is given to secure Payment of the Sum of Five Hundred Pounds, with all Interest to become due on the same, up to, and on the first Day of July next ensuing, nor is Judgment to be entered up thereon before that Day. Should Default be then made in Payment of the said principal Sum of Five Hundred Pounds, with all Interest as aforesaid, then the within-named Plaintiff shall be at full liberty forthwith to enter up Judgment on the within Warrant of Attorney, to issue Execution thereon, and levy all the Principal and Interest to be calculated up to the fifth Day after the Return Day of such Execution, together with full Costs, Sheriff's Poundage, Bailiff's Fees, and all incidental Expences occasioned by such Levy and Proceedings, so that the said Plaintiff do receive, without Deduction, his full principal Money with Interest, it being the Intention of both Parties, that he shall be absolutely indemnified against

all Costs, Charges, and Expences, in anywise relating thereunto.

The common Costs of entering up a Judgment by Confession are three Guineas to Solicitor, out of which the Clerk in Court's Charge is two Pounds and Eight Pence.

Old Warrant of Attorney.

Should a Delay happen, so that Judgment is not entered up, within a Year and a Day, after the Warrant of Attorney is given, the following Affidavit must be made, and a Baron's Order obtained thereon, before same can be entered up and signed.

If a Warrant of Attorney should be several Years old, Motion must be made to the Court for leave to enter up Judgment. Vide 1 Barnes, 37. Hayme against Hayme.

Affidavit of Debt, and Defendants living, &c.

In the Exchequer of Pleas.

David Lloyd, Plaintiff, agt Rhys Jenkin, Defendant.

David Lloyd, of Welch-Poole in the County of Montgomery, Gentleman, the above-named Plaintiff, and Owen Tudor, of the same Place, Gentleman, severally make Oath and say, and first this Deponent David Lloyd for himself saith, that the above-named Defendant, Rhys Jenkin, being justly indebted unto this Deponent in the Sum of Five Hundred Pounds, for Money by him borrowed of this Deponent, he did, in order to secure unto him Re-payment of the same, execute unto this Deponent a certain Warrant of Attorney, bearing date the twentieth Day of February, One Thousand Seven Hundred and Ninety-two, thereby authorising certain Attornies therein named, or any other Attorney of this Court, to appear for him, the said Rhys Jenkin, as of the then last Hilary Term, next Easter Term, Trinity Term, or any other subsequent Term, and then and there to receive a Declaration for him in an Action of Debt, for Five Hundred

Hundred and Seventy Pounds, for Money borrowed, at the Suit of this Deponent, and to confess the same Action, or else to suffer a Judgment by *nil dicit*, or otherwise to pass against him in the same Action, and to be thereupon forthwith entered up against him of Record in this honourable Court. And this Deponent further saith, that there is now justly due and owing to him this Deponent, for principal Money and Interest, the Sum of Five Hundred and Pounds, Shillings, and Pence, and that such Warrant of Attorney is in its full Force and Effect, and that he verily believes the said Defendant is living, he this Deponent having seen and conversed with him about six Days since. And this Deponent, Owen Tudor, for himself saith, that he was present, and did see the said Warrant of Attorney duly executed by the said Defendant Rhys Jenkin, and that the Name R. Jenkin set and subscribed at the Foot thereof, is of the proper Hand-writing of the said Rhys Jenkin; and that he did sign, seal, and as his Act and Deed deliver the same in the Presence of this Deponent, and that the Name Owen Tudor, set and subscribed as the Witness thereto, is of the proper Hand-writing of this Deponent.

David Lloyd.
Owen Tudor.

Sworn at Welch-Poole aforesaid, the Day of 1793.

Or this may apply in some Cases.

In the Exchequer of Pleas.

David Lloyd, Plaintiff, agt Rhys Jenkin, Defendant.

David Lloyd, of Welch-Poole in the County of Montgomery, Gentleman, and Owen Tudor, of the same Place, Gentleman, severally make Oath, and first the said David Lloyd for himself saith, that there is now due and owing to him, this Deponent, the

the Sum of Eighty-eight Pounds, Part of the Debt secured to be paid unto him, this Deponent, in and by a certain Bond or Obligation, in the penal Sum of One Hundred and Eighty Pounds, bearing date the Eighth Day of January, in the Year of our Lord One Thousand Seven Hundred and Eighty-seven, entered into by the said Defendant Rhys Jenkin, unto him this Deponent, and for which this Deponent hath a Warrant of Attorney duly executed by the said Defendant, bearing even Date with the said Bond to confess Judgment thereon in this honourable Court, but which hath not as yet been entered up; And this Deponent further saith, that the said Rhys Jenkin is now alive, as he verily believes, he having seen *(a Letter from the said Rhys Jenkin, addressed to Peter Hughes, Esq; of the Town of Montgomery, bearing Date the 21st Day of April, last. in the proper Hand-writing of, and signed by the said Rhys Jenkin, with which Writing and Signature this Deponent is well acquainted)* and discoursed with the said Rhys Jenkin within these six Days last past; And the said Owen Tudor for himself saith, that he was present, and did see the said Rhys Jenkin duly execute the Bond and Warrant of Attorney above-mentioned; and that the Name "Rhys Jenkin" appearing to be the Party executing, and the Name "Owen Tudor" subscribed as a Witness to the due Execution of the said Bond and Warrant of Attorney aforesaid, are of the proper and respective Hands-writing of the said Rhys Jenkin and this Deponent.

Sworn at Welch-Poole aforesaid, &c.

David Lloyd,
Owen Tudor

If a Judgment of more than Twelve Months standing.

Should a Judgment have been entered up on a Warrant of Attorney, or signed in any other Instance, on which no Proceedings have been had for twelve Months or upwards, such Judgment must be

revived, before Execution can be iſſued out thereon, by *Scire facias* directed to the Sheriff of the County where the *Venue* is laid, in the following Form.

Scire facias to revive a Judgment.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and ſo forth, to the Sheriff of Montgomeryſhire, Greeting; Whereas David Lloyd, our Debtor, in our Court before the Barons of our Exchequer at Weſtminſter heretofore, that is to ſay, in Trinity Term, in the Twenty-ninth Year of our Reign, by the Conſideration and Judgment of our ſaid Court, recovered againſt Rhys Jenkin One Hundred and Fifty-three Pounds, Fourteen Shillings and Six Pence for his Damages, which he had ſuſtained by reaſon of not performing certain Promiſes and Undertakings, by the ſaid Rhys to the ſaid David lately made, whereof he is convicted, as by the Record thereof, remaining in our ſaid Court, more fully appears; And although the ſaid Judgment be rendered, yet Execution thereof ſtill remains to be made, as we have been informed and believe, and we being willing, that thoſe Things which are rightly done in our ſaid Court ſhould have due Execution, command you, that by honeſt and lawful Men of your Bailiwick, you cauſe it to be made known to the ſaid Rhys Jenkin, that he be before the Barons of our Exchequer at Weſtminſter, from the Day of Eaſter in fifteen Days next coming, to ſhew if he hath, or can, ſay any Thing for himſelf, why the ſaid David ought not to have Execution againſt him for the Damages aforeſaid, in Form aforeſaid, recovered, and in what Manner you ſhall execute this our Command, do you make appear to the Barons of our ſaid Exchequer at Weſtminſter, from the Day of Eaſter in fifteen Days aforeſaid, and have you there the Names of them by whom you ſhall make it known to him, and this Writ; Witneſs Sir James Eyre, Knight, at Weſtminſter, the Thir-

Thirteenth Day of February, in the Thirty-second Year of our Reign.

Ll. Morgan, Solicitor.
Richard Edmunds. Rose.

On this Writ the Sheriff grants a Warrant or Summons to his Bailiffs, in the following Form.

Summons on a Scire Facias.

To William Davies and George Smout, my Bailiffs.

Montgomeryshire to wit. Summon Rhys Jenkin, that he be before the Barons of the King's Exchequer at Westminster, from the Day of Easter in fifteen Days next coming, to shew if he hath or can say any thing, why David Lloyd the King's Debtor should not have Execution against him for One Hundred and Fifty-three Pounds, Fourteen Shillings, and Six Pence Damages, according to the Effect of a Recovery whereof he was convicted. Dated this Day of March, 1792.

Arthur Williams, Esq. Sheriff.

Ll. Morgan, Solicitor.
Richard Edmunds. Rose.

How to be served.

A Copy of this Warrant is served by the Bailiff on the Defendant personally, or on his Wife, his Child, (of Years of Discretion) or Servant, at his Dwelling-house, and the *Scire facias* thus returned.

Return of a Summons.

By virtue of this Writ to me directed, I have by William Davies and George Smout, good and lawful Men of my Bailiwick, given Notice to the within-named Rhys Jenkin to appear before the Barons of the Lord the King, of his Exchequer at

Weſtminſter, on the Day and at the Place within mentioned, as I am within commanded.

The Anſwer of

Arthur Williams, Eſq. Sheriff.

Rule and Judgment.

This Writ and Return being tranſmitted to the Clerk in Court, he gives a *Four-day* Rule for the Defendant to appear, which if he neglects to do, the Plaintiff, on the *fifth* Day, may ſign a Judgment on the *Scire facias*, and ſue out Execution at Pleaſure.

By two Scire facias returned Nihils.

It ſometimes happens, that the Plaintiff does not chooſe to ſerve Defendant with the Summons, (becauſe, ſhould he appear thereto, he may effect an injurious Delay) but to leave the *Scire facias* in the Sheriff's Office, and call for a Return of *Nihil* thereon, which is in the following Form.

Return of Nihil.

The within-named Rhys Jenkin hath not any Thing in my Bailiwick, whereby, or by which I can give him Notice, as I am within commanded, nor is the ſaid Rhys Jenkin, found in the ſame.

The Anſwer of

Arthur Williams, Eſq. Sheriff.

On this Return, an *Alias Scire facias* iſſues, and is returned a *Nihil* in like Manner by the Sheriff. A Rule is then given of *Four Days*, and Judgment ſigned for want of Appearance, on the *fifth*, which equally entitles the Plaintiff to Execution at Pleaſure, as two *Nihils* are conſidered equal to a *Scire feci*.

Judgment of Ten Years.

If the Judgment is above ten Years ſtanding, you cannot proceed without Leave of the Court, to be had by Motion and Rule, on an Affidavit thereof, the Form of which is before given.

If

If Defendant appears.

In any of those Cases, if the Defendant appears, the Plaintiff must declare, &c. and go on to Issue and Trial, as in ordinary Cases.

Executors, &c. and Bail.

Similar Writs issue, and Proceedings are taken, where a Judgment is to be revived against the Executor or Administrator of a deceased Defendant, or to fix Bail upon a Recognizance; but no Proceedings by *Scire facias* in all Cases (where there is no Penalty out of which a Party can protect himself against the Costs thereof) are out of the Party's own Pocket. It is most prudent to bring an Action on the Judgment which the Defendant is bound to pay the Costs of.

A Bill of Costs on a *Scire Facias*.

In the Exchequer. Lloyd against Jenkin.

EASTER TERM, 1792.

	Clerk in Court on the Solicitor.			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
ATTENDING the Plaintiff taking Instructions to revive this Judgment, and an Authority to prosecute the same.				4	4	
Attending at the Exchequer Office of Pleas, to search for the Judgment, 3s. 4d. and paid for such Search 1s. —— —	2	8		4	4	
Warrant of Retainer, filling up the same, filing it, and Duty —— ——	3	7				

Draw-

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Drawing and Ingrossing a Writ of *Scire facias*, to revive the Judgment obtained in Trinity Term, 1789 —— ——	3 4	3 4
Parchment and Duty 3*s.* signing 2*s.* sealing 9*d.* and Fee 6*s.* 8*d.* ——	5 9	12 5
Paid 1*s.* to the Sheriff for the Return, and 1*s.* to the Clk in Court for filing it	1	2
An *Alias Scire facias*, Duty, Parchment, signing sealing, and Fee ——	9 1	15 9
Paid Sheriff 1*s.* for the Return, and Clerk in Court 1*s.* for filing it ——	1	2
Rule for Judgment 2*s.* 2*d.* and signing Judgment 2*s.*	4 2	4 2
Entering Judgment on the Roll —— ——	1 6	3
Execution, Return, filing, and *Testatum* ——	14 10	1 2 6
Term Fee Clerk in Court and Solicitor, and Letters —— ——	3 4	14

Warrant of Attorney to acknowledge Satisfaction on a 6s. Duty.

To Rogers Jortin, John Miller, Abel Jenkins, and Richard Edmunds, Gentlemen, Attornies of his Majesty's Court of Exchequer at Westminster, jointly and severally.

Whereas I David Lloyd, of Welch-Poole in the County of Montgomery, Gentleman, heretofore, that is to say, in or about the Term of the Holy Trinity

Trinity last past, obtained a Judgment in his Majesty's Court of Exchequer at Westminster aforesaid, against Rhys Jenkin, for a certain Debt of Five Hundred and Seventy Pounds, together with Sixty-three Shillings Damages, or Costs of Suit, as by the said Record thereof may more fully appear. And whereas I the said David Lloyd have received Satisfaction for, and been fully paid the same. These are therefore to desire and authorize you, the Attorneys above-named, or any one of you, to acknowledge and enter Satisfaction upon the Record of the same Judgment; And for your so doing this shall be your sufficient Warrant and Discharge in that Behalf. In Witness whereof I have hereunto set my Hand and Seal, the Twelfth Day of April, in the Thirty-second Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord, One Thousand Seven Hundred and Ninety-two.

David Lloyd, (LS.)

Sealed and Delivered (being first duly stamped) in the Presence of

Owen Tudor.

Costs of entering Satisfaction on the Roll.

	Clerk in Court on the Solicitor.			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
THE Clerk in Court entering Satisfaction of the Judgment on the Roll	8	8		8	8	
The Solicitor's Fee thereon, *(exclusive of the above Warrant of Attorney)*				6	8	
Postage of Letters				2		

Of

Of Writs of Habeas Corpus.

Of Writs of *Habeas Corpus*, (which I shall next mention) there are several;—Some of them have been before observed upon. These Writs may be returnable in this Court as the Occasion requires. Their Operation is, to remove from one Court, or one Prison, to another, Persons who have been committed to any Place of Confinement. They are also useful when a Defendant, who is charged in Custody of any Sheriff, or other Officer, with Process issuing out of the other Courts at Westminster, is desirous of being turned over, or removed to the Fleet Prison; This he may accomplish, by suing out a *Habeas Corpus*, (having been previously charged with Process issuing out of the Office of Pleas, that he may be returned so charged) and being taken before a Baron, the Defendant is committed to the Fleet Prison of Course.

The Writs of *Habeas Corpus* will be more clearly understood by an Explanation of their separate Uses; First, The *Habeas Corpus cum Causa* is used, to remove both the Person and all Causes, (at least where the Debt or Damages exceed Five Pounds) against such Defendant, in any inferior Jurisdiction, into this Court.

The *Habeas Corpus ad faciendum et recipiendum* has the same Effect, and is indeed only another Name for the same Writ.

The *Habeas Corpus ad respondendum* lies where a Defendant is imprisoned upon Process in the King's Bench Prison, and a third Person is desirous of suing the Prisoner in this Court. By this Writ he will be removed from the King's-Bench Prison to the Fleet Prison, to answer to the Action in this Court. See this Writ under Title *Prisoner*.

The *Habeas Corpus ad Satisfaciendum* lies, to charge the Prisoner in Execution.

See this Writ under Title *Prisoner*.

The

The *Habeas Corpus ad Testificandum* is to bring a Prisoner up to give Evidence in a Cause.

See this Writ under Title *Witness in Custody.*

In order to obtain any of these Writs, the Solicitor must, by way of Præcipe, furnish the Clerk in Court with an accurate Stile, or Name of the Court, Sheriff, or other Officer, to whom the same is to be directed, together with the Names of the Parties to the Suit.

The Writ (I am now speaking of the *Habeas Corpus cum Causa*) must be delivered to the proper Officer of such inferior Court, the Power of which is thereby instantly suspended, and further Proceedings staid.

The Officer must return the Writ, with all Causes against the Defendant; and any Omission therein will be considered as an Escape.

The Writ, when returned, must be delivered to the Clerk in Court to be filed, and the Person of the Defendant being then moved to the superior Court, the inferior one hath lost its Jurisdiction.

All the Proceedings in this Court are henceforth *de novo*, and new Bail must be put in to the Action on a *Four-day* Rule, to be given for that Purpose.

If several Actions are returned, a like Rule must be given in each separately. In Default of attending to these Rules, a *Procedendo* issues.

A Habeas Corpus to the Marshalsea.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; To the Judges of our Palace Court at Westminster, and to every of them Greeting; We command you, and every of you, that the Body of Rhys Jenkin, or by whatsoever other Name or Names, Addition or Additions the said Rhys Jenkin may be known, taken, and as it is said, detained in our Prison, under your Custody, or the Custody of some of you, together,

with the Day and Cause of his Caption and Detention in the same, you have before the Barons of our Exchequer at Westminster, from the Day of Easter in fifteen Days next coming, to do and receive what our said Court shall then and there order concerning him; Witness Sir James Eyre, Knight, at Westminster, the Thirteenth Day of February, in the Thirty-second Year of our Reign.

Richard Edmunds. Rose.

By the Statute of 43 Eliz. c. 5. No Writ of *Habeas Corpus*, or other Writ for the removing a Cause out of any inferior Court, shall be received or allowed by any Judge or Officer to whom the same shall be delivered, except the Writ be delivered before the Jury, which is to try the Issue have appeared, and one of them sworn to try the Cause; but that the Judge, &c. may proceed in such Case, as if no such Writ had been delivered to him.

The Solicitor pays the Clerk in Court 17*s*. 8*d*. for the *Habeas Corpus*, on which he has a Fee of 6*s*. 8*d*.

A Certiorari

May also be issued out of the Court of Exchequer, and is a Writ in the Nature, and of the same Effect as a *Habeas Corpus cum Causa*. This Writ is used, to bring up the Record of Proceedings into this from an inferior Court, to correct the same. ——The following Form will more clearly explain it.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, To the Mayor, Aldermen, and Burgesses of the Town of Shrewsbury, in the Town of Salop, Greeting. Being willing, for certain Reasons, to be certified of a certain Plaint in our Court, before you now depending, against Rhys Jenkin, at the Suit of David Lloyd, in a Plea of Trespass on the Case, We command you, that the Plaint aforesaid, as fully and entirely with all things touching

touching the ſame, as it remains before you, by whatever Name the ſaid Rhys Jenkin may be called in the ſame, without Delay you certify to the Barons of our Exchequer at Weſtminſter, from the Day of Eaſter, in Fifteen Days next coming, in the Office of Pleas there, together with this Writ, that we may further cauſe to be done therein, as of Right we ſhall ſee fit to be done; Witneſs Sir James Eyre, Knight, at Weſtminſter, the Thirteenth Day of February, in the Thirty-ſecond Year of our Reign.

By the Barons.

Richard Edmunds.

This Writ is delivered by the Solicitor, to the Secondary, or other proper Officer of the Court to which it is addreſſed, and the Record, with the Proceedings, are returned by him into the Office of Pleas. All ſubſequent Proceſs thereon is attended to and purſued by the Clerk in Court, after the ſame Manner and Form as Actions are in common, and before obſerved on.

To either the Writ of *Habeas Corpus cum Cauſa*, or *Certiorari*, the Defendant muſt appear and put in Bail, after Removal of the Cauſe, as ſoon as he ſhall be ſerved by the Plaintiff with a Rule for that Purpoſe, but till that Step is taken, he is not obliged to do ſo. Should the Plaintiff proceed to enforce the ſame, and the Defendant neglect to pay Obedience to the Rule, and put in and juſtify his Bail in due Time, the Plaintiff may apply for and iſſue

A Procedendo.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and ſo forth, To the Mayor, Aldermen, and Burgeſſes of the Town of Shrewſbury, in the County of Salop, and to every of them Greeting. Although we lately by our Writ commanded you, that you ſhould have the Body of Rhys Jenkin detained in our Priſon, under your Cuſtody, as it

was ſaid, under ſafe and ſecure Conduct, together with the Day and Cauſe of his being taken and detained, by whatſoever Name the ſaid Rhys Jenkin might be called in the ſame, before the Barons of our Exchequer at Weſtminſter, from the Day of Eaſter, in Fifteen Days laſt paſt in the Office of Pleas there, to do and receive all and ſingular thoſe things, which our ſaid Barons at our ſaid Exchequer ſhould then and there conſider of him in that Behalf; Yet we being now moved by certain Cauſes in our Court, before the Barons of our ſaid Exchequer, command you and every of you, that in all Plaints or Suits againſt the ſaid Rhys Jenkin, at the Suit of David Lloyd, in our Court before you, or any of you, levied or affirmed, or before you or any of you now depending undetermined, you proceed with that Speed you can, in ſuch Manner, according to the Law and Cuſtom of England, as you ſhall ſee proper, our ſaid Writ to you thereupon firſt directed to the contrary, in any thing notwithſtanding. Witneſs Sir James Eyre, Knight, at Weſtminſter, the Twenty-firſt Day of May, in the Thirty-ſecond Year of our Reign.

By the Barons.

Richard Edmunds.

This Writ is delivered to the ſame Officer to whom the *Certiorari* was before directed, who files it on the Proceedings of the Court, and by Virtue thereof, that Court reſumes its Juriſdiction in the ſaid Action, and proceeds to Judgment in like Manner as if no *Certiorari* had at all iſſued.

Of Proceedings in Error.

Writs of Error are in the nature of an Injunction againſt the iſſuing an Execution on a Judgment, or if already iſſued, and not actually executed, it ſuperſedes ſuch Execution, as ſoon *as the Allowance is ſerved*, which is done by Delivery of the Writ itſelf, to the adverſe Clerk in Court, and a Party proceeding afterwards is liable to be attached, for Contempt.

Theſe

These Writs are too often designed for Delay and evil Purposes; yet, be that as it may, there is this singular Advantage attending their Prosecution here, that as no Rule to alledge Diminution, nor any other Engine of Delay is permitted in this Court, they will certainly be *Non-prossed* on the *second Tuesday*, in the Term next ensuing that, on which the Judgment has been given, and the Defendant's Costs thereof generally amount to about fifteen Pounds, under the *Chancellor's Allocatur*.

This Writ is issued out of Chancery by the Cursitor of the County, in which the Action was brought, returnable in the Exchequer Chamber upon a Præcipe, stating the County, Nature of the Action, and Parties' Names, for which is paid 1*l.* and 6*d.* by the Solicitor to the Cursitor.

When the Writ is obtained, it must be first allowed by the *Chief* Baron, to whose Clerk you pay 19*s.* 4*d.* afterwards by the Clerk of the Pleas, 6*s.* 8*d.* and then delivered to the Clerk in Court, who will solicit all the further necessary Proceedings thereon.

The Form of a Writ of Error.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to his Treasurer and Barons of his Exchequer, Greeting; For as much as in the Record and Process, as also in giving Judgment in a Plaint which was before you, the said Barons in our Court of the said Exchequer by Bill, between David Lloyd our Debtor, and Rhys Jenkin, of a Plea of Trespass on the Case, as it was said manifest Error hath intervened, to the great Damage of the said Rhys, as by his Complaint we are informed. And whereas by a Statute made in the Parliament of Edward the IIId. late King of England, holden at Westminster in the 31st Year of his Reign, it was agreed and established amongst other Things, that in

all Cases touching the King, or other Persons, where any Man complaineth of Error made in the Exchequer, the Chancellor and Treasurer should cause to come before them, in the Chamber of Council, nigh the Exchequer, the Record and Process out of the Exchequer; and taking to them the Justices and other sage Persons, such as to them shall seem meet to be taken, shall cause to be called before them, the Barons of the Exchequer, to hear their Information, and the Cause of their Judgments, and thereupon shall duly examine the Business, and if any Error be found, shall correct and amend the Rolls, and after send them into the Exchequer, to make thereof Execution, as in the said Statute is more fully contained; We therefore willing that the said Error, if any, be amended according to the Form of the said Statute, and that full and speedy Justice be done to the said Parties in this Behalf, do command you, if Judgment be given thereupon, then you cause the Record and Process aforesaid, with all things touching the same, to come before our Chancellor, and you the said Treasurer, into the Chamber of Council nigh the said Exchequer, called the Council-Chamber, on Tuesday the Nineteenth Day of June next coming; That the said Chancellor, and you the said Treasurer, viewing and examining the Record and Process aforesaid, and hearing your Information, you the said Barons may, by the Advice of the Justices, and other sage Persons aforesaid, cause further to be done in this Behalf, as of Right, according to the Form of the said Statute, shall be meet to be done. Witness Ourself, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Talbot.

Indorsed.

I have allowed this Writ of Error, Dated the 23d Day of May, 1792.

James Eyre.

Let it be affiled.

Rose.

By

By Stat. 5 Geo. I. c. 13, All Writs of Error, wherein there shall be any Variance from the original Record, or other Defect, may be amended by the Court, and made agreeable to the Record. And where any Verdict hath been given in any Suit, &c. in any of his Majesty's Courts at Westminster, or other Court of Record, Judgment thereupon shall not be staid or reversed, for any Defect or Default, in Form or Substance in any Bill, Writ, &c. or for Variance in such Writs, from the Declaration, or other Proceedings.

How to Non-pros a Writ of Error.

A Brief is prepared, shortly stating the several Stages and Circumstances of the Cause, with which the Solicitor attends his Counsel to the Exchequer Chamber, on the Day of the Return of the Writ of Error; and the Court sitting, the Counsel moves, That the Writ of Error brought in the Cause be non-prossed, for that the Plaintiff hath not assigned Error, whereupon the following Order is made.

Trinity Term, in the Thirty-second Year of the Reign of King George III.

Jenkin against Lloyd.

Tuesday the 19th Day of June. } In the Exchequer, upon Writs of Error depending on Judgments in the Office of Pleas, in the Court of Exchequer.

It is ordered, that the Defendant have his Execution, upon the Judgment given between the said Parties, in the Office of Pleas in the Court of Exchequer, and his Costs to be taxed thereupon, by Reason of the Delay of Execution, on Account of a Writ of Error obtained by the said Plaintiff, because the said Plaintiff did not prosecute the Writ of Error aforesaid.

By the Court. Rose.

The very expeditious Manner in which this Writ is disposed of, is a great Encouragement to Plain-

Plaintiffs preferring the Practice of this Court. That Circumstance, added to the Dread of an increasing Expence to the Defendant, very frequently stimulates him to an Exertion, by which the Plaintiff is secured his Debt and Costs; which, in case the Judgment was to be suspended for five or six Terms, *(as in other Courts)* might be wholly lost, by Bankruptcy, Death, or other Fatality.

Writ of Error in Parliament.

Though this Writ of Error is thus non-prossed, yet the Party is at liberty to bring a further Writ of Error, returnable in the House of Lords, or High Court of Parliament. Should this be done in Term Time, and the Parliament sitting, the Defendant moves the Court for, and obtains an Order, that the Plaintiff in Error do, within eight Days, certify the Record into Parliament; and if he neglects to do so, the Defendant may take out Execution, as though no Writ of Error had been brought.

Should the Plaintiff transcribe, and carry in the Record, the Defendant's Clerk in Court will furnish his Solicitor with a correct Office Copy of the final Judgment, and the Judgment of *Non pros* on the Writ of Error returnable in the Exchequer.

The Solicitor will thereupon prepare and deliver his Brief to Counsel for Argument, of the Writ of Error, before the Lords as the supreme Court of our Judicature.

All further Proceedings thereon will abide the Event of such Argument, and be attentively pursued by the Clerk in Court under his Client's Instructions.

In all Cases, where a Writ of Error is brought upon Judgment obtained by Verdict of a Jury on Trial at *Nisi Prius*, in Debt upon Bond, &c. The Plaintiff in Error must, within four Days after Allowance of the Writ of Error, put in Bail, before one of the Barons of the Court, in the nature of a penal Security, that he will prosecute such Writ of

Error

Error with Effect. Vide 3 Jac. I. c. 8. 13 Car. II. c. 2. and 16 and 17 Car. II. c. 5.

No Render of the Principal will afterwards exonerate the Bail, who so enter into this Recognizance, the Language and unequivocal Import of the Recognizance being, "*That Plaintiff in Error shall prosecute his Writ of Error with Effect, and if Judgment be affirmed, shall satisfy the Debt, Damages and Costs recovered, together with such Costs as shall be awarded, by Occasion of the Delay of Execution, or else they* (the Bail) *shall do it for him.*" the Bail therefore must be answerable.

If the Plaintiff in Error neglects so to do, within such four Days, Execution may be forthwith issued upon the Judgment, and levied without any Respect to that Writ, which, for want of Bail, becomes a Nullity.

The following is the Form of a Recognizance, which is to be ingrossed on a double 5s. Duty on Parchment, and acknowledged before the Chief Baron.

Recognizance on a Writ of Error returnable in the Exchequer Chamber in Case.

Be it remembered, that John Doe, of Cheapside in the City of London, Merchant, and Richard Roe, of Bloomsbury-Square in the County of Middlesex, Esq; came before the Right Hon. Sir James Eyre, Knight, Chief Baron of his Majesty's Court of Exchequer at Westminster, upon the seventeenth Day of February, in the Thirty-second Year of the Reign of our Sovereign Lord, George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord, One Thousand Seven Hundred and Ninety-two, and did acknowledge themselves, and each of them doth acknowledge himself, to owe unto David Lloyd, the King's Debtor, the Sum of One Thousand Pounds of good and lawful Money of Great Britain, to be paid unto the said David Lloyd, or his certain Attorney, his Executors, Administrators, or Assigns; and if they

do not pay the ſame, they will and ſubmit, and each of them doth will and ſubmit, the ſame to be levied and recovered of the Lands and Tenements, Goods and Chattels, of them the ſaid John Doe and Richard Roe, and each of them, to the Uſe of the ſaid David Lloyd and his Aſſigns.

The Condition of this Recognizance is ſuch, that Whereas Rhys Jenkin hath lately brought a Writ of Error upon a Judgment, obtained in his Majeſty's Court of Exchequer at Weſtminſter, as of the laſt Hilary Term, againſt the ſaid Rhys Jenkin, in an Action upon the Caſe, at the Suit of the ſaid David Lloyd, for Five Hundred Pounds Damages, as by the Record thereof there remaining, it doth and may more fully appear; If therefore the ſaid Rhys Jenkin do proſecute the ſaid Writ of Error with Effect, and alſo pay and ſatisfy (If the ſaid Judgment be affirmed, or if the ſaid Rhys Jenkin become non-ſuit on the ſaid Writ of Error, or ſuffer the ſame through his Default to be diſcontinued) to the ſaid David Lloyd, his Executors, Adminiſtrators, or Aſſigns, all and ſingular the ſaid Damages, recovered upon the ſaid Judgment; and all Coſts and Charges to be awarded and adjudged for Delay of Execution, by reaſon of the ſaid Writ of Error, then this Recognizance to be void, or elſe to remain in full Force and Virtue.

John Doe,
Richard Roe.

Taken and acknowledged conditionally, the Day and Year firſt above-mentioned, before me James Eyre.

Diſburſements and Fees thereon.

The Solicitor charges 10*s.* for drawing and ingroſſing this Recognizance, beſides Duty and Parchment, with a Fee of 6*s.* 8*d.* thereupon. He pays to the Barons' Clerk 8*s.* 8*d.* with the Warden of Fleet's Fee of 2*s.* 4*d.* The ſame is then delivered to the Clerk in Court, who pays the Clerk of the Pleas, 4*s.* for his *Allocatur*, and afterwards files it of Record.

Writ

Writ of Error in Parliament.

Should the Plaintiff in Error, when nonprossed in the Exchequer Chamber, proceed to Error returnable in Parliament, he must in like Manner enter into a new Recognizance, in the following Form. This Writ is procured in like Manner as the other.

Recognizance in Parliament.

Be it remembered, &c. as before.

The Condition of this Recognizance is such, that Whereas the above-named David Lloyd did, in the Term of St. Hilary last past, recover a Judgment in his Majesty's Court of Exchequer, against Rhys Jenkin, in an Action upon the Case, for Five Hundred Pounds Damages, as by the Record thereof there remaining, it doth and may more fully appear; And whereas the said Rhys Jenkin brought a Writ of Error upon the said Judgment, returnable in the Exchequer Chamber, but for want of Prosecution thereof, became nonsuit, as by the Record thereof also more fully appeareth; And whereas the said Rhys Jenkin hath now brought a Writ of Error returnable in the High Court of Parliament, for reversing the said Judgment; If therefore the said Rhys Jenkin do prosecute the said last-mentioned Writ of Error with Effect, or (if the said Judgment be affirmed by the Lords in Parliament) do satisfy the said David Lloyd, his Executors, Administrators, or Assigns, as well the said Five Hundred Pounds, as Fifteen Pounds, Costs and Damages, allowed to the said David Lloyd, for Delay of Execution, by reason of the said Writ of Error, returnable in the Exchequer Chamber aforesaid, and also all such Costs and Damages, Sum and Sums of Money, as shall be awarded for Delay of Execution, by reason of the Writ of Error now brought in Parliament, then this Recognizance to be void, or else to remain in full Force.

John Doe,
Richard Roe.

Taken and acknowledged conditionally, the Day and Year first above-mentioned, before James Eyre.

This Recognizance is ingrossed on the same Duty and similar Disbursements and Fees, &c. made as on the first Writ of Error.

As to Executions upon Judgments.

Having pointed out the Manner, in which Judgments are to be obtained in this Court, and, where the Advantages arising from those Judgments are suspended by the Delays of Writs of Error, also the Manner of Defeating those destructive Resources, to which many necessitous Persons fly "to put off the evil Day," I shall now proceed to observe upon the several Executions which may be issued, to give a Party the Effect of his Judgment, and that this may be the better understood, shall introduce various Forms of those Writs, but antecedently shall submit, as useful Information to Solicitors, the following, out of the 29 Eliz. Chap. 4, Sect. 1 as to Sheriffs Poundage thereon.

"It shall not be lawful for any Sheriff, Under-"Sheriff, Bailiff of Liberties, their Officers, Ser-"vants, or Deputies, by Colour of their Offices, to "take for the serving of any Extent, or Execu-"tion upon the Body, Lands or Goods of any "Persons, more than in this Act is appointed, viz. "Twelve Pence for every Twenty Shillings, where "the Sum exceedeth not 100*l.* and Six-pence for "every Twenty Shillings above 100*l.* that he shall "levy and deliver in Execution, or take the Body "in Execution for, upon Pain that every Sheriff, "&c. which shall do the contrary, shall forfeit to "the Party grieved, his treble Damages, and shall "forfeit 40*l.* the one Moiety thereof to the Queen, "and the other Moiety to the Party that will sue "for the same.

Forms of Executions, and Warrants thereon.

Fieri Facias in Debt.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to the Sheriff of Montgomeryshire, Greeting; We command you, that you

you omit not, by reason of any Liberty of your County, but that you enter the same, and of the Goods and Chattels of Rhys Jenkin, being in your Bailiwick, you cause to be levied, as well a certain Debt of Five Hundred and Seventy Pounds, which David Lloyd, our Debtor, in our Court, before the Barons of our Exchequer at Westminster, recovered against him, as also Sixty-three Shillings, which were adjudged to the said David Lloyd, for his Damages, which he sustained by reason of detaining the said Debt, whereof the said Rhys is convicted, as by inspecting the Rolls of our said Exchequer appears to us; and the said Money, when you shall have so levied the same, you have before the Barons of our said Exchequer, on the Morrow of the Holy Trinity next coming, to be then and there paid to the said David Lloyd or his Attorney, in this Behalf, and have you there this Writ; Witness, Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

The Plaintiff's Solicitor must indorse on this Writ, to be levied, the precise Sum due to his Client, for the Debt and Costs, with these Words additionally: "besides the "Sheriff's Poundage, Bailiff's Fees, and all inci-"dental Expences." *unless the total Amount thereof should exceed the Debt and Damages mentioned in the Body of the Writ.*

Warrant on a Fieri Facias in Debt.

Montgomeryshire to wit. Arthur Williams, Esq. Sheriff of the County aforesaid, To the Keeper of the Gaol of the said County, and also to William Davies and George Smout, my Bailiffs in the said County Greeting; By Virtue of a Writ of our Sovereign Lord the King to me directed, I command you and every of you, jointly and severally, that you omit not, &c. but enter the same, and of the Goods and Chattels of Rhys Jenkin,

kin, in my Bailiwick, you cause to be made, as well a certain Debt of Five Hundred and Seventy Pounds, which David Lloyd, his Majesty's Debtor, before the Barons of his Majesty's Exchequer at Westminster, recovered against him, as also sixty-three Shillings, which were adjudged to the said David, for his Damages, Costs, and Charges sustained by him, whereof the said Rhys is convicted, so that I may have that Money before the Barons of his Majesty's Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to render to the said David for his Debt and Damages aforesaid. Hereof fail not, as you will answer at your Peril. Given under the Seal of my Office, the Twenty-fourth Day of May, 1792.

The Writ is thus indorsed. Levy Five Hundred and Twenty-five Pounds, Six Shillings, and Eight Pence, besides Sheriff's Poundage, Bailiff's Fees, and all incidental Expences.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Arthur Williams, Esq. Sheriff, (LS.)

Capias ad Satisfaciendum in Debt.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to the Sheriff of Montgomeryshire, Greeting; We command you, that you omit not, by reason of any Liberty of your County, but that you enter the same, and take Rhys Jenkin wheresoever he shall be found in your Bailiwick, and him safely keep, so that you may have his Body before the Barons of our Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to satisfy David Lloyd our Debtor, as well of a certain Debt of Five Hundred and Seventy Pounds, which the said David Lloyd, in our Court, before the Barons of our Exchequer at Westminster recovered against him, as also sixty-three Shillings,

lings, which were adjudged to the said David Lloyd, in our said Court, for his Damages which he had sustained, by reason of detaining the said Debt, whereof the said Rhys Jenkin is convicted, as by inspecting the Rolls of our said Exchequer appears to us, and have you there this Writ. Witness, Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

On this Writ the Plaintiffs Solicitor must make a similar Indorsement to that on the *Fieri Facias.*

Sheriff's Warrant on a Capias ad Satisfaciendum in Debt.

Montgomeryshire to wit. Arthur Williams, Esq. Sheriff of the County aforesaid, to the Keeper of the Gaol in and for the said County, and also to William Davies and George Smout, my Bailiffs in the said County, Greeting; By virtue of the King's Writ to me directed, I command you, and each and every of you jointly and severally, that you or any of you omit not, &c. but enter the same, and take Rhys Jenkin, if he shall be found in my Bailiwick, and him safely keep, so that I may have his Body before the Barons of the King's Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to satisfy David Lloyd the King's Debtor, as well a certain Debt of Five Hundred and Seventy Pounds, which the said David Lloyd, in the King's Court, before the Barons of the King's Exchequer at Westminster, recovered against him, as also Sixty-three Shillings, which in the said Court were awarded to the said David Lloyd for his Damages, and so forth, whereof the said Rhys Jenkin is convicted. Hereof fail not, as you will answer at your Peril. Given under the Seal of

of my Office, this Twenty-fourth Day of May, 1792.

The Writ is thus indorsed. Levy Five Hundred and Twenty-five Pounds, Six Shillings, and Eight Pence, besides Sheriff's Poundage, Bailiff's Fees, and all incidental Expences.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Arthur Williams, Esq. Sheriff. (L.S.)

A Fieri Facias in Case.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to the Sheriff of Montgomeryshire Greeting; We command you that you omit not, by reason of any Liberty of your County, but that you enter the same, and of the Goods and Chattels of Rhys Jenkin in your Bailiwick, you levy Five Hundred and Seventy Pounds, which David Lloyd, our Debtor, in our Court, before the Barons of our Exchequer at Westminster, recovered against him for his Damages, which he sustained by reason of not performing certain Promises and Undertakings by the said Rhys to the said David lately made, whereof the said Rhys is convicted, as by inspecting the Rolls of our said Exchequer appears to us; and the said Money, when you shall have so levied the same, you have before the Barons of our said Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to be then and there paid to the said David or his Attorney in this Behalf, and have you there this Writ. Witness, Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Indorsed.

Levy the whole.

Sheriff's

Sheriff's Warrant on a Fieri Facias in Case.

Montgomeryshire to wit. Arthur Williams Esq. Sheriff of the County aforesaid; To the Keeper of the Gaol of the said County, and also to William Davies and George Smout, my Bailiffs in the said County, Greeting; By virtue of a Writ of our Sovereign Lord the King to me directed, I command you, or one of you, that you omit not, &c. but enter the same, and of the Goods and Chattels of Rhys Jenkin, in my Bailiwick, you cause to be made Five Hundred and Seventy Pounds, which David Lloyd, his Majesty's Debtor, before the Barons of his Majesty's Exchequer at Westminster, recovered against the said Rhys, for his said Damages which he sustained, as well by Reason of the not performing certain Promises and Undertakings, lately made by the said Rhys to the said David, as for his Costs and Charges, by him, in and about his Suit in that Behalf expended, whereof the said Rhys is convicted; so that I may have that Money before the Barons of his Majesty's Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to render the said David for his Damages aforesaid. Hereof fail not, as you will answer at your Peril. Given under the Seal of my Office, the Twenty-fourth Day of May, 1792.

Levy the whole.

Arthur Williams, Esq. Sheriff, (L.S.)

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Vide Top of Fol. 175.

A Capias ad Satisfaciendum in Case.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to the Sheriff of Montgomeryshire, Greeting; We command you that you omit not, by reason of any Liberty of your County, but enter the same, and take Rhys Jenkin where-

Plaintiffs preferring the Practice of this Court. That Circumstance, added to the Dread of an increasing Expence to the Defendant, very frequently stimulates him to an Exertion, by which the Plaintiff is secured his Debt and Costs; which, in case the Judgment was to be suspended for five or six Terms, *(as in other Courts)* might be wholly lost, by Bankruptcy, Death, or other Fatality.

Writ of Error in Parliament.

Though this Writ of Error is thus non-prossed, yet the Party is at liberty to bring a further Writ of Error, returnable in the House of Lords, or High Court of Parliament. Should this be done in Term Time, and the Parliament sitting, the Defendant moves the Court for, and obtains an Order, that the Plaintiff in Error do, within eight Days, certify the Record into Parliament; and if he neglects to do so, the Defendant may take out Execution, as though no Writ of Error had been brought.

Should the Plaintiff transcribe, and carry in the Record, the Defendant's Clerk in Court will furnish his Solicitor with a correct Office Copy of the final Judgment, and the Judgment of *Non pros* on the Writ of Error returnable in the Exchequer.

The Solicitor will thereupon prepare and deliver his Brief to Counsel for Argument, of the Writ of Error, before the Lords as the supreme Court of our Judicature.

All further Proceedings thereon will abide the Event of such Argument, and be attentively pursued by the Clerk in Court under his Client's Instructions.

In all Cases, where a Writ of Error is brought upon Judgment obtained by Verdict of a Jury on Trial at *Nisi Prius*, in Debt upon Bond, &c. The Plaintiff in Error must, within four Days after Allowance of the Writ of Error, put in Bail, before one of the Barons of the Court, in the nature of a penal Security, that he will prosecute such Writ of

Error

Error with Effect. Vide 3 Jac. I. c. 8. 13 Car. II. c. 2. and 16 and 17 Car. II. c. 5.

No Render of the Principal will afterwards exonerate the Bail, who so enter into this Recognizance, the Language and unequivocal Import of the Recognizance being, "*That Plaintiff in Error shall prosecute his Writ of Error with Effect, and if Judgment be affirmed, shall satisfy the Debt, Damages and Costs recovered, together with such Costs as shall be awarded, by Occasion of the Delay of Execution, or else they* (the Bail) *shall do it for him.*" the Bail therefore must be answerable.

If the Plaintiff in Error neglects so to do, within such four Days, Execution may be forthwith issued upon the Judgment, and levied without any Respect to that Writ, which, for want of Bail, becomes a Nullity.

The following is the Form of a Recognizance, which is to be ingrossed on a double 5s. Duty on Parchment, and acknowledged before the Chief Baron.

Recognizance on a Writ of Error returnable in the Exchequer Chamber in Case.

Be it remembered, that John Doe, of Cheapside in the City of London, Merchant, and Richard Roe, of Bloomsbury-Square in the County of Middlesex, Esq; came before the Right Hon. Sir James Eyre, Knight; Chief Baron of his Majesty's Court of Exchequer at Westminster, upon the seventeenth Day of February, in the Thirty-second Year of the Reign of our Sovereign Lord, George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord, One Thousand Seven Hundred and Ninety-two, and did acknowledge themselves, and each of them doth acknowledge himself, to owe unto David Lloyd, the King's Debtor, the Sum of One Thousand Pounds of good and lawful Money of Great Britain, to be paid unto the said David Lloyd, or his certain Attorney, his Executors, Administrators, or Assigns; and if they

do not pay the ſame, they will and ſubmit, and each of them doth will and ſubmit, the ſame to be levied and recovered of the Lands and Tenements, Goods and Chattels, of them the ſaid John Doe and Richard Roe, and each of them, to the Uſe of the ſaid David Lloyd and his Aſſigns.

The Condition of this Recognizance is ſuch, that Whereas Rhys Jenkin hath lately brought a Writ of Error upon a Judgment, obtained in his Majeſty's Court of Exchequer at Weſtminſter, as of the laſt Hilary Term, againſt the ſaid Rhys Jenkin, in an Action upon the Caſe, at the Suit of the ſaid David Lloyd, for Five Hundred Pounds Damages, as by the Record thereof there remaining, it doth and may more fully appear; If therefore the ſaid Rhys Jenkin do proſecute the ſaid Writ of Error with Effect, and alſo pay and ſatisfy (If the ſaid Judgment be affirmed, or if the ſaid Rhys Jenkin become non-ſuit on the ſaid Writ of Error, or ſuffer the ſame through his Default to be diſcontinued) to the ſaid David Lloyd, his Executors, Adminiſtrators, or Aſſigns, all and ſingular the ſaid Damages, recovered upon the ſaid Judgment; and all Coſts and Charges to be awarded and adjudged for Delay of Execution, by reaſon of the ſaid Writ of Error, then this Recognizance to be void, or elſe to remain in full Force and Virtue.

John Doe,
Richard Roe.

Taken and acknowledged conditionally, the Day and Year firſt above-mentioned, before me James Eyre.

Diſburſements and Fees thereon.

The Solicitor charges 10*s.* for drawing and ingroſſing this Recognizance, beſides Duty and Parchment, with a Fee of 6*s.* 8*d.* thereupon. He pays to the Barons' Clerk 8*s.* 8*d.* with the Warden of Fleet's Fee of 2*s.* 4*d.* The ſame is then delivered to the Clerk in Court, who pays the Clerk of the Pleas, 4*s.* for his *Allocatur*, and afterwards files it of Record.

Writ

Writ of Error in Parliament.

Should the Plaintiff in Error, when nonprossed in the Exchequer Chamber, proceed to Error returnable in Parliament, he must in like Manner enter into a new Recognizance, in the following Form. This Writ is procured in like Manner as the other.

Recognizance in Parliament.

Be it remembered, &c. as before.

The Condition of this Recognizance is such, that Whereas the above-named David Lloyd did, in the Term of St. Hilary last past, recover a Judgment in his Majesty's Court of Exchequer, against Rhys Jenkin, in an Action upon the Case, for Five Hundred Pounds Damages, as by the Record thereof there remaining, it doth and may more fully appear; And whereas the said Rhys Jenkin brought a Writ of Error upon the said Judgment, returnable in the Exchequer Chamber, but for want of Prosecution thereof, became nonsuit, as by the Record thereof also more fully appeareth; And whereas the said Rhys Jenkin hath now brought a Writ of Error returnable in the High Court of Parliament, for reversing the said Judgment; If therefore the said Rhys Jenkin do prosecute the said last-mentioned Writ of Error with Effect, or (if the said Judgment be affirmed by the Lords in Parliament) do satisfy the said David Lloyd, his Executors, Administrators, or Assigns, as well the said Five Hundred Pounds, as Fifteen Pounds, Costs and Damages, allowed to the said David Lloyd, for Delay of Execution, by reason of the said Writ of Error, returnable in the Exchequer Chamber aforesaid, and also all such Costs and Damages, Sum and Sums of Money, as shall be awarded for Delay of Execution, by reason of the Writ of Error now brought in Parliament, then this Recognizance to be void, or else to remain in full Force.

John Doe,
Richard Roe.

Taken and acknowledged conditionally, the Day and Year first above-mentioned, before James Eyre.

do not pay the ſame, they will and ſubmit, and each of them doth will and ſubmit, the ſame to be levied and recovered of the Lands and Tenements, Goods and Chattels, of them the ſaid John Doe and Richard Roe, and each of them, to the Uſe of the ſaid David Lloyd and his Aſſigns.

The Condition of this Recognizance is ſuch, that Whereas Rhys Jenkin hath lately brought a Writ of Error upon a Judgment, obtained in his Majeſty's Court of Exchequer at Weſtminſter, as of the laſt Hilary Term, againſt the ſaid Rhys Jenkin, in an Action upon the Caſe, at the Suit of the ſaid David Lloyd, for Five Hundred Pounds Damages, as by the Record thereof there remaining, it doth and may more fully appear; If therefore the ſaid Rhys Jenkin do proſecute the ſaid Writ of Error with Effect, and alſo pay and ſatisfy (If the ſaid Judgment be affirmed, or if the ſaid Rhys Jenkin become non-ſuit on the ſaid Writ of Error, or ſuffer the ſame through his Default to be diſcontinued) to the ſaid David Lloyd, his Executors, Adminiſtrators, or Aſſigns, all and ſingular the ſaid Damages, recovered upon the ſaid Judgment; and all Coſts and Charges to be awarded and adjudged for Delay of Execution, by reaſon of the ſaid Writ of Error, then this Recognizance to be void, or elſe to remain in full Force and Virtue.

John Doe,
Richard Roe.

Taken and acknowledged conditionally, the Day and Year firſt above-mentioned, before me James Eyre.

Diſburſements and Fees thereon.

The Solicitor charges 10*s.* for drawing and ingroſſing this Recognizance, beſides Duty and Parchment, with a Fee of 6*s.* 8*d.* thereupon. He pays to the Barons' Clerk 8*s.* 8*d.* with the Warden of Fleet's Fee of 2*s.* 4*d.* The ſame is then delivered to the Clerk in Court, who pays the Clerk of the Pleas, 4*s.* for his *Allocatur*, and afterwards files it of Record.

Writ

you omit not, by reason of any Liberty of your County, but that you enter the same, and of the Goods and Chattels of Rhys Jenkin, being in your Bailiwick, you cause to be levied, as well a certain Debt of Five Hundred and Seventy Pounds, which David Lloyd, our Debtor, in our Court, before the Barons of our Exchequer at Westminster, recovered against him, as also Sixty-three Shillings, which were adjudged to the said David Lloyd, for his Damages, which he sustained by reason of detaining the said Debt, whereof the said Rhys is convicted, as by inspecting the Rolls of our said Exchequer appears to us; and the said Money, when you shall have so levied the same, you have before the Barons of our said Exchequer, on the Morrow of the Holy Trinity next coming, to be then and there paid to the said David Lloyd or his Attorney, in this Behalf, and have you there this Writ; Witness, Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.
Richard Edmunds. Rose.

The Plaintiff's Solicitor must indorse on this Writ, to be levied, the precise Sum due to his Client, for the Debt and Costs, with these Words additionally: "besides the "Sheriff's Poundage, Bailiff's Fees, and all inci-"dental Expences." *unless the total Amount thereof should exceed the Debt and Damages mentioned in the Body of the Writ.*

Warrant on a Fieri Facias in Debt.

Montgomeryshire to wit. Arthur Williams, Esq. Sheriff of the County aforesaid, To the Keeper of the Gaol of the said County, and also to William Davies and George Smout, my Bailiffs in the said County Greeting; By Virtue of a Writ of our Sovereign Lord the King to me directed, I command you and every of you, jointly and severally, that you omit not, &c. but enter the same, and of the Goods and Chattels of Rhys Jenkin,

When the Principal is taken, one of the Bail must always remain with him, till he is rendered, unless he consents to go to an Officer's House, there to remain till rendered, in which Case the Bail should take such Consent in writing thus.

In the Exchequer of Pleas } David Lloyd, Plaintiff, against Rhys Jenkin, Defendant.

I do consent and agree to remain in the Custody of Thomas Wright, Officer to the Sheriff of Middlesex, at his House, situate in Carey-street, Lincoln's-Inn, in the County of Middlesex, till I am rendered by my Bail at the Suit of the said David Lloyd the Plaintiff. Dated this Day of May, 1792.

Rhys Jenkin the Defendant.

Witness Job Safe, Attorney, for Defendant's Bail.

The Render is to be effected by giving one Days previous Notice to the Clerk in Court, who prepares every necessary Step intermediately, and will attend at the appointed Hour to compleat the same. Such Notice greatly facilitates the Render.

Should the Defendant after an Arrest on the *Quominus* and Bail given, happen to be in the Custody of the Marshall, or any Sheriff, he must be brought, by Virtue of a *Habeas Corpus*, before one of the Barons of this Court, in order to be surrendered in Discharge of his Bail here, and committed to the Custody of the Warden of the Fleet.

Such *Habeas Corpus*, after Render compleat, is filed in the Office of Pleas by the Clerk in Court, and a correct Copy on Parchment of the *Reddidit*, and Writ of *Habeas Corpus*, with the Return, signed by the Baron, must be delivered to the Tipstaff, and by him to the Warden of the Fleet, with the Defendant into his Custody. The Clerk in Court will prepare all this, on due Notice, as before observed,

you omit not, by reason of any Liberty of your County, but that you enter the same, and of the Goods and Chattels of Rhys Jenkin, being in your Bailiwick, you cause to be levied, as well a certain Debt of Five Hundred and Seventy Pounds, which David Lloyd, our Debtor, in our Court, before the Barons of our Exchequer at Westminster, recovered against him, as also Sixty-three Shillings, which were adjudged to the said David Lloyd, for his Damages, which he sustained by reason of detaining the said Debt, whereof the said Rhys is convicted, as by inspecting the Rolls of our said Exchequer appears to us; and the said Money, when you shall have so levied the same, you have before the Barons of our said Exchequer, on the Morrow of the Holy Trinity next coming, to be then and there paid to the said David Lloyd or his Attorney, in this Behalf, and have you there this Writ; Witness, Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

The Plaintiff's Solicitor must indorse on this Writ, to be levied, the precise Sum due to his Client, for the Debt and Costs, with these Words additionally: "besides the "Sheriff's Poundage, Bailiff's Fees, and all inci-"dental Expences." *unless the total Amount thereof should exceed the Debt and Damages mentioned in the Body of the Writ.*

Warrant on a Fieri Facias in Debt.

Montgomeryshire to wit. Arthur Williams, Esq. Sheriff of the County aforesaid, To the Keeper of the Gaol of the said County, and also to William Davies and George Smout, my Bailiffs in the said County Greeting; By Virtue of a Writ of our Sovereign Lord the King to me directed, I command you and every of you, jointly and severally, that you omit not, &c. but enter the same, and of the Goods and Chattels of Rhys Jenkin,

kin, in my Bailiwick, you cause to be made, as well a certain Debt of Five Hundred and Seventy Pounds, which David Lloyd, his Majesty's Debtor, before the Barons of his Majesty's Exchequer at Westminster, recovered against him, as also sixty-three Shillings, which were adjudged to the said David, for his Damages, Costs, and Charges sustained by him, whereof the said Rhys is convicted, so that I may have that Money before the Barons of his Majesty's Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to render to the said David for his Debt and Damages aforesaid. Hereof fail not, as you will answer at your Peril. Given under the Seal of my Office, the Twenty-fourth Day of May, 1792.

The Writ is thus indorsed. Levy Five Hundred and Twenty-five Pounds, Six Shillings, and Eight Pence, besides Sheriff's Poundage, Bailiff's Fees, and all incidental Expences.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Arthur Williams, Esq. Sheriff, (LS.)

Capias ad Satisfaciendum in Debt.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to the Sheriff of Montgomeryshire, Greeting; We command you, that you omit not, by reason of any Liberty of your County, but that you enter the same, and take Rhys Jenkin wheresoever he shall be found in your Bailiwick, and him safely keep, so that you may have his Body before the Barons of our Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to satisfy David Lloyd our Debtor, as well of a certain Debt of Five Hundred and Seventy Pounds, which the said David Lloyd, in our Court, before the Barons of our Exchequer at Westminster recovered against him, as also sixty-three Shillings,

lings, which were adjudged to the said David Lloyd, in our said Court, for his Damages which he had sustained, by reason of detaining the said Debt, whereof the said Rhys Jenkin is convicted, as by inspecting the Rolls of our said Exchequer appears to us, and have you there this Writ. Witness, Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

On this Writ the Plaintiffs Solicitor must make a similar Indorsement to that on the *Fieri Facias.*

Sheriff's Warrant on a Capias ad Satisfaciendum in Debt.

Montgomeryshire to wit. Arthur Williams, Esq. Sheriff of the County aforesaid, to the Keeper of the Gaol in and for the said County, and also to William Davies and George Smout, my Bailiffs in the said County, Greeting; By virtue of the King's Writ to me directed, I command you, and each and every of you jointly and severally, that you or any of you omit not, &c. but enter the same, and take Rhys Jenkin, if he shall be found in my Bailiwick, and him safely keep, so that I may have his Body before the Barons of the King's Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to satisfy David Lloyd the King's Debtor, as well a certain Debt of Five Hundred and Seventy Pounds, which the said David Lloyd, in the King's Court, before the Barons of the King's Exchequer at Westminster, recovered against him, as also Sixty-three Shillings, which in the said Court were awarded to the said David Lloyd for his Damages, and so forth, whereof the said Rhys Jenkin is convicted. Hereof fail not, as you will answer at your Peril. Given under the Seal of

Affidavit of Debts to be made and filed, &c.

And in Trinity Term, 1753, It was ordered, "That no Copy of a Declaration delivered at the "Fleet Prison, against any Prisoner there, shall be "a sufficient Charge, to hold such Prisoner to Bail, "or to detain such Prisoner in Custody for want of "Bail, unless an Affidavit, that the Plaintiff's Cause "of Action, amounted to Ten Pounds or upwards, "be first made and filed in the Office of Pleas, and "an Indorsement made by the Plaintiff's Attorney, "or Clerk in Court, upon such Copy of a Decla-"ration, signifying the Sum of Money specified in "such Affidavit, for which Sum so indorsed Bail "shall be required and for no more."

Affidavit of the Delivery of Declaration against a Prisoner.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

Owen Tudor, of Welch-Poole, in the County of Montgomery, Gentleman, maketh Oath, that he this Deponent did, on the Twenty first Day of May instant, deliver unto William Davies, the Keeper, Goaler, or Turnkey of his Majesty's Goal of the County of Montgomery, a true Copy of the Declaration hereunto annexed, and the said Keeper, Goaler or Turnkey acknowledged to this Deponent, that the said Defendant was then a Prisoner in his Custody in the said Goal, at the Suit of the said Plaintiff.

Sworn, &c. Owen Tudor.

When the Declaration and Affidavit to be filed.

"That in all Cases where a Prisoner is, or shall "be taken, detained or charged in Custody, by "*Mesne Process* issuing out of this Court, and the "Plaintiff shall not cause a Declaration against "such

Sheriff's Warrant on a Fieri Facias in Case.

Montgomeryshire to wit. Arthur Williams Esq. Sheriff of the County aforesaid; To the Keeper of the Gaol of the said County, and also to William Davies and George Smout, my Bailiffs in the said County, Greeting; By virtue of a Writ of our Sovereign Lord the King to me directed, I command you, or one of you, that you omit not, &c. but enter the same, and of the Goods and Chattels of Rhys Jenkin, in my Bailiwick, you cause to be made Five Hundred and Seventy Pounds, which David Lloyd, his Majesty's Debtor, before the Barons of his Majesty's Exchequer at Westminster, recovered against the said Rhys, for his said Damages which he sustained, as well by Reason of the not performing certain Promises and Undertakings, lately made by the said Rhys to the said David, as for his Costs and Charges, by him, in and about his Suit in that Behalf expended, whereof the said Rhys is convicted; so that I may have that Money before the Barons of his Majesty's Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to render the said David for his Damages aforesaid. Hereof fail not, as you will answer at your Peril. Given under the Seal of my Office, the Twenty-fourth Day of May, 1792.

Levy the whole.

Arthur Williams, Esq. Sheriff, (L.S.)

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Vide Top of Fol. 175.

A Capias ad Satisfaciendum in Case.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to the Sheriff of Montgomeryshire, Greeting; We command you that you omit not, by reason of any Liberty of your County, but enter the same, and take Rhys Jenkin where-

of my Office, this Twenty-fourth Day of May, 1792.

The Writ is thus indorsed. Levy Five Hundred and Twenty-five Pounds, Six Shillings, and Eight Pence, besides Sheriff's Poundage, Bailiff's Fees, and all incidental Expences.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Arthur Williams, Esq. Sheriff. (L.S.)

A Fieri Facias in Case.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to the Sheriff of Montgomeryshire Greeting; We command you that you omit not, by reason of any Liberty of your County, but that you enter the same, and of the Goods and Chattels of Rhys Jenkin in your Bailiwick, you levy Five Hundred and Seventy Pounds, which David Lloyd, our Debtor, in our Court, before the Barons of our Exchequer at Westminster, recovered against him for his Damages, which he sustained by reason of not performing certain Promises and Undertakings by the said Rhys to the said David lately made, whereof the said Rhys is convicted, as by inspecting the Rolls of our said Exchequer appears to us; and the said Money, when you shall have so levied the same, you have before the Barons of our said Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to be then and there paid to the said David or his Attorney in this Behalf, and have you there this Writ. Witness, Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Indorsed.

Levy the whole.

Sheriff's

Sheriff's Warrant on a Fieri Facias in Case.

Montgomeryshire to wit. Arthur Williams Esq. Sheriff of the County aforesaid; To the Keeper of the Gaol of the said County, and also to William Davies and George Smout, my Bailiffs in the said County, Greeting; By virtue of a Writ of our Sovereign Lord the King to me directed, I command you, or one of you, that you omit not, &c. but enter the same, and of the Goods and Chattels of Rhys Jenkin, in my Bailiwick, you cause to be made Five Hundred and Seventy Pounds, which David Lloyd, his Majesty's Debtor, before the Barons of his Majesty's Exchequer at Westminster, recovered against the said Rhys, for his said Damages which he sustained, as well by Reason of the not performing certain Promises and Undertakings, lately made by the said Rhys to the said David, as for his Costs and Charges, by him, in and about his Suit in that Behalf expended, whereof the said Rhys is convicted; so that I may have that Money before the Barons of his Majesty's Exchequer at Westminster, on the Morrow of the Holy Trinity next coming, to render the said David for his Damages aforesaid. Hereof fail not, as you will answer at your Peril. Given under the Seal of my Office, the Twenty-fourth Day of May, 1792.

Levy the whole.

Arthur Williams, Esq. Sheriff, (L.S.)

Llewellin Morgan, Solicitor.

Richard Edmunds. Rose.

Vide Top of Fol. 175.

A Capias ad Satisfaciendum in Case.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to the Sheriff of Montgomeryshire, Greeting; We command you that you omit not, by reason of any Liberty of your County, but enter the same, and take Rhys Jenkin where-

"thereof, to the Fleet Prison; the Time, for the "Plaintiff's proceeding against such Prisoner, shall "commence and be computed from the Prisoner's "being first taken and detained or charged in Cus-"tody by Virtue of such Process."

The Contents of the foregoing Rules may be thus briefly stated: That is to say,

The Plaintiff must charge the Defendant with a Declaration before the End of the second Term after Caption (that Term in which the Writ is returnable to be accounted one) to which the Defendant is to plead within *eight* Days of the next Term, and it is prudent, that the Plaintiff demand a Plea of Defendant within those *eight* Days.—He must proceed to Trial or Judgment within *three* Terms after Declaration delivered, (the Term, in which the Declaration is delivered to be accounted one) and to Execution within *two* Terms after Judgment signed (the Term in which the Judgment is signed to be accounted one) or Defendant may be discharged; so that from the Caption to Execution compleat, there are *five* Terms.

How to charge a Prisoner in Execution in the Fleet.

The Judgment being perfected conformable to these Regulations, in order to charge the Defendant in Execution, the Clerk in Court issues a *Habeas Corpus ad Satisfaciendum*, directed to the chief Officer of the Prison, who in Obedience thereto, brings the Defendant into Court according to such Mandate, upon which Plaintiff moves by Council for his Commitment in Execution, to the Custody of the Warden of the Fleet Prison, which is done of Course.

Habeas Corpus ad Satisfaciendum, Return and Rule.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; To our Warden of our Prison

Prison of the Fleet, or his Deputy there, Greeting; We command you that you have the Body of Rhys Jenkin detained in our Prison, under your Custody as it is said, under safe and secure Conduct, together with the Day and Cause of his being taken and detained, by whatsoever Name he may be charged in the same, before the Barons of our Exchequer at Westminster, on the Twenty-eighth Day of November Instant, to satisfy David Lloyd our Debtor of Seven Hundred and Fifty Pounds, which the said David in our Court before the Barons of our said Exchequer at Westminster, recovered against him the said Rhys, for his Damages sustained by Reason of not performing certain Promises and Undertakings, by the said Rhys to the said David lately made, whereof the said Rhys is convicted as by inspecting the Rolls of our said Exchequer appears to us and have there this Writ; Witness Sir James Eyre, Knight, at Westminster, the Sixth Day of November, in the Thirty-third Year of our Reign.

Richard Edmunds. Rose.

Warden's Return.

By Virtue of the Writ to me directed, the Body of the within-named Rhys Jenkin, before the Barons of the Kings Exchequer at Westminster, on the Day within-mentioned, I have ready as by this Writ I am commanded.

The Answer of
John Eyles, Esq;
Warden, &c.

Prisoner in Custody of the Tipstaff.

Being thus brought into the Court, the Plaintiff by his Council, moves that the Defendant be charged in Execution at his Suit, and committed to the Custody of the Warden of his Majesty's Prison of the Fleet, there to remain until, &c.

 Is

Is committed.

The *Habeas Corpus* and Return is then read in open Court, after which the Record of the Judgment is also read audibly, and Defendant confessing Inability to satisfy the Judgment, he is committed by the Court as prayed, and the following is the Order of Court on such Occasion.

Order of Commitment.

" Michaelmas Term in the Thirty-second Year
" of the Reign of King George the Third.
" David Lloyd, Plaintiff,
" against
" Rhys Jenkin, a Prisoner, Defendant.

" Monday the Twenty-eighth Day of November.
" On which Day the said Defendant Rhys
" Jenkin, was brought to the Bar of this Court,
" by Virtue of his Majesty's Writ of *Habeas*
" *Corpus*, directed to the Warden of his Majesty's
" Prison of the Fleet, to satisfy David Lloyd his
" Majesty's Debtor of Seven Hundred and Fifty
" Pounds, which the said David, in his Majesty's
" Court before the Barons of his Exchequer at
" Westminster, recovered against him the said
" Rhys, for his Damages sustained by Reason of
" his not performing certain Promises and Under-
" takings by the said Rhys to the said David lately
" made, whereof he is convicted; whereupon on
" reading the said Writ of *Habeas Corpus*, and the
" Return made thereon, by John Eyles, Esq;
" Warden of his said Majesty's Prison of the Fleet,
" and the Record of the Judgment in this Court,
" against the said Rhys, at the Suit of the said
" David, and upon the Motion of Mr. Ellis of
" Counsel for the said Plaintiff, It is ordered
" that the Defendant Rhys Jenkin, be remanded to
" the Custody of the Warden of his Majesty's said
" Prison of the Fleet, charged in Execution at the
" Suit of the said David Lloyd, for the said Sum of
" Seven

"Seven Hundred and Fifty Pounds, being the "Damages aforesaid, and there to remain, until he "shall fully satisfy the said Plaintiff David Lloyd "the Damages aforesaid.

"By the Court. "Rose."

How to charge a Prisoner in Execution in a County Goal.

The *Capias ad Satisfaciendum* is delivered to the Sheriff, with a Notice indorsed thereon, that the Defendant is then a Prisoner in his Custody, and that he is to remain charged with such Execution for such Sum of Money as is due to the Plaintiff.

To charge a Defendant in Custody with a new Action.

If a Plaintiff is desirous of charging any Defendant with an Action, who is already in Custody at the Suit of some other Person in any County Goal, he must first make an Affidavit of his Debt, and thereupon sue out Process of *Quo Minus*, directed to the Sheriff; this Writ must be forthwith delivered to such Sheriff, with a Note to him in Writing, that Defendant is at that Time a Prisoner in his Custody, and Plaintiff may on the Return of such *Quo Minus* declare against him, in the Custody of such Sheriff, in the Manner as is before observed.

If in the Fleet Prison.

If such Defendant is in the Custody of the Warden of the Fleet, the Plaintiff need not sue out any Writ of *Quo Minus*, but has only to make an Affidavit of the Debt (Ten Pounds or upwards) which is properly filed by the Clerk in Court, who immediately prepares a Declaration thereon, files a Copy on Parchment, and ingrosses another *on Duty*, which is delivered to the Turnkey against the Prisoner, with an Abstract of the Affidavit of Debt, and a Notice to the Defendant of the Time within which he is to plead, indorsed on such Declaration, after which the Proceedings against him will be carried on as is before directed.

If in the King's-Bench Prison.

If the Defendant after being arrested on a *Quo Minus*, becomes a Prisoner in the King's-Bench Prison, he must be brought into this Court by *Habeas Corpus ad respondendum*, before any Proceedings can be had against him here, but this is discretionary, for where a Defendant is in Custody upon a *Quo-Minus* only, and before he is charged with a Declaration, is moved by *Habeas Corpus* to the King's-Bench Prison, unless the Plaintiff choses to sue out a *Habeas Corpus* to bring him into this Court, and then charge him with a Declaration, *the Suit*, and all subsequent Proceedings, may be carried on and prosecuted against him in the Court of King's Bench. *Aliter*, if charged with a Declaration before he is so removed. The Form of such *Habeas Corpus* is thus:

Habeas Corpus to the Marshal.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; To the Marshal of our Marshalsea, or his Deputy there Greeting; We command you that you have the Body of Rhys Jenkin, or by what other Name, Stile, or Addition the said Rhys Jenkin is known, or distinguished, taken and detained in your Custody, as it is said, together with the Cause of the taking and detaining him, before the Barons of our Exchequer at Westminster, on the Thirteenth Day of February next coming, to do and receive what our said Court shall then and there think fit to order concerning him; Witness Sir James Eyre, Knight, at Westminster, the Twenty-third Day of January, in the Thirty-second Year of our Reign.

Richard Edmunds. Rose.

Bills

Bills of Costs against Prisoners.

The Costs of David Lloyd, Plaintiff, against Rhys Jenkin, Defendant, present here in Court in his proper Person, by Virtue of his Majesty's Writ of *Habeas Corpus*, to the Marshal of his Majesty's Marshalsea, or his Deputy directed, and upon the File of Writs of Hilary Term 1792, on the Part of the Clerk of the Pleas of this Court remaining, Defendant, in Case upon Promises wherein a Writ of Inquiry of Damages hath been executed and returned, by the Sheriffs of the City of London, and Damages were found by the Jury to Five Hundred and Seventy-five Pounds.

MICHAELMAS VACATION, 32 Geo. III.	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
ATTENDING at the Poultry Compter and searching if the Defendant was a Prisoner in Custody there, and paid for the Search —— ——	4 4	4 4
Attending the Plaintiff taking Instructions for this Action and Authority to sue		4 4
Affidavit of Debt Duty and Oath —— ——		5 7
Warrant of Retainer, filling it up Duty and filing —	3 7	
Quo Minus 6*s.* 8*d.* and Solicitors Fee thereon 6*s.* 8*d.*	6 8	13 4
Filing the Affidavit of the Plaintiffs Debt ——	1	1
Paid at the Poultry Compter for charging Defendant in Custody with this Writ at the Suit of the Plaintiff	2 6	2 6
Attending there for that Purpose —— ——	3 4	3 4

HILARY

HILARY TERM, 1792.	Clerk in Court on the Solicitor £. s. d.	Between Party and Party. £. s. d.
The Defendant having removed himself by *Habeas Corpus* to the King's-Bench Prison. Attending there to search the Books at the Clerk of the Papers, to ascertain that Fact and paid for such Search —	4 4	4 4
Drawing and Ingrossing *Habeas Corpus*, directed to the Marshal of the King's-Bench Prison, to bring the Defendant into Court, and that he might be charged with a Declaration in this Cause, in order to have him committed to the Fleet Prison therewith	17 8	17 8
Solicitor's Fee thereon —		6 8
Attending at the King's-Bench Prison, in Saint George's Fields, on the Marshal with the *Habeas Corpus*, and lodging that Writ with the Clerk of the Papers to be by him returned — —	3 4	3 4
Paid for the Return of *Habeas Corpus* to the Marshal		
Taking Instructions for Declaration — —		3 4
Drawing a Declaration, fol. 12 — —		12
Ingrossing the same on Parchment to file and Duty	4 9	6 9

Paid

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Paid entering the Declaration with the Clerk of the Pleas		3	4		3	4
Ingrossing a Copy on Duty to deliver to the Defendant in Court ——		4	6		4	6
The Defendant being brought into Court, by the Marshal, in Obedience to the *Habeas Corpus*, drawing a Brief for Counsel to move to charge Defendant with the Declaration and fair Copy thereof ——		1			2	
Gave Counsel a Fee to move, that the Defendant do stand committed to the Fleet, charged in Custody with this Action ——		10	6		10	6
Attending Counsel therewith, and the Court on Motion, and delivering the Declaration to the Defendant in Court —		3	4		6	8
Paid the Marshal his Fee, for bringing the Defendant into Court, in Obedience to the Writ of *Habeas Corpus* ——		10	6		10	6
Paid Clerk of the Pleas his Fees on Defendants Commitment —— ——		2			2	
The Defendant being committed accordingly by the Court to the Custody of the Warden of the Fleet paid for entering and an Office Copy of the Rule made for that Purpose						

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Paid the Tipstaff of the Court, for conveying the Defendant to the Fleet Prison —— ——	13 4	13 4
Fair Copy of the Rule of Commitment for Service, fol. 12 —— ——	2	4
Serving the same on the Warden of the Fleet at the Fleet Prison ——	2 6	2 6
Paid the Turnkey of the Prison with such Copy	1	1
Paid filing the *Habeas Corpus* and Return in the Office of Pleas — ——	1	1
Term Fee, Clerk in Court and Solicitor ——	3 4	10
EASTER TERM, 1792.		
Rule to appear and Plead in *eight* Days and Warrant	2 10	2 10
Demanding a Plea of Defendant in Custody ——	1 6	2 6
Paid signing Interlocutory Judgment ——	2	2
Term Fee Clerk in Court and Solicitor ——	3 4	10
TRINITY TERM, 1792.		
Drawing and Ingrossing the Writ of Inquiry, fol. 15, and Solicitors Fee thereon	5	10 10
Parchment and Duty thereon and signing and sealing it	6 3	6 3

The

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
The Defendant having again removed himself by *Habeas Corpus* to the King's-Bench Prison, attending there again to search as to this Fact, when I found it to be grounded in Truth, and paid the Clerk of the Papers for such Searching	4 4	4 4
Subpœna for Witnesses and Solicitor's Term Fee thereon —— ——	5 2	8 6
Two Copies thereof and Service on two Witnesses and Conduct Money given them therewith ——		8
Drawing Notice of executing a Writ of Inquiry of Damages in this Cause, and fair Copy thereof served at the King's-Bench Prison on the Turnkey and paid him therewith ——	3 6	5
Paid executing the Writ of Inquiry —— ——	1 10 6	1 10 6
Expence of Witnesses attending thereupon —		5
Attending for the Return of the Inquiry, and paid filing Inquiry and Inquisition —— ——	2 8	4 4
Rule thereupon of *four* Days for final Judgment signing it and Duty ——	11 2	11 2
To the Usher's Clerk and paid docquetting the Judgment —— ——	3	3

	Clerk in Court on the Solicitor £. s. d	Between Party and Party £. s. d.
Drawing Bill of Costs and fair Copy ——	2	4
Attending the Clerk of the Pleas on Taxation of the Bill of Costs — ——	3 4	6 8
Paid him for Taxation —	2	2
Entering final Judgment on the Roll, fol. 19 ——	4 9	6 4
Term Fee Clerk in Court and Solicitor ——	3 4	10
MICHAELMAS TERM, 1792.		
Drawing and Ingrossing an *Habeas Corpus* directed to the Marshal of the King's Bench Prison to bring the Defendant into Court to Charge him in Execution and allowing it —	17 8	17 8
Solicitor's Fee thereon —		6 8
Attending at the King's-Bench Prison in Saint George's Fields to lodge the *Habeas Corpus* with the Clerk of the Papers there for a Return ——	3 4	3 4
Paid the Clerk of the Papers for the Return thereof —— ——		
Drawing and making fair Copy of a Brief for Counsel to move to Charge the Defendant in Execution	1 6	2 6
Gave Counsel a Fee to make such Motion ——	10 6	10 6

Attending

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Attending the Counsel with Brief and Court on Motion	3 4	6 8
Paid the Bagbearer his Fee for bringing the Judgment Roll into Court	1	1
Paid the Marshal his Fee for bringing the Defendant into the Court of Exchequer in obedience to the last-mentioned Writ of *Habeas Corpus* ——	10 6	10 6
Paid for the Rule, ordering the Defendant to stand committed to the Fleet Prison charged in Execution until, &c.		
Paid the Tipstaff of the Court his Fee for carrying the Defendant to the Fleet Prison pursuant to the Order of Court —	13 4	13 4
Making a fair Copy of the Rule for Service on the Warden of the Fleet charging the Defendant in Execution in his Custody fol. at 4*d* per folio		
Service thereof on the Warden of the Fleet, 2*s*. 6*d*. and paid him 1*s* therewith	3 6	3 6
Filing *Habeas Corpus* and Return with the Clerk of the Pleas —— ——	1	1
Entering the *Committitur* on the Roll, fol. 4 --	1	1 4
Paid for the Entry ——	2	2

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Term Fee Clerk and Solicitor —— —	3 4	10
Letters and Porters during the Whole of this Business —— —	2 6	5

THE COSTS of David Lloyd Plaintiff, against Rhys Jenkin a Prisoner in the Custody of the Warden of the Fleet Defendant in Case on Promises wherein a Writ of Inquiry of Damages has been executed and returned by the Sheriffs of London, and One Hundred and Ninety-six Pounds Six Shillings and One Penny Damages were found by the Jury.

	Clerk in Court on the Solicitor. £. s. d.	Between Party and Party. £. s. d.
TRINITY VACATION, 1791.		
Attending the Plaintiff taking Instructions for this Action and an Authority to sue		4 4
Drawing and Ingrossing an Affidavit of Debt, Duty, Oath and filing ——		6 7
Quo Minus into Kent and Solicitor's Fee thereon	6 8	13 4
Warrant of Retainer filling up filing and Duty —	3 7	
Paid for the Sheriffs Warrant on the *Quo Minus* 4*d.* and Messenger for same, 1*s.* 6*d.* —— —		1 10
Postage of Letters ——		2

MICHAELMAS

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party. £. s. d.
MICHAELMAS TERM, 1791.		
Paid the Sheriff for a Return of *Non est inventus*, 2s. and Clerk in the Court 1s. for filing the *Quo Minus* and Return ——	1	3
Alias Quo Minus into Kent Solicitor's Fee and Letters	6 2	12 10
Paid for the Sheriffs Warrant thereon, and Messenger for same ——		1 10
Paid Sheriff 2s. for a Return of *Non est inventus* and the Clerk in Court, 1s. for filing the *alias Quo Minus* and Return —	1	3
HILARY TERM, 1792.		
Quo Minus into London and Solicitor's Fee thereon	6 8	13 4
Paid for the Sheriffs Warrant thereon and Messenger —— ——		1 10
Paid the Serjeant at Mace his Fee for arresting the Defendant ——	10 6	10 6
Defendant being unable to give Bail and the Officer informing me he meant to move himself by *Habeas Corpus* to the Fleet Prison		
Searching at the Fleet Prison to see if Defendant was a Prisoner there and paid	2 8	4 4

EASTER

	Clerk in Court on the Solicitor £.	s.	d.	Between Party and Party £.	s.	d.
EASTER TERM, 1792.						
Taking Instructions for Declaration ——					3	4
Drawing Declaration in Case, fol. 21 ——		10	6	1	1	
Engrossing the same 10*s.* 6*d.* and paid entering it 6*s.* 8*d.*		13	8		17	2
Paid for Parchment to Ingross the same on with Duty ——		1	9		1	9
Paid filing the Bill ——			4			4
Making a fair Copy of the Declaration on Duty to deliver to the Defendant in Custody in the Fleet Prison ——		7	9		7	9
Service thereof on the Turnkey of the Fleet Prison		1	6		2	6
Paid him therewith to enter the same with the Clerk of the Papers ——		1			1	
Term Fee Clerk in Court and Solicitor ——		3	4		10	
TRINITY TERM, 1792.						
Rule of *eight* Days for Defendant to appear and plead and Warrant ——		2	10		2	10
Demanding a Plea of Defendant in Custody —		1	6		2	6
Signing Interlocutory Judgment —— —		2			2	
Term Fee Clerk in Court and Solicitor ——		3	4		10	

TRINITY

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
TRINITY VACATION.		
Drawing and Ingrossing a Writ of Inquiry of Damages, fol. 74 ——	8	12
Paid 1s 6d. Parchment, and 2s. 6d. Duty for same	4	4
Paid 2s. signing, 9d. Seal, and 3s. 4d. Solicitor's Fee thereon ——	2 9	6 1
Drawing and making a fair Copy of a Notice of executing the Writ of Inquiry of Damages and Service thereof on the Defendant in the Fleet Prison — ——	3 6	5
Paid the Turnkey with same — ——	1	1
Paid the Sheriffs of London for executing the Writ of Inquiry of Damages	1 10 8	1 10 8
Solicitor's Attendance at Grocer's Hall Alley to execute the same ——	6 8	13 4
Paid the Expence of Witnesses attending the Execution thereof ——	5	5
MICHAELMAS TERM, 1792.		
Attending at the Secondary's Office to obtain a Return of the Inquisition by the Sheriffs —— —	1 8	3 4
Paid the Clerk in Court for filing the Inquiry and Inquisition returned thereon	1	1

Rule

	Clerk in Court on the Solicitor £. s. d.			Between Party and Party £. s. d.		
Rule of *four* Days thereupon for final Judgment, signing same and Duty, &c.		11	2		11	2
Paid 2*s.* to the Usher's Clk and 1*s.* for docqueting the Judgment ——		3			3	
Drawing and making a fair Copy of the Bill of Costs		1	6		2	6
Attending the Clerk of the Pleas to tax same ——		3	4		6	8
Paid him for taxing the Bill		2			2	
Entering Judgment on the Roll, fol. 28 ——		4	8		9	4
Term Fee Clerk and Solicitor —— ——		3	4		10	
Letters and Porters ——		1	6		3	
If in a County Goal as follows.						
Drawing Declaration, fol. 21 —— ——		10	6	1	1	
Ingrossing thereof on Parchment to file ——		7			10	6
Paid for Parchment and Duty for same ——		1	9		1	9
Paid filing the Bill ——			4			4
Making two fair Copies on Paper and Duty ——		15	6		15	6
Service of one Copy on the Defendant in Custody of the Sheriff ——					2	6
Paid with the same to the Turnkey of the Goal					1	
Drawing and Ingrossing an Affidavit of such Service Duty and Oath ——					5	7

Paid

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Paid Clerk in Court, for filing such Affidavit, with the Declaration annexed thereto	1	1
Term Fee of Easter Term Clerk in Court and Solicitor ———	3 4	10
Paid Postage of Letters		4
TRINITY TERM,		
An *eight* Day Rule for the Defendant to appear and plead and Warrant ———	2 10	2 10
Demanding a Plea of the Defendant in Custody ———		2 6
Signing Interlocutory Judgment, for Want of a Plea	2	2

The Residue of these Costs, to final Judgment, and Execution, are the same, as in a common Nil dicit, *which see under Title,* Judgment by Default.

Of discharging a Prisoner for want of Proceeding.

Should a Plaintiff neglect to proceed against a Prisoner in Custody, according to the Rules before mentioned, the Defendant's Solicitor must procure the following

Certificate from the Goaler.

I William Davies, Goaler or Keeper of his Majesty's Prison of Montgomery, in and for the County of Montgomery, do hereby certify that Rhys Jenkin is now a Prisoner in my Custody, as Keeper of the County Goal for the said County of Montgomery, at the Suit of David Lloyd the King's Debtor, charged upon a Writ of *Quo Minus* issued out of his Majesty's Court of Exchequer at Westminster, returnable before the Barons there in eight Days of Saint Hilary last past, requiring Bail for the Sum of Five Hundred Pounds and upwards. And I do hereby further certify, that the said Rhys Jenkin is not, nor hath he been charged with any Declaration in the said Cause, or with any other Action, dated the Twenty-second Day of May, 1792. William Davies.

Witness, Owen Tudor.

To which Certificate must be annexed an

Affidavit of the Goaler's Signature.

In the Exchequer of Pleas.

David Lloyd, Plaintiff agt. Rhys Jenkin, Defendant.

Owen Tudor, of Welch-Poole, in the County of Montgomery, Gentleman, maketh Oath, that he this Deponent was present on the Twenty-second Day of May, 1792, and did see William Davies, the Goaler, or Keeper of his Majesty's Goal in and for the said County of Montgomery, sign the Certificate hereunto annexed, and that the Names "William Davies," and "Owen Tudor," set and subscribed thereto, are of the respective Hand Writings of the said William Davies and this Deponent.

Sworn at Welch-Pool, &c. Owen Tudor.

Which *(being correct)* must be immediately transmitted to the Clerk in Court, who obtains a Baron's Summons thereon, to shew Cause, why the Defendant should not be discharged, on entering a common Appearance. In general Cases, an Order passes of Course, unless Cause be shewn to the contrary within *ten* Days. If no sufficient Cause be then shewn, and *certified by Affidavit*, the Order absolute is granted, which Warrants the Clerk in Court to issue the following writ of

Supersedeas for not declaring in due Time.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; To the Sheriff of Montgomeryshire, Greeting. Whereas Rhys Jenkin is detained in our Prison under your Custody, as it is said, by Virtue of our Writ, of *Quo Minus ad Respondendum*, regularly issued out, and under the Seal, of our Court returnable before the Barons of our Exchequer at Westminster, in eight Days of Saint Hilary last past, to answer David Lloyd our Debtor of a Plea of Trespass, whereby he was the less able to satisfy us the Debts, which he owes us at our said Exchequer, to his great Damage, as he said he could reasonably shew that thereof, he ought to answer, *(And Whereas afterwards that is to say on the Twenty-eighth Day of November last past, the said Rhys Jenkin was charged with a Declaration at the Suit of the said David Lloyd, in the Plea aforesaid)* but because it appears to the Barons of our said Exchequer, at Westminster, that the said Rhys Jenkin hath put in his Place John Miller, his Attorney, to answer the said David Lloyd in the Plea aforesaid, and that the said David Lloyd hath not declared against him within two Terms *(proceeded to Judgment against the said Rhys Jenkin within three Terms after Delivery of the said Declaration)* as required by the Rules of our said Court of Exchequer. We command you therefore, that if

the said Rhys Jenkin be detained in our Prison under your Custody, for the Cause aforesaid, and no other, that then you suffer him to go at large, as you will answer the Contrary at your Peril.—Witness Sir James Eyre, Knight, at Westminster, the Twenty-first Day of May, in the Thirty-second Year of our Reign.

John Miller. Rose.

Costs of superseding a Prisoner.

In the Exchequer of Pleas.

Jenkin at the Suit of Lloyd.

EASTER VACATION, 1792.	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Attending the Defendant in Custody to take Instructions, and Warrant to supersede him —		4 4
Attending the Keeper of the Goal, searching for and procuring a Certificate of the Causes, wherewith the Defendant stood charged		3 4
Paid him for the same —		3 6
Drawing and Ingrossing an Affidavit, verifying the Goaler's Certificate —		5 7
Summons for Supersedeas Copy and Service —	3	4
Attending the same a full Hour, but the Plaintiff's Clerk in Court did not attend — —	3 4	3 4
The like on a second Summons — —	6 4	7 4
The like on a third Ditto	6 4	7 4

Drawing

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Drawing and Ingrossing an Affidavit of the regular Services of the Summons and Attendances thereon—		5	7		5	7
Paid for the Barons Order		4			4	
Copy and Service on the Plaintiff's Attorney —		1			2	
Entering Common Appearance and Fee — —		6			9	4
Warrant of Retainer filling up, filing and Duty —		3	7			
Supersedeas and Fee —		7	2		13	10
Paid Postage of Letters —					2	6

Method of discharging a Prisoner, charged in Execution, under the Lords Act.

The following Instructions may be of Advantage to those Defendants, whose Misfortunes entitle them to the wholsome Relief of Statutes which do Honor to the Legislature of this Country.— But it must be particularly observed, that unless a Defendant proceeds to take the Benefit of these Laws (32. Geo. II. c. 28.) immediately and *within the very first Term*, after he is taken or charged in Execution, he will be denied all Redress, for at least Twelve Months, at which Period he may be assisted by the 26. Geo. III. c. 44. it being the Design of the Law, that a Defendant shall not wanton, in the Waste and Spoil of his Property, to the Prejudice of his Creditor, till all is lost, and then seek the Aid of the aforesaid Insolvent Acts.

The following are Forms of those Proceedings which are necessary to secure such Advantages, and protect the Prisoner, and his Solicitor, from the Risque of Error, in which, from the Want of them, they are too often involved. I consider it therefore as absolutely necessary to present all those who

who are concerned in this momentous Business, with the Documents, for Defendants to apply for their Discharge, under the Lords Act, or Acts of Insolvency before-mentioned, and first with

A Notice to the Plaintiff.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

To Mr. David Lloyd, the Plaintiff.

Sir,

Take Notice that I intend at the Expiration of *fourteen* Days, from the Delivery hereof, (or so soon after as I can be heard) to petition his Majesty's Court of Exchequer at Westminster, for such Relief and Benefit as I am intitled to, by Virtue of an Act of Parliament, made and passed in the Thirty-second Year of the Reign of his late Majesty King George the Second, intitled "*An Act for the Relief of Debtors with respect to the Imprisonment of their Persons, &c.*" And also of an Act made and passed in the Twenty-sixth Year of his present Majesty, intitled "*An Act for the further Relief of Debtors, &c.*" And that I have no Debts, Estate or Effects whatsoever, nor had I at the Time of my first Imprisonment in this Action, or at any Time since, either in Possession, Reversion, Remainder, or Expectancy, other than and except *(what is contained in the Schedule hereunto annexed, and)* the necessary Wearing Apparel and Bedding for myself and Family, and the Tools or Instruments of my Trade or Calling, not exceeding the Sum of Ten Pounds in Value in the Whole. As Witness my Hand this Twentieth Day of March, One Thousand Seven Hundred and Ninety-two.

Witness, Owen Tudor. Rhys Jenkin.

Underneath

Underneath which, or upon the Back of such Notice must be made

An Affidavit of the Defendant's signing the same Notice.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

Owen Tudor of Welch Poole, in the County of Montgomery, Gentleman, maketh Oath and saith that he was present, and did see the above-named Defendant, Rhys Jenkin sign his Name [or Mark] to the Notice and Schedule *hereunto annexed* on the Day of the Date thereof: and also to a Copy of the same, and that the Name "Owen Tudor," subscribed as a Witness thereto, is the proper Hand Writing of this Deponent.

Sworn, &c. Owen Tudor.

Such Notice being served on the Plaintiff, there must be made

An Affidavit of Service of Notice. Vid. sec. 13.

In the Exchequer of Pleas.

Between { David Lloyd Plaintiff. and Rhys Jenkin, Defendant.

Owen Tudor of Welch Pool, in the County of Montgomery, Gentleman, maketh Oath and saith that he this Deponent did on the Twenty-fifth Day of March instant, *personally* serve the above-named Plaintiff, David Lloyd, with a true Copy of the Notice and Schedule hereunto annexed.

Sworn, &c. Owen Tudor.

Both Affidavits on plain Paper without Duty.

The Form of the Inventory.

A Schedule or Inventory of all the Estate and Effects, which I Rhys Jenkin a Prisoner in Execution, in the Custody of the Sheriff of the County of Montgomery, at the Suit of David Lloyd, or any Person or Persons in Trust for me, was or were possessed of or intitled unto, at the Time of my first

Imprisonment;

Imprisonment, at the Suit of the said David Lloyd, or at any Time since, either in Possession, Reversion, Remainder, or Expectancy, other than and except the necessary Wearing Apparel and Bedding of or for me and my Family, and the Tools or Instruments of my Trade or Calling, not exceeding Ten Pounds in Value in the Whole. As witness my Hand, this Twentieth Day of March, One Thousand Seven Hundred and Ninety-two.

Witness, Owen Tudor Rhys Jenkin.

A very correct and particular Account must here be *truly* stated of all the Prisoner's Estate and Effects, for if in any particular it is falsified, he will be remanded and lose the Benefit of these Acts.

Every Principle of Integrity must on this Occasion be strictly attended to by the Prisoner, and most chastely exercised, as well to do all possible Justice to an injured Creditor, as to give a Renovation to his own Character, at least doubtful, if not lost, by the unhappy Circumstance of his Imprisonment.

Prisoners Petition, which must be presented to the Court within the next Term *after Defendant is charged in Execution.*

To the Right Honourable Sir James Eyre, Knight, Lord Chief Baron of his Majesty's Court of Exchequer at Westminster, and the rest of the Barons of the same Court.

The Humble Petition of Rhys Jenkin.

Sheweth,

That your Petitioner is a Prisoner in the County Goal of Montgomery, charged in Execution at the Suit of David Lloyd, for the Sum of

as by the Certificate hereto annexed more fully appears,

That your Petitioner humbly apprehends he is intitled to the Benefit of an Act of Parliament made and passed in the Thirty-second Year of the Reign

Reign of his late Majesty King George the Second, intitled "*An Act for the Relief of Debtors with* "*respect to the Imprisonment of their Persons,* "*&c.*" And also of an Act made and passed in the Twenty-sixth Year of the Reign of his present Majesty, intitled "*An Act for the further Relief* "*of Debtors, &c.*"

That your Petitioner hath not at the Time of exhibiting this his Petition, nor had he at the Time of his Imprisonment in this Action, or at any Time since, any Debts, Estates, or Effects whatsoever, either in Possession, Reversion, Remainder, or Expectancy, other than and except (*what is contained in the Schedule hereunto annexed, and*) the necessary Wearing Apparel and Bedding, for himself and Family, and the Tools or Implements of his Trade and Calling, not exceeding the Sum of Ten Pounds in Value in the Whole.

Your Petitioner being willing and desirous to conform himself to the Directions of the said several Acts, most humbly prays your Lordship to grant a Rule or Order of this Honourable Court, for the said Plaintiff to shew Cause, why he should not be discharged, pursuant to the said Acts. And as in Duty bound your Petitioner will ever pray, &c.

Witness, Owen Tudor. Rhys Jenkin.

To the above Petition must be annexed, an *exact* Copy of the Defendant's Schedule signed by him, as delivered to the Plaintiff, and witnessed in like Manner.

Witness, Owen Tudor. Rhys Jenkin.

To the foregoing must be added the

GOALER's CERTIFICATE.

"*Copy of the Sheriff's Warrant to be first written.*"

I William Davies, Goaler or Keeper of his Majesty's Goal of Montgomery, in and for the County of Montgomery, do hereby certify that the above-written is a true Copy of the Sheriff's Warrant, on which the Defendant Rhys Jenkin was taken, and by Virtue whereof he was committed into my Custody, on the *tenth* Day of February last, and hath ever since continued therein, nor have I any other Detainer against him, As Witness my Hand, the Day of March, One Thousand, Seven Hundred and Ninety-two.

Witness, Owen Tudor. William Davies.

And an Affidavit of Goaler's Signing annexed.

In the Exchequer of Pleas.

David Lloyd Plaintiff,
against
Rhys Jenkin, Defendant.

Owen Tudor of Welch Pool, in the County of Montgomery, Gentleman, maketh Oath, and saith, that he was present, at the Goal of Montgomery, on the Day of March Instant, and did then and there see William Davies, Keeper or Goaler of his Majesty's said Goal for the County of Montgomery, sign the Certificate hereunto annexed.

Sworn, &c. Owen Tudor.

On plain Paper, without Duty, nor is any Fee to be paid for either of the Oaths.

These several Documents are transmitted to the Clerk in Court who procures

An

An Order to bring Defendant into Court.

Easter Term in the 32d Year of the Reign of King George the Third.
David Lloyd, Plaintiff, against Rhys Jenkin a Prisoner, &c. Defendant.
Wednesday the 25th Day of April.

Upon reading the Petition of the said Defendant, Rhys Jenkin, (a Prisoner under Execution in his Majesty's Goal of Montgomery in and for the County of Montgomery,) at the Suit of the above-named Plaintiff David Lloyd, setting forth the Cause of his Imprisonment, and a full and just Account of all his real and personal Estate whatsoever, in a Schedule thereto annexed, And also an Affidavit of Service of Notice, that the said Defendant Rhys Jenkin intended to petition this Honourable Court, and of the signing of such Notice, and also of the Goaler's signing the Certificate of the Time of his Commitment. It is ordered that the Sheriff of the said County of Montgomery, or his Keeper of the said Goal, shall on some one Day during the next Great Session, to be held in and for the said County of Montgomery, bring into the Court, there before the Justices of the said Court of Great Session, the Body of the said Rhys Jenkin, in order to be discharged out of Custody, pursuant to an Act of Parliament, passed in the Thirty-second Year of the Reign of his late Majesty King George the Second, intitled "an Act for the Relief of Debtors "with respect to the Imprisonment of their Persons;" And of an Act made and passed in the Twenty-sixth Year of the Reign of his present Majesty, intitled "an Act for the further Relief of "Debtors, &c." And it is further ordered, that the said Plaintiff David Lloyd, (upon Notice of this Rule to be given to him, *fourteen* Days before the said Great Session,) shall at the same Time, by himself

ſelf, his Council, or Attorney, ſhew Cauſe, if any he hath, why the ſaid Defendant Rhys Jenkin, ſhould not be diſcharged out of Cuſtody, according to the ſeveral Acts of Parliment aforeſaid.

By the Court. Roſe.

This Order of Court is upon plain Paper, without Duty, and a Copy of it muſt be ſerved, as well on the Deputy Sheriff, as the Plaintiff, and the following

Affidavit of Service of the Rule then made.

In the Exchequer of Pleas.

David Lloyd Plaintiff,
againſt
Rhys Jenkin Defendant.

Owen Tudor of Welch Pool, in the County of Montgomery, Gentleman, maketh Oath, that he did on the Twenty-ſeventh Day of July laſt paſt, perſonally ſerve (*Llewellin Morgan, Solicitor for the Plaintiff above-named, he this Deponent having diligently enquired after the ſaid Plaintiff David Lloyd, and being wholly unable to ſee him or diſcover his Reſidence. Vid.* 32 Geo. III. *c.* 28. *ſ.* 13.) David Lloyd, the above-named Plaintiff, with a true Copy of the Rule hereunto annexed, and at the ſame time ſhewed the ſaid original Rule to him. Owen Tudor.
Sworn, &c. before

On plain Paper and without Duty.

This Affidavit with Rule, Petition, Schedule, &c. is delivered to the proper Officer, when the Defendant is brought into Court to be diſcharged, who will proceed to adminiſter the appointed Oath to him, and pronounce his Enlargement.

Remanded on Oppoſition.

If the Plaintiff ſhould, for any Reaſon, be reſolved to continue his unhappy Debtor in Cuſtody, he muſt, when the Defendant is brought into Court to be diſcharged, there oppoſe him upon the Truth and Merits of his Petition, Schedule, &c. by

by Council; If he fails in that and perſonally attends, he muſt (in Court) enter into a Note of Hand in the Words following, on a Sixpenny Stamp Duty; If not preſent, the Affidavit following muſt be annexed to ſuch Note, whereupon Defendant will be remanded.

Note of Hand for Payment of the Groats.

In the Exchequer of Pleas.

David Lloyd, Plaintiff,
againſt
Rhys Jenkin, Defendant.

I David Lloyd the above-named Plaintiff, do hereby undertake and promiſe to pay, to the above-named Defendant Rhys Jenkin, the Sum of two Shillings and Four-pence Weekly, and on Monday in every Week, ſo long as he ſhall continue a Priſoner in Execution at my Suit. Dated this Eleventh Day of Auguſt, 1792.

Witneſs, Richard Lewis. David Lloyd.

Affidavit of Plaintiff's ſigning the Note.

In the Exchequer of Pleas.

David Lloyd Plaintiff
againſt
Rhys Jenkin Defendant.

Richard Lewis, of Welch Pool, in the County of Montgomery, Gentleman, maketh Oath and ſaith, that he was preſent on the Eleventh Day of Auguſt inſtant, and did ſee David Lloyd the Plaintiff above-named, duly ſign the Note of Hand hereunto annexed, And that the Name "David Lloyd" thereto ſubſcribed, as the Perſon, and Plaintiff in this Action, giving ſuch Note, and the Name "Owen Tudor" thereto alſo ſubſcribed, as a Witneſs atteſting ſuch Signature of the ſaid David Lloyd, are of the reſpective proper Hands Writing, of the ſaid Plaintiff David Lloyd and this Deponent.

Sworn, &c. before Richard Lewis.

Which

Which Affidavit is to be ingrossed on a treble sixpenny Stamp Duty, and sworn before a Commissioner in the Exchequer; the Affidavit is then annexed to the Note of Hand, and both delivered to the Defendant in Court, with 2s. 4d. which must be regularly paid to him, or the Goaler, every succeeding *Monday*.

And how to be paid.

Payment of two or more 2s. 4d. to the Defendant, at one and the same Time (which is often erroneously made, with a view to save Trouble) is bad, and the Defendant, in such Case, as well as in Default of regular Payment, *on each succeeding Monday*, will be entitled to his Discharge, it being the humane Design of the Law, that such Payment shall be made *Weekly*, wherewith an unfortunate Debtor, may in some Degree be enabled to support himself in Custody, which he might otherwise squander and misapply, and thereby increase his Misery.

Defendant's Future Effects.

But be it *well remembered*, that these most excellent Statutes, operate only as to the Relief of Persons, and not an Extinction of a Plaintiff's Right of Suit, as he may at any future Time, levy upon new acquired Effects of the Defendant, to the Satisfaction of the whole of his Debt.

Rule on Defendant being remanded.

Easter Term in the Thirty-second Year of the Reign of King George the Third.

Wednesday the 16th Day of May, 1792.

Lloyd against Jenkin a Prisoner.

On which Day the said Defendant was brought up into Court pursuant to an Order made on the Twenty-fifth Day of April last for that Purpose, and having taken the Oath, directed to be taken by the Act of the Thirty-second Year of the Reign of his late Majesty King George the Second, And the Plaintiff

Plaintiff objecting to the Discharge of the said Defendant, and *personally in Court* duly signing his Note of Hand, undertaking to pay to the said Defendant 2s. 4d. Weekly, and on Monday in every Week, during such Time as the said Defendant shall remain a Prisoner in Execution at his Suit; Ordered thereupon that the said Defendant be, and he is hereby remanded to the Custody of the Warden of his Majesty's Prison of the Fleet, there to remain until, &c.

By the Court. Rose.

Costs of liberating a Prisoner under the Lords Act.

In the Exchequer of Pleas.

Jenkin at the Suit of Lloyd.

	Clerk in Court on the Solicitor. £. s. d.	Between Party and Party. £. s. d.
Attending the Defendant in Custody, taking Instructions and Warrant to procure his Discharge —		4 4
Attending the Keeper of the Goal, searching for and procuring a Certificate of the Causes, wherewith the Defendant stood charged		3 4
Paid him for the same —		3 6
Drawing a Notice from Defendant to the Plaintiff of his Design to apply for the Benefit of the Lords Act — —		3
Making a fair Copy thereof and personal Service on Plaintiff — —		3

Drawing

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Drawing and Ingrossing an Affidavit of such Service					3	
Fair Copy of the Notice and Schedule annexed thereto					2	
Drawing a Petition to the Court, praying for a Rule to be brought into Court to be discharged, and fair Copy — —					3	
Paid for entering and an Office Copy of the Rule for that Purpose		2	6		2	
Paid the Clerk in Court his Fee for obtaining same		3	4		3	4
Making a fair Copy of the Rule and Service on the Plaintiff personally —					2	
The like upon the Sheriff —					2	
Drawing and Ingrossing an Affidavit of such Services					3	
Attending the Court when Defendant was ordered to be discharged, he not being opposed by the Plaintiff — —					3	4
Paid for the Order of Liberation — —					2	6
Attending the Sheriff with the same and to get the Defendant set at Liberty					3	4
Paid Postage of Letters —		2			4	

Should the Defendant be charged in Execution, at the Suit of *more* than one Plaintiff, *each* Plaintiff must be served with a Copy of the Whole, in like Manner, and similar Proceedings for his Discharge must be pursued in each individual Cause.

Having

Inrolment of Deeds.

In this Court Deeds are enrolled with Expedition and Effect, as to their Preservation and Security; And thus to record Conveyances, which respect large Property, is a very prudent Practice, as in Case of any Accident by Fire, or otherwise, such Inrolment may be substituted for the Original. vid. 10. Ann. c. 18. s. 3.

The Deed intended to be inrolled, is to be taken to a Baron, who grants his Fiat thereon, if found to be regular, which with the Acknowledgment authorizes the Clerk in Court, to inrol it.

It must be observed here, that the Acknowledgment is unnecessary, unless the Deed is a Bargain or Sale, in which Case one of the Parties (if in Town) must attend before a Baron for that Purpose; in other Cases, the Fiat of the Baron is alone sufficient.

The Form of the Acknowledgment is as follows:

" The Execution of this Deed was acknowledged
" in Court *(or at my Chambers, &c.)* by A. B.
" Party thereto, and within-mentioned, who
" prayed that the same may be inrolled in the
" Office of Pleas of his Majesty's Court of Exche-
" quer at Westminster, on the
" Day of May 1792, before me
" Jas. Eyre."

If the Party executing any Deed, necessary to be inrolled, reside in the Country, at a Distance, such Party may attend any Commissioner, properly authorized for the taking of Affidavits in the Court of Exchequer, and acknowledge the same before him, who shall certify such Acknowledgment in the Margin thereof in like Manner as above.

The Deed is then transmitted to the Clerk in Court, who in either of the above Cases obtains the following Fiat.

"Let this Deed be inrolled in the Office of "Pleas of his Majesty's Court of Exchequer at "Westminster, dated the Day of "June, 1792.

"Jas. Eyre."

The Deed is then inrolled by the Clerk in Court with this *Incipitur*, viz.

"An Indenture of Bargain and Sale to be in-"rolled, before the Barons of the Exchequer at "Westminster, among the Pleas of Trinity Term "in the Thirty-second Year of the Reign of our "Sovereign Lord George the Third, by the Grace "of God of Great-Britain, France and Ireland, "King, Defender of the Faith, and so forth, and "in the Year of our Lord One Thousand Seven "Hundred and Ninety-two."

And the following Indorsement is afterwards made thereon, which compleats the Deed for Re-delivery to the Solicitor.

"Inrolled in the Office of Pleas of his Majesty's "Court of Exchequer at Westminster, among the "Pleas of the Term of the Holy Trinity in the "Thirty-second Year of the Reign of our Sove-"reign Lord George the Third, by the Grace of "God of Great-Britain, France and Ireland, "King, Defender of the Faith, &c. and in the "Year of our Lord, One Thousand Seven Hun-"dred and Ninety-two," by

Richard Edmunds. Rose, (L.S.)

Costs

The Costs of inrolling a Deed.

Rhys Jenkin to David Lloyd.

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party. £. s. d.
Attending the Parties taking their Instructions to inrol a Deed of Bargain and Sale —— ——		3 4
Attending Rhys Jenkin to the Baron's Chambers, in order to acknowledge the Execution of the Deed by him —— ——	3 4	6 8
Paid the Baron's Clerk his Fee thereon ——	5	5
Attending at the Baron's Chambers to procure his Fiat for inrolment of the Deed —— ——	3 4	6 8
Paid the Baron's Clerk his Fee thereon ——	2 6	2 6
Inrolling the Deed of Bargain and Sale, fol. 60 ——	1 10	2
Paid for docquetting the same —— ——	3	3
Paid Porters and Postage of Letters —— ——		2 6

Having thus gone through the principal Object of this Treatise, and explained the different Processes, by which Actions, &c. are commenced prosecuted and defended, &c in this Court, and enlarged on such Part of the further Proceedings to

Iſſue Trial, &c. as I conceive neceſſary to convey a perfect Idea, and full Information to the Solicitor, of the Nature, Extent, and Superiority of its Practice, I ſhall conclude this Part with beſt Hopes, that, though ſome Imperfections will appear herein, yet, it may prove beneficial to the Office of Pleas, and uſeful to the Profeſſion in general, to whoſe Candor and Indulgence it is ſubmitted.

I ſhall now proceed to give a few regular Bills of Coſts, and ſubjoin an Appendix of ſome uſeful Precedents.

Plaintiff's

Plaintiff's Costs in divers Cases.

Where a Clerk in Court, on Service of Process, applies for an Account of Debt and Costs, *with a View to Payment*, and Avoidance of further Expences, 'tis the usual and most proper Method, that he should engage for Payment of the same, as soon as settled.

If the Defendant's Clerk in Court means ingenuously, he cannot think such Request improper otherwise, it well becomes the Plaintiff's Clerk in Court to act with Caution to defeat all sinister Views, or affected Delay. Under such an Undertaking the Plaintiff's Clerk in Court, delivers an Account with Confidence, which is candidly settled between them without further Increase of Expences.

*All Items * thus marked are not Costs between Party and Party.*

Close Copies of all Proceedings are allowed between Attorney and Client, at 4d. per Folio.

On a Venire facias ad respondendum.

In the Exchequer of Pleas.

Lloyd against Jenkin.

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
HILARY TERM, 1792.						
Attending to take Instructions and Warrant to sue				4	4	
Warrant of Retainer, filling up, filing it and Duty	3	7				
Venire facias ad respondendum and Solicitor's Fee thereon	6	8		13	4	

Paid

	Clerk in Court on the Solicitor £. s. d	Between Party and Party £. s. d.
Paid the Sheriff 2s. 4d. for a Warrant on same and making a Copy thereof		3 6
Messenger to the Sheriffs Office for the Warrant		1 6
Paid the Officer for Service of the Summons on Defendant's Servant at his Dwelling-house		5
EASTER TERM, 1792.		
Paid 2s. for return of a *Venire facias*, and 1s. for filing it	1	3
Distringas ad Respondendum, and solicitor's Fee thereon	6 8	13 4
Paid for Sheriffs Warrant on the *Distringas* ——		2 4
Messenger to the Sheriffs-Office for the same ——		1 6
Paid Officer for executing the same ——		10
Similar Charges as the last five, where an Alias, *or* plures Distringas *issues in default of an Appearance.*		
Bill of Costs and fair Copy	1	2
Fee ending the Cause and settling the Bill ——	3 4	6 8
Letters and Porters ——		2 6

On

On Service of a Quo Minus.

Lloyd against Jenkin.

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
HILARY TERM, 1792.						
Attending the Plaintiff to take Instructions, and Authority to sue thereon					4	4
Warrant of Retainer, filling up, filing it, and Duty		3	7			
Quo Minus, and Solicitor's Fee thereon ——		6	8		13	4
Copy to serve, but Defendant could not be seen					1	
Paid Postage of Letters —			6		1	6
EASTER TERM, 1792.						
Alias Quo Minus, and Solicitor's Fee thereon		5	2		11	10
Copy thereof and personal Service on the Defendant					5	
Drawing and Ingrossing an Affidavit of such Service, Duty, and Oath ——					5	7
Drawing a Bill of Costs and fair Copy thereof ——		1			2	
Fee, settling the Bill, and ending the Cause ——					3	4
Paid Postage of Letters		1			2	

On

On a bailable Quo Minus in a Country Cause.

Lloyd against Jenkin.

HILARY TERM, 1792.	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Attending to take Instructions and the Plaintiff's Authority to sue ——		4 4
Drawing and Ingrossing an Affidavit of Debt, Duty and Oath —— ——		5 7
Warrant of Retainer, filling it up, filing and Duty	3 7	
Quo Minus and Solicitor's Fee thereon —— ——	6 8	13 4
Filing the Affidavit of Debt	1	1
Paid for the Sheriffs Warrant on the *Quo Minus*		2 6
Paid a Messenger going for the same —— ——		1 6
Paid the Sheriff for a Return of *Non est inventus*		2
Paid Messenger going to the Sheriffs-Office to obtain same —— ——		1 6
Paid the Clerk in Court for filing the Writ and Return —— ——	1	1
Postage of Letters in this Term —— ——	1	2

EASTER

EASTER TERM, 1792.	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Alias Quo Minus, and Solicitor's Fee thereon ——	5 2	11 6
Paid for Sheriffs Warrant on this Writ —— ——		2 4
Messenger to the Sheriffs-Office for the same ——		1 6
Paid the Officer for arresting the Defendant ——		1 1
Bill of Costs and fair Copy	1	2
Fee, on settling the Bill, and compromising the Cause		6 8
Paid Postage of Letters	1	2 6

If on Subpœna ad respondendum.

In the Exchequer.

Lloyd against Jenkin.

HILARY TERM, 1792.	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Attending the Plaintiff taking Instructions, and an Authority to sue ——		4 4
Warrant of Retainer, filling up, filing it, and Duty	3 7	
Subpœna ad respondendum, and Solicitor's Fee thereon —— ——	6 2	12 10
Copy and Service thereof on Plaintiff's Wife at his Dwelling-house ——		2 6
Drawing and Ingrossing an Affidavit of such Service Duty and Oath ——		5 7
*Bill of Costs and fair Copy	1	2
Fee, settling the same, and accommodating the Cause		3 4
Paid Postage of Letters	1	2

Searching

If on an Attachment, or subsequent Process of Contempt.

	Clerk in Court on the Solicitor.			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
*Searching if the Defendant had appeared ——		1	8		3	4
Filing the Affidavit of Service of the *Subpæna* —		1			1	
Attachment and Solicitor's Fee thereon ——		6	2		12	10
Paid the Sheriff for a Warrant upon the same ——					2	6
Messenger to the Sheriffs-Office for the Warrant					1	6
Paid the Officer's Fee for arresting the Defendant				1	1	
Drawing, and fair Copy of, Bill of Costs ——		1			2	
Fee, settling the same, and accommodating the Cause					6	8
Paid Postage of Letters		1	6		2	6

On a Bail Bond assigned, with Comperuit ad Diem *pleaded to the Plaintiff's Declaration.*

In the Exchequer of Pleas.

Lloyd against Jenkin and Bail.

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
MICHAELMAS VACATION, 1791.		
Attending and making many Inquiries into the Sufficiency of the Defendant's Bail to the Sheriff —		6 8
Attending the Sheriff for an Assignment of the Bail Bond — —		6 8
Paid for Assignment of the Bail Bond —		6 8
Paid on stamping the same, and attending for that Purpose at the Stamp Office	4 4	4 4
Attending to take an Authority and Instructions to sue		4 4
Quo Minus, Solicitor's Fee, and Postage of Letters into Montgomeryshire, against the Principal	7 8	15 4
Warrant of Retainer, filling up, filing it, and Duty	3 7	
Copy and personal Service of the *Quo Minus* —		5
Affidavit thereof, Duty and Oath — —		5 7
Bill of Costs and Copy 1s. and attending settling same, 3s. 4d. —	4 4	4 4
Paid Postage of Letters	1	1 6

Attending

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
MICHAELMAS VACATION, 1791.		
Attending to take Instructions and an Authority to sue one of the Bail who lived in Shropshire		4 4
Warrant of Retainer, filling up, filing it, and Duty	3 7	
Quo Minus into Shropshire, 6s. 8d. Solicitor's Fee, 6s. 8d. and Postage of Letters — —	6 8	14 10
Copy and personal Service at Shrewsbury —		5
Affidavit of such Service Duty and Oath —		5 7
Paid the Attorney's Fee there and his Postage of Letters on the above Service —		4 4
Bill of Costsand attending the same and Cause to settle	4 4	4 4
Paid Postage of Letters	1	2
The like Costs against the other Bail Defendant who resided at Bala in Merionethshire — —	15 7	2 5
Attending the Defendant's Summons to stay Proceedings on the Bail Bond by Payment of Costs, and justifying Bail in the Cause	1 8	3 4
Copy of Order sent —	1	1
Bill of Costs and Copy and attending to settle the same	4 4	4 4
Paid Postage of Letters —	1	2

If

If the Proceedings should not be stayed in this Stage, the following may be a necessary Addition to each Bill.

HILARY TERM, 1792.	Clerk in Court on the Solicitor £. s. d	Between Party and Party £. s. d.
Searching if the Defendant had appeared ——	1 8	3 4
Entering an Appearance for the Defendant, according to the Statute and Solicitor's Fee thereon ——	6	9 4
Taking Instructions for Declaration ——		3 4
Drawing a Declaration on the Bail Bond, Fol. 22.	11	1 2
Ingrossing it 11s. and paid entering it and Duty, 6s. 11d. ——	14 3	17 11
Copy thereof filed on Duty	8 1	8 1
Notice thereof, Copy and Service on Defendant's Wife at his Dwelling-house	1	5
Paid an Attorney's Fee and Letters thereon at Bala		4 4
Rule to plead and filing Warrant ——	2 10	2 10
Demanding a Plea in Writing Copy and Service	1 6	2 6
Fair Copy of the Bond, oyer and Copy thereof being demanded, Fol. 6 —	2	2
Attending Summons for Time to plead ——	1 8	3 4
Copy of the Order sent to Wales —— ——	1	1

Paid

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Paid for an Office Copy, Plea of *Comperuit ad Diem*, Fol. 5 and Duty	1	11		1	11	
Drawing Replication thereto, Fol. 3 ——	1	6		3		
Paid entering it and Duty	2	3		2	3	
Drawing the Issue, Fol. 32	16			1	12	
Entering the same upon the Roll —— ——	10	8		16		
Drawing a Brief for Counsel to move that the Defendant do verify his Plea in *four* Days, or Judgment, and a fair Copy thereof ——	1			1	6	
To Counsel a Fee with Brief	10	6		10	6	
Attending him therewith and Court on Motion ——	3	4		6	8	
Paid Bagbearer bringing the Roll into Court ——	1			1		
Paid entering, and for an Office Copy, of the Rule	4	4		4	4	
Copy and Service of same on Defendant's Clerk in Court —— ——	1			2		
Signing final Judgment and Duty —— ——	9			9		
Paid Usher's Clerk, and for docquetting the Judgment —— ——	3			3		
Drawing and entering the Judgment Part on the Roll —— ——	1	2		2	4	

Drawing

	Clerk in Court on the Solicitor			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
Drawing Bill of Costs and making a fair Copy thereof	1	6		2	6	
Notice of taxing same Copy and Service	1			2		
Attending the Clerk of the Pleas to tax Bill	3	4		6	8	
Paid him for taxing the same	2			2		
Execution of *Fieri Facias*, and Solicitor's Fee thereon	5	2		8	6	
Paid Sheriff for a Return of *Nulla Bona* on the same				2		
Paid Clerk in Court filing the Writ and Return	1			1		
A *Testatum Fieri Facias*, and Solicitor's Fee thereon	5	8		9		
Term Fee, Clerk in Court, and Solicitor	3	4		10		
Paid Postage of Letters				4		

A similar Bill to the above, will apply in an Action of Debt upon Judgment, where the Defendant pleads nul tiel Record.

TRIAL

TRIAL at GUILDHALL, *London.*

The Costs of David Lloyd, Plaintiff, against Rhys Jenkin, Defendant, in Case on Promises, wherein the Plaintiff recovered a Verdict against the Defendant, at the Sittings held at Guildhall, *London, after last Trinity Term, and Damages found by the Jury to £.196.*

	Clerk in Court on the Solicitor. £.	s.	d.	Between Party and Party. £.	s.	d.
EASTER TERM, 1792.						
Attending the Plaintiff taking an Authority and Instructions to sue ——				4	4	
Warrant of Retainer, Duty, filling up, and filing it —	3	7				
Venire Facias ad Respondendum, and Solicitor's Fee	6	8		13	4	
Paid for the Sheriffs Warrant thereon —— —				2	4	
Messenger for the same to the Sheriffs Office ——				1	6	
Making a fair Copy thereof for Service — —				1		
Paid the Officer serving the same —— ——						
Searching if the Defendant had appeared ——	1	8		5 3	4	
Paid the Sheriff for a return of the *Venire Facias* ——	2			2		
Paid the Clerk in Court for filing same, with return	1			1		
Distringas ad Respondendum and Solicitor's Fee ——	6	8		13	4	
Paid for the Sheriffs Warrant thereupon ——				2	4	
Messenger to the Sheriffs-Office for the same ——				1	6	

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Paid the Officer his Fee, for distraining *forty* Shillings on the Defendant ——		10
Taking Instructions for Declaration ——		3 4
Drawing Declaration, Fol. 21 —— ——	10 6	1 1
To special Pleader to settle — ——	5	5
Attending him several Times	1 8	3 4
Ingrossing it and paid Clerk of the Pleas for entering it	13 11	17 5
Term Fee, Clerk in Court and Solicitor ——	3 4	10

TRINITY TERM.

Rule to plead and filing Plaintiff's Warrant —	2 10	2 10
Demanding a Plea in writing Copy and Service —	1 6	2 6
Attending Summons for Time to plead —— —	1 8	3 4
Copy Order sent —	1	1
Copy of the Plea of general Issue sent ——	1	1
Drawing the Issue, Fol. 24.	12	1 4
Copy on Duty ——	8 9	8 9
Entering the Issue on the Roll —— ——	4	8
Paid for Entry of the Issue	1	1
Jurata —— ——	2	2
Term Fee, Clerk in Court and Solicitor ——	3 4	10
Notice of Trial, Copy, and Service *of eight Days* ——	1 6	2 6

VACATION.

VACATION.	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Ingrossing the Record, Fol. 28	9 4	14
Parchment and Duty, signing and sealing of the Record —— ——	11 3	11 3
Solicitor's Fee thereon —		6 8
Venire Facias Juratorem and Solicitor's Fee ——	5 2	8 6
Distringas Juratorem and Fee	5 8	9
Paid the Sheriff for returning both —— ——		4 4
*Attending at the Poultry Compter for that Purpose	1 8	3 4
Subpœna ad Testificandum and Solicitor's Fee thereon	5 2	8 6
Two Copies 2s. Services 5s. and Money given 2s.		9
*Attending at the Chief Baron's Chambers to enter the Cause *two Days before the Day of Trial* ——	1 8	3 4
Paid entering the Cause with the Marshal there ——		16 8
Attending to take Instructions for Brief ——		6 8
In extraordinary Cases ——		13 4
Drawing same, Fol. 3 —		1
Making two fair Copies thereof for Counsel ——		1
Paid Fees to Counsel with their Briefs ——		5 5
*To their Clerks their Fees		5
Attending instructing Counsel on delivery of Briefs		6 8
Attending the Trial of Cause Verdict for the Plaintiff	6 8	13 4
Paid the Court Fees ——		

Each

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Each common Witness per Day has for his Attendance, 5s.		
The common Allowance for Witnesses in London and Middlesex is, (without an Affidavit to Increase) 20s.		
MICHAELMAS TERM, 1792.		
Returning and filing *Postea*	2 8	4 4
Rule for Judgment, *(of four Days)* signing the same and Duty	11 2	11 2
Paid the Usher's Clerk, and for docquetting the Judgment	3	3
Entering the Judgment on the Roll, Fol. 11	1 10	3 8
Drawing Bill of Costs and making a Copy thereof	2 6	4
Notice of taxing the same Copy and Service	1	2
Attending to Tax the Bill	3 4	6 8
Paid for taxing	2	2
Execution of *Capias ad Satisfaciendum* into London	5 2	8 6
Attending to lodge the same in the Sheriffs Office, and after, for a Return thereof	1 8	3 4
Paid the Sheriffs for a Return of the same, *Non est inventus*		2
Paid the Clerk in Court for filing same and Return	1	1
Testatum Capias ad Satisfaciendum into Middlesex and Fee	5 8	9
Term Fee, Clerk in Court, and Solicitor	3 4	10
Letters and Porters		2 6

On an Arrest to Trial at the Assizes, and final Judgment.

In the Exchequer of Pleas.

L loyd against Jenkin.

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
TRINITY VACATION, 1791.		
Attending the Plaintiff, taking Instructions for this Action, and an Authority to sue — —		4 4
Drawing and Ingrossing an Affidavit of Debt, Duty and Oath —		5 7
Paid Clerk in Court for filing the same —	1	1
Warrant of Retainer, filling it up, filing same, and Duty — —	3 7	
Quo Minus into Montgomeryshire, and Solicitor's Fee thereon —	6 8	13 4
Paid Postage to London for, and back with the Writ inclosed to Welch Pool	1	2
Paid the Sheriff for his Warrant, on the *Quo Minus* — —		2 6
Paid a Messenger going for the same — —		1 6
MICHAELMAS TERM.		
The Officer not being able to arrest Defendant, paid the Sheriff for a Return of *Non est inventus* on the *Quo Minus* —		2

Paid

	Clerk in Court on the Solicitor			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
Paid a Messenger going for same to the Sheriff's-Office					1	6
Paid the Clerk in Court, for filing the Writ and Return	1				1	
7th November, *Alias Quo Minus* against the Defendant and Solicitor's Fee thereon — —	5	2		11	10	
Paid Postage of *Quo Minus*, returned up to, and *Alias Quo Minus* down from London to Welch Pool	1				2	
Paid the Sheriff for his Warrant on the *Alias Quo Minus* — —					2	6
Messenger to the Sheriffs-Office for the same —					1	6
The Officer not being able to arrest the Defendant on *Alias Quo Minus*, paid the Sheriff for a Return of *Non est inventus* on that Writ — —					2	
Paid a Messenger for going to the Sheriff's-Office for the same — —					1	6
Paid the Clerk in Court for filing the Writ and Return — —	1				1	
18th November, The Defendant having removed into Shropshire, *Quo Minus* into that County, and Solicitor's Fee thereon	6	8		13	4	
Paid Postage up to and down from London to Shrewsbury	1				2	
Paid the Sheriff for his Warrant on that Writ —					2	6

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Messenger to the Sheriffs-Office for the same ——		1 6
Paid the Officer his Fee for arresting the Defendant near Whitchurch ——		1 1
Paid an Agent there his Fee for effecting the Arrest, and the Postage of Letters —		7 8
Paid the Officer taking Defendant to Shrewsbury Goal, his Conduct Money of one Shilling for each Mile thereto, from the Place of Caption being eighteen Miles ——		18
28th November, Making a Motion at Side Bar, for a Rule on the Sheriff of Shropshire, to return the last-mentioned *Quo Minus*	3 4	3 4
Paid for entering, and an Office Copy of the Rule to return the Writ ——	4 4	4 4
Copy and Service of the Rule on the Sheriff at Shrewsbury ——		3
Drawing and Ingrossing an Affidavit of that Service, Duty, and Oath ——		5 7
Paid an Agent's Fee at Shrewsbury, in serving the Rule and Postage of Letters		4 4
Paid Sheriff for return of *Cepi Corpus* to the *Quo Minus*		2
Paid Clerk in Court for filing the Writ and Return	1	1

HILARY

	Clerk in Court on the Solicitor. £. s. d.	Between Party and Party. £. s. d.
HILARY TERM, 1792.		
Making a Motion at Side Bar for a Rule on the Sheriff to bring the Body of the Defendant into Court —— ——	3 4	3 4
Paid for entering the Rule for this Purpose, and an Office Copy thereof —	4 4	4 4
Copy and Service of the Rule on the Sheriff at Shrewsbury ——		3
Drawing and Ingrossing an Affidavit of such Service, Duty, and Oath ——		5 7
Paid an Agent's Fee at Shrewsbury, on serving the Rule, and Postage of Letters to and from him		4 4
Special Bail being put in, fair Copy of the Bail Piece, and Affidavits of Caption, and Justification of the Bail sent into the Country —— ——	1	2
Solicitor's Fee for inquiring into the Sufficiency of the Defendant's Bail . —		6 8
Notice of Exception to the Bail, Copy and Service on Defendant's Clerk in Court	1	2

Drawing

	Clerk in Court on the Solicitor £. s. d	Between Party and Party £. s. d.
Drawing and Ingrossing an Affidavit of the Result of the Inquiry, into the Sufficiency of the Bail, specially stating their Circumstances, in Order to get them rejected, Fol. 15, Duty, Oath and filing —	1	13 7
Paid for an Office Copy of that Affidavit ———	11 7	11 7
Brief for Counsel to oppose the Justification of Bail, and a fair Copy thereof	2 6	5
Paid a Fee to Counsel to oppose the Justification	1 1	1 1
Attending the Court when the Bail were rejected, Clerk in Court and Solicitor ——— ———	3 4	6 8
The Court having indulged the Defendant with *twelve* Days further Time to put in, and perfect other Bail, on Condition that he gave *six* Days Notice thereof, Copy of the new Bail, Piece, &c. sent to Wales	1	2
Having received such Notice, Solicitor's Attendance to make a further Inquiry into the Circumstances and Sufficiency of the new proposed Bail		6 8

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
*Drawing and Ingrossing a further Affidavit of the Result of such last-mentioned Inquiry, in order to oppose the Justification of such Bail, Fol. 8, Duty, Oath, and filing	1	8 11
*Paid for an Office Copy thereof —— ——	6 11	6 11
*Drawing a Brief and making a fair Copy thereof to oppose the Justification of the *new* Bail ——	1 4	2 8
*Paid a Fee to Counsel with such Brief to oppose them	10 6	10 6
*Attending Counsel with such Brief —— ——	1 8	3 4
Attending Court when the Bail were justified, Clerk in Court and Solicitor	3 4	6 8
Taking Instructions for Declaration —— ——		3 4
Drawing the Declaration *de bene esse*, Fol. 21 ——	10 6	1 1
To Counsel to settle and sign the same, a Fee of	1 1	1 1
Attending him several Times thereon —— ——	3 4	3 4
*Close Copy sent of the Declaration into Wales —	3 6	7
Ingrossing the Declaration on Duty —— ——	7 9	11 3
Paid entering with the Clerk of the Pleas ——	6 8	6 8
Copy filed on Duty ——	7 9	7 9

Term

	Clerk in Court on the Solicitor. £. s. d.	Between Party and Party £. s. d.
Term Fee, Clerk in Court and Solicitor ——	3 4	10
Postage of Letters ——		4
EASTER TERM.		
Rule to plead and Warrant	2 10	2 10
Demanding a Plea in Writing, Copy and Service	1 6	2 6
Attending Summons for an Account of the Particulars of the Plaintiff's Demand in this Cause	1 8	3 4
Copy Order sent to Wales	1	1
Office Copy of Affidavit on which such Application was grounded, Fol. 3	3 7	3 7
Drawing the Account out, and making a fair Copy for Defendant's Clerk in Court	1 6	3
Paid for an Office Copy of Affidavit, on which the Defendant moved to change the *Venue*, Fol. 3 ——	3 7	3 7
Close Copy thereof, and of the Rule sent to Wales	1	1 6
Paid for an Office Copy of Rule *Nisi* —— —	2 2	2 2
Drawing and Ingrossing Plaintiff's Affidavit, whereon to shew Cause against the Rule, Fol. 8, Duty and Oath and paid filing		7 11
Paid for an Office Copy thereof —— ——	6 11	6 11

Drawing

	Clerk in Court on the Solicitor			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
Drawing and fair Copy of Brief, of both Affidavits whereon to shew Cause against the Rule to change the *Venue* being made absolute —— ——		2			4	
Fee paid to Counsel with such Brief ——	1	1		1	1	
Attending him and Court when the Rule was discharged with Costs ——		3	4		6	8
Attending Summons for Time to plead ——		1	8		3	4
Copy of the Order sent —		1			1	
Office Copy of Plea, Fol. 9, and Duty — ——		3	3		3	3
Copy Minute to plead several Matters sent with Plea		1			1	
The like to pay fifty Pounds Money into Court ——		1			1	
Paid Deputy Clerk of the Pleas his Poundage on taking same out of Court		12	6		12	6
Attending to receive same		1	8		3	4
Term Fee and Letters, Clk. in Court and Solicitor —		3	4		14	
TRINITY TERM.						
*Retainer of 1l. 1. to Counsellor B. his Clerk, 2s. 6d. and attending him 3s. 4d. for that Purpose	1	6	10	1	6	10
*The like to Counsellor D.	1	6	10	1	6	10
*A Rule to Reply being given, Copy sent thereof		1			1	

*Summons

	Clerk in Court on the Solicitor £.	s.	d.	Between Party and Party £.	s.	d.
*Summons for Time to Reply Copy and Service —		3			4	
*Attending same ———		1	8		3	4
*Order, Copy and Service		3			4	
*The Defendant having pleaded a set off, Summons to oblige him to deliver to the Plaintiff a Bill of Particulars of his Demand, Copy and Service		3			4	
*Affidavit of the Plaintiff, that no Particular of the Defendant's Demand was ever delivered to him —					5	7
*Attending the Summons		1	8		3	4
*Order, Copy and Service		3			4	
Attending to take Instructions to Reply ———					3	4
Drawing Replication, Fol. 6		3			6	
To Counsel to settle same and sign it ———		10	6		10	6
Attending him thereon several Times ——		1	8		3	4
*Close Copy thereof sent to the Country ———		1			2	
Paid entering it with Clerk of the Pleas, and Duty		2	3		2	3
Rule to rejoin *of four Days*		2	2		2	2
Copy, Rejoinder & Duty, Fol. 3		1	3		1	3
Term Fee and Letters —		3	4		14	
TRINITY VACATION.						
Drawing Issue, Fol. 42 —	1	1		2	2	
Copy thereof and Duty —		15			15	
Entering Issue on the Roll		7			14	
Paid entering the Issue and *Jurata* ———		3			3	

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
*Close Copy of the Issue		14
Notice of Trial Copy and Service — —	1	2
Ingrossing the Record, Fol. 46 — —	15 4	1 3
Solicitor's Fee thereon —		6 8
Parchment and Duty, and signing and sealing thesame	12 3	12 3
Venire facias Juratorum and Solicitor's Fee thereon	5 2	8 6
Distringas Juratorum and Solicitor's Fee thereon	5 8	9
Commission and Solicitor's Fee thereon —	11 2	14 6
Postage of the Whole to the Country — —		3
Subpœna ducas Tecum and Solicitor's Fee thereon	6 2	9 6
Copy and Service and Money given to Robert Williams, Esq; therewith		5
Two *Subpœnas ad Testificandum* and Fees —	10 4	17
Copies 5s. and Services 12s. 6d. on five other Witnesses and Money given 5s.		1 2 6
The like on two other Witnesses at twenty Miles Distance from Poole —		9
*Inquiring for the Address of an Attorney there, and writing him a Letter of Instructions with *Subpœna ad Testificandum* inclosed -		3 4
Paid such Attorney his Fee and Postage of Letters in effecting those Services		4 4

	Clerk in Court on the Solicitor £.	s.	d.	Between Party and Party £.	s.	d.
Drawing and fair Copy and Service of Notice on Defendant's Attorney to produce Books and Papers therein specified on Trial					5	
The like on the Defendant personally of such Notice					3	
Taking Instructions for the Plaintiff's Brief herein					6	8
In extraordinary Cases ——					13	4
Paid for Office Copies of some Proceedings in Equity, in Order to give the same in Evidence on the Trial	7	1		7	1	
Paid a Counsel's Clerk for examining them with the Records in Order to prove such Office Copies on the Trial of this Cause, Fol. 198		16	6		16	6
The like to the Clerk in Clerk for attending the Examination 1d. *per* Fol. each		16	6		16	6
Attending to search for the Records and to bespeak Copies thereof, and afterwards appointing the Counsel's Clerk to meet the Clerk in Court, and examine the same ——		6	8		6	8
Attending the Defendant's Attorney, and prevailing upon him to admit the Execution of a Deed to save the Expence of proving same by a Witness of distant Abode ——					6	8

Drawing

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Drawing an Agreement of such Admission, which the Defendant's Attorney signed a fair Copy of —		3 6
Drawing the Brief, Fol. 5		1 13 4
Two fair Copies thereof, close wrote on large Paper		1 13 4
Paid Fees to Counsel with the Briefs herein ——		9 9
To their Clerks 5s. and attending Counsel therewith		11 8
Two fair Copies of Brief of the Proceedings in Equity each, Fol. 10, for Counsel		3 6 8
Paid the Sheriff for returning the *Venire facias Juratorum* — ——		2 6
The like for the *Distringas Juratorum* — ——		12
Attending the Sheriff for those several Purposes		3 4
Paid the Marshal on entering the Record for Trial. Vid. 2d Geo. II. c. 23, s. 27		16 8
Attending at the Judges Lodgings to enter the same		3 4
*Attending at the Senior Counsel's Chambers to appoint Time for a Consultation, and the Junior Counsel afterwards thereon to fix him at the Meeting		6 8
*Attending the Consultation several Hours explaining		6 8
*To Counsel Fees thereon		3 3

*To

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
*To Senior's Counsel's Clerk —— ——	7 6	7 6
Paid Associate on Verdict		
The like to the Marshal		
Cryer, Jury, and Bailiff —		
Hall and Bar ——	2	2
To David Rees, Gentleman, an Interpreter ——		1 1
Robert Williams, Esq; a Justice of the Peace, a Witness, three Days —		3 3
Mr. Jeffrey Griffith's, an Attorney, the like ——		3 3
The Rev. Mr. Richards the like, very old and infirm		3 3
Paid for a Post Chaise for him to and from the Assizes, Turnpike and Post-boys; he being sworn to be a material Witness, and unable to travel otherwise —— ——		2 16 9
Mr. David Thomas, a Surgeon and Apothecary the likebeing three days absent		3 3
Paid Roger Lloyd, an Attorney's Clerk ditto —		1 11 6
Timothy Adams, a very respectable Tradesman —		1 10
Jervis Bush, Yeoman ditto		15
Paid the Expences of all the Witnesses to at and from the Assize Town		

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
The Horse-hire and travelling Charges of each Witness from his Place of Abode to the Assize Town and back again is per Mile Six-pence		
Attorney's attendance at the Assizes, *three* Days on the Trial of the Cause. —		1 6 8
The common Costs allowed (without an Affidavit to increase,) as Expences of Witnesses at an Assizes are 40s.		
EASTER TERM, 1792.		
Returning and filing *Postea*	2 8	4 4
Rule for final Judgment, of *four* Days, signing it, and Duty — —	11 2	11 2
Paid the Usher's Clerk, and for docquetting the Judgment — —	3	3
Drawing and entering final Judgment on the Roll, Fol. 11 — —	1 10	3 8
Drawing and Ingrossing an Affidavit for the Increase of Costs of Fol. 18 —		12
Duty, Oath, and filing the same — —	1	3 7
Paid for an Office Copy thereof — —	13 7	13 7
Drawing a Bill of Costs, and making a fair Copy of it	3 6	5
Notice of taxing Costs, Copy, and Service —	1	2

Attending

	Clerk in Court on the Solicitor.			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
Attending to Tax the Costs, and paid taxing —		5	4		8	8
Execution of *Ca. Sa.* on the Judgment into Montgomeryshire —		5	2		8	6
Paid the Sheriff for return of *Non est inventus*, on the *Capias ad satisfaciendum*					2	
*Attending at the Sheriff's-Office with, and for the same —					3	4
Paid Clerk in Court, for filing the Writ and Return		1			1	
Testatum Capias ad satisfaciendum into Shropshire, and Solicitor's Fee thereon		5	8		9	
Term Fee, Clerk in Court, and Solicitor —		3	4		10	
Paid Postage of Letters —					4	

DEFENDANT's COSTS.

On Service of Process, a Defendant does prudently, to avoid further Expence, immediately to apply for an Account of Debt and Costs, and enable his Solicitor forthwith to pay the same.—The Solicitor of Course directs his Clerk in Court, to pursue Measures to effect that End. This is done by calling upon the Plaintiff's Clerk in Court, who (if the Defendant's Clerk in Court undertakes for the Payment) chearfully delivers a full Account of Debt and Costs, to be candidly settled between them. The following is the Defendant's Solicitor's Costs on such Occasions.

In the Exchequer of Pleas.

Jenkin at the Suit of Lloyd.

	Clerk in Court on the Solicitor. £. s. d.	Between Party and Party. £. s. d.
HILARY TERM, 1792.		
Attending the Defendant taking his Warrant, and consulting with him on the Nature of this Action, when I advised Payment of the Debt with Costs		4 4
Attending the Plaintiff's Clerk in Court, inquiring of him more particularly into the Nature and Amount of the Plaintiff's Demand, and to request an Account thereof with Costs		3 4
Paid my Clerk in Court for a close Copy of the Bill of Plaintiff's Debt with Costs —— ——	1	1

Paid

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£	s.	d.
Paid Clerk in Court for settling the Bill of Costs		3	4		3	4
Attending you for the Money to discharge Debt and Costs, and on the Plaintiff's Clerk in Court to pay the same, and take his Receipt — —					3	4
Letters and Porters —					2	

The above Bill, is applicable to either of the three Processes issuing out of this Court, except where the Application is made after a *Distringas* executed, or an Arrest made either on a bailable *Qua Minus*, or *Attachment of Contempt*, in which Case the

Attending to tax the Plaintiff's Bill of Costs, and accommodation of the Suit is always — —		3	4	6	8

Costs

Costs of an Application to dismiss an Action, as being beneath the Dignity of the Court, where the Debt for which the same was brought, did not amount to Forty Shillings.

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
HILARY TERM, 1792.		
Attending the Defendant taking Instructions and Authority to defend —		4 4
Entering Defendant's Appearance and Solicitor's Fee on the same ——	6	9 4
Warrant, Duty filling it up, and filing ——	3 7	
Paid Postage of Letters —		2
EASTER TERM.		
Rule to declare *(of 14 Days)*	2 2	2 2
Copy of the Declaration, Fol. 18, Imparlance and Duty	7	7
Drawing and Ingrossing the Defendant's Affidavit, stating the several Facts and Circumstances of this Action, Duty and Oath, in Order to move to have same dismissed with Costs as being beneath the Dignity fo the Court, Fol. 12.		10 7
Paid on filing same ——	1	1
Paid for Office Copy thereof	9 7	9 7
Drawing Brief and making a fair Copy of the same for Counsel — ——	2	4

To

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
To Mr. Ellis, his Fee to move the ſame	10	6		10	6	
Attending him and the Court on Motion	3	4		3	4	
Paid for entering, and an Office Copy of the Rule to ſhew Cauſe	4	4		4	4	
Copy and Service of the Rule, on the Plaintiff's Clerk in Court	1			2		
Drawing and Ingroſſing an Affidavit thereof, Duty and Oath	5	7		5	7	
Paid for an Office Copy of the enlarged Rule by Plaintiff	2	2		2	2	
Cloſe Copy thereof ſent to the Country	1			1		
Term Fee and Letters, Clerk in Court and Solicitor	3	4		14		
TRINITY TERM.						
Paid for an Office Copy of the Plaintiff's Affidavit made to oppoſe our Rule, Fol. 18	13	7		13	7	
Drawing a Brief on Behalf of Defendant to make this Rule abſolute, and a fair Copy for Counſel, with ſome Obſervations thereon	3	4		6	8	
To Counſel, his Fee to move to make Defendant's Rule abſolute	1	1		1	1	
Attending him therewith		1	8		3	4

Attending

	Clerk in Court on the Solicitor			Between Party and Party.		
	£.	s.	d.	£.	s.	d.
Attending the Court on Motion when Rule made absolute — —		3	4		6	8
Paid for entering & an Office Copy of Rule absolute		4	4		4	4
Copy and Service on Plaintiff's Clerk in Court —		1			2	
Drawing a Bill of Costs and fair Copy thereof for Taxation — —		1	6		2	
Notice of taxing Copy and Service — —		1			2	
Attending Clerk of the Pleas to tax the same —		3	4		6	8
Paid him for taxing the Bill		2			2	
Term Fee, Clerk in Court and Solicitor —		3	4		10	
Paid Postage of Letters					4	
Drawing and Ingrossing a Letter of Attorney from the Defendant to demand the Costs of the Plaintiff, Duty and Paper —					12	6
Attending the Execution thereof — —					3	4
Fair Copy of the Rule with the Master's *Allocatur* thereon, and Letter of Attorney to serve on Plaintiff					5	
Service thereof, and demanding the Costs of the Plaintiff *in Person*, who declined to pay the same —					5	

Drawing

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Drawing and Ingrossing an Affidavit of Service of the Rule, and Demand made of the Costs thereon, and also of the due Execution of the Letter of Attorney to demand Payment of the Costs, Fol. 12 ——	8	8
Paid for Duty, two Oaths and filing it ——	4 7	4 7
Paid for an Office Copy of such Affidavit, Rule, and Letter of Attorney annexed thereto, to move the Court for Attachment against the Plaintiff, Fol. 27, and Duty ——	1 1 2	1 1 2
Drawing a Brief of Affidavits and making a fair Copy thereof to move for Attachment against Plaintiff	2 6	5
To Counsel a Fee to move the same —— ——	10 6	10 6
Attending him with Brief, and the Court on Motion when the Attachment was ordered to issue ——	3 4	6 8
Paid for entering, and an Office Copy of the Rule	4 4	4 4
Attachment *per Ordo Curiæ*, and Solicitor's Fee thereon	6 8	13 4
Paid for a Warrant on such Attachmt. from the Sheriff		2 6
Messenger to the Sheriff's Office for the same ——		1 6
Paid the Officer for Caption		1 1

Attending

Costs on paying Money into Court.

In the Exchequer of Pleas.

Jenkin at the Suit of Lloyd.

HILARY TERM, 1792.	Clerk in Court on the Solicitor £.	s.	d.	Between Party and Party £.	s.	d.
Attending the Defendant taking Instructions to appear to this Action, and his Authority to do so					4	4
Entering an Appearance, and Solicitor's Fee thereon		6			9	4
Warrant of Retainer, filling up, filing it, and Duty		3	7			
Paid for an Office Copy of the Declaration, Fol. 21, Duty and Imparlance		8			8	
Term Fee and Letters, Clk. in Court and Solicitor		3	4		14	
EASTER TERM.						
Taking Instructions for a Plea and consulting thereon					3	4
Drawing and making a fair Copy of a Brief for Counsel to move to pay 50 l. into Court with Costs		1			1	6
Paid Counsel his Fee to move the same ——		10	6		10	6
Attending him with the Brief and the Court on Motion ——		1	8		3	4
Paid for entering, and an Office Copy of the Rule		7	4		7	4
Attending to pay the 50 l. into Court ——		1	8		3	4
Paid into Court ——	50			50		

Drawing

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Copy and Service of the Rule on Plaintiff's Clerk in Court, and the Receipt of the Clerk of the Pleas under same ——	1 6	2 6
Drawing a Plea of the General Issue, with Notice of Set off, Fol. 8 ——	4	8
Paid entering the Plea of general Issue and Duty	2 3	2 3
Ingrossing two Copies of the Plea, and Notice of Set off on Duty for Service and Proof on Trial ——	5 10	5 10
Paid a Counsel's Clerk, for Service of the Notice of Set off, on the Plaintiff's Clerk in Court ——	5	5
The Plaintiff accepting the 50l. in full, attending the Clerk of the Pleas to Tax his Bill of Costs ——	3 4	6 8
Fair Copy of the Plaintiff's Bill of Costs taxed ——	1	2
Term Fee, Clerk in Court, and Solicitor ——	3 4	10
Paid the Postage of Letters		4

Costs on an Appearance to a Quo Minus, Venire facias ad respondendum, *or a* Subpœna ad respondendum, *(after Process of Contempt issued thereon) where a Judgment passed by Default.*

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
MICHAELMAS TERM, 1791.		
Attending the Defendant taking an Authority to appear and defend this Action		4 4
Paid for entering an Appearance for the Defendant and Solicitor's Fee thereon	6	9 4
For each Defendant more than one, an additional Six-pence.		
Warrant of Retainer, filling it up, filing and Duty —	3 7	
Paid Postage of Letters —	6	1 6
Paid Contempts (if after a Subpœna, according to what Process it may be) and is the only Item, in Costs, varying from the other two Writs.		
HILARY TERM, 1792.		
Rule to declare *(eight Days in Town, fourteen in Country Causes)* —— ——	2 2	2 2
Paid for an Office Copy of the Declaration, Fol. 21, and Duty —— ——	7 9	7 9
Imparlance to next Term	6	6
Term Fee, Clerk in Court, and Solicitor ——	3 4	10
Paid the Postage of Letters		4

EASTER

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
EASTER TERM, 1792.		
Attending the Defendant taking Instructions to plead and advising on his Case		3 4
Summons for the Plaintiff, to deliver to the Defendant's Clerk in Court, a Bill of the Particulars for which this Action is brought	2	2
Copy and Service thereof on Plaintiff's Clerk in Court	1	2
Affidavit that no Bill was ever delivered, to Support this Application ——		5 7
Attending such Summons when the Baron made an Order as prayed ——	1 8	3 4
Paid for the Order 2s. and Copy, and Service of it on Plaintiff's Clerk in Court for the Delivery, and that all Proceedings be stayed in the mean Time ——	3	4
Having received the Particulars, Summons for Time to plead Copy and Service	3	4
Attending same when an Order was made for a Week	1 8	3 4
Order, Copy and Service	3	4
The like on Summons and Order for further Time to plead —— ——	7 8	11 4
Term Fee, Clerk in Court, and Solicitor ——	3 4	10
Paid the Postage of Letters		4

VACATION

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
VACATION.		
Copy Notice of executing Writ of Inquiry sent	1	1 6
Attending the Execution of the Writ of Inquiry of Damages according to Notice given for this Day, when I reduced the Plaintiff's Amount, stated in his Bill of Particulars delivered, by proving, that two thirds thereof, had been paid to him, before the Action was commenced —— ——		13 4
Paid the Expences of Defendant's Witnesses		
TRINITY TERM, 1792.		
Attending the Taxation of Plaintiff's Bill of Costs, by Clk. in Court and Solicitor	3 4	6 8
Copy of the Plaintiff's Bill of Costs as taxed ——	1	2
Term Fee, Clerk in Court and Solicitor ——	3 4	10
Paid the Postage of Letters		4

If

If a Defendant should be under the disagreeable Necessity of obtaining Time by dilatory Pleadings, then as follows, on Judgment by Default.

EASTER TERM, 1792.	Clerk in Court on the Solicitor £.	s.	d.	Between Party and Party £.	s.	d.
Attending to Consult with the Defendant, and take Instructions to plead				3	4	
Demanding Oyer and Copy of the Deed mentioned in the Plaintiff's Declaration	1			2		
Attending to receive the Oyer and examine Copy with the original Deed ——	1	8		3	4	
Paid for such Copy, Fol. 21	7			7		
Drawing Plea, Fol. 4 ——	2			4		
Paid for entering it & Duty	2	3		2	3	
To Counsel to sign the Plea and attending him thereon	12	2		13	10	
Paid for Office Copy Replication, Fol. 2, and Duty —— ——		11			11	
Drawing Demurrer to the Replication, Fol. 3 —	1	6		3		
To Counsel to settle and sign same, and attending him thereon ——	12	2		13	10	
Paid entering it and Duty	2	3		2	3	
Paid for an Office Copy of the Demurrer Book, Fol. 40, and Duty ——	14	4		14	4	
Copy Rule for a *Concilium*	1			1		
Attending Court on Argument of Demurrer, when Judgment was ordered for the Plaintiff ——	3	4		6	8	

Term

	Clerk in Court on the Solicitor	Between Party and Party.
	£. s. d.	£. s. d.
Term Fee, Clerk in Court, and Solicitor	3 4	10
Paid the Postage of Letters		4
VACATION.		
Attending executing Writ of Inquiry, &c. as in Fol. 262		

On a TRIAL in TOWN.

Costs on bailable Quo Minus.

In the Exchequer of Pleas.

Jenkin at the Suit of Lloyd.

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
MICHAELMAS VACATION, 1791.		
Attending the Defendant in Custody, and there taking Warrant and Instructions to defend this Action		4 4
Paid the Sheriff his Fee for the Bail Bond ——		8 10
Attending the Bail and Defendant, on executing the same, and attesting the Execution thereof		3 4
HILARY TERM, 1792.		
Drawing and Ingrossing a special Bail Piece, Duty, and Parchment ——		3 2
Paid Fees on putting in Bail at the Baron's Chambers		11
Attending for that Purpose		3 4
Paid for *Allocatur* thereon by the Clerk of the Pleas —	4	4
Warrant of Retainer filling up, filing it, and Duty —	3 7	
Paid Clerk in Court, for filing the special Bail Piece	1	1
Fees thereon to the Clerk in Court and Solicitor ——	3 4	6 8

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
The Bail being excepted against, drawing and making a fair Copy of Notice of Justification of Bail, and Service thereof		1			2	
Affidavit of Service on Plaintiff's Clerk in Court, Duty and Oath —— ——		5	7		5	7
Drawing Brief to move to justify special Bail, and making a fair Copy thereof		1			1	6
Paid a Fee to Counsel to move the same ——					10	6
Attending Court on Justification, when Bail rejected, and three Days Time allowed the Defendant to add and justify new Bail		3	4		6	8
Paid the Bag-bearer bringing the Bail Piece into Court		1			1	
Paid for an Office Copy of the Rule 4s. 4d. and Copy and Service thereof 2s.		5	4		6	4
Taking Instructions for putting in the new Bail ——					3	4
Adding the Names of the new Bail, to the Bail Piece —		1			1	
Attending them to the Baron's Chambers to acknowledge the Recognizance of Bail, by Clerk in Court and Solicitor ——		3	4		6	8
Paid the Baron's Clerk his Fee on putting same in		4			4	

Paid

	Clerk in Court on the Solicitor £.	s.	d.	Between Party and Party £.	s.	d.
Paid the Bag-bearer bringing the Bail Piece down to the Baron's Chambers for that Purpose a Fee of	1			1		
Notice of justifying the new Bail, Copy and Service	1			2		
Affidavit thereof Duty & Oath	5	7		5	7	
Drawing Brief for Counsel to move to justify the new Bail, and making a fair Copy thereof ——	1			1	6	
Paid a Fee to Counsel therewith of —— ——	10	6		10	6	
Attending the Court & Counsel thereon, when the new Bail were justified ——	3	4		6	8	
Paid Court Fees, to the Ushers, on such Justification				4		
Paid the Bag-bearer on his bringing the Bail Piece down to Westminster-Hall	1			1		
Paid for entering, and an Office Copy of the Rule of Justification of Bail —	4	4		4	4	
Copy and Service thereof on Plaintiff's Clerk in Court	1			2		
Paid for an Office Copy of the Declaration, Fol. 21, and Duty —— ——	7	9		7	9	
*Close Copy of the same				7		
*Drawing and Ingrossing the Defendant's Affidavit to change the *Venue*, Duty, &c.				5	7	
*Paid the Clerk in Court for filing the same ——	1			1		
*Paid for an Office Copy thereof, Fol. 3 ——	3	7		3	7	

*Drawing

	Clerk in Court on the Solicitor. £.	s.	d.	Between Party and Party. £.	s.	d.
*Drawing a Brief for Counsel to move to change the *Venue*, and making a fair Copy thereof ——		1			1	6
*To Counsel a Fee to move and attending him and the Court on such Motion		12	2		13	10
*Paid for entering, & an Office Copy of the Rule *Nisi*		4	4		4	4
*Copy and Service thereof on the Plaintiff's Clerk in Court —— ——		1			2	
*Paid for an Office Copy of the Plaintiff's Affidavit to shew Cause against the Defendants Rule being made absolute, Fol. 8, and Duty		6	11		6	11
*Drawing a Brief of the Plaintiff's Affidavit to oppose Defendant's Rule becoming absolute, and making a fair Copy thereof ——		1	4		2	8
*To Counsel, a Fee therewith of —— ——	1	1		1	1	
*Attending him with Brief					3	4
*Attending the Court, when the Rule was discharged		3	4		6	8
*Summons for Time to plead Copy and Service		3			4	
*Attending the same ——		1	8		3	4
*Order Copy and Service		3			4	
Attending to take Instructions for pleading ——					3	4
Drawing a special Plea, Fol. 9		4	6		9	
To Counsel a Fee to settle and sign the same of ——		10	6		10	6

Attending

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Attending him thereon —		1	8		3	4
*Close Copy sent ——		1	6		3	
Paid for entering the Plea and Duty —— ——		2	3		2	3
Drawing a Brief to move to plead several Matters, and making a fair Copy thereof		1			1	6
To Counsel a Fee to move the same, and attending him on that Occasion		12	2		13	10
Paid for entering the Rule, and an Office Copy thereof		4	4		4	4
Copy and Service on the Plaintiff's Clerk in Court		1			2	
Term Fee, Clerk in Court, and Solicitor ——		3	4		10	
Paid Postage of Letters —					4	
EASTER TERM.						
Rule to Reply *(of 4 Days)*		2	2		2	2
Demanding a Replication in Writing, Copy and Service on Plaintiff's Clerk in Court		1	6		2	6
Attending the Summons of Plaintiff for Time to Reply		1	8		3	4
Copy of the Order granted		1			1	
Paid for an Office Copy of the Plaintiff's Replication Fol. 6 and Duty ——		2	3		2	3
Drawing Rejoinder, entering it and Duty ——		3	3		3	3
Paid for an Office Copy of the Issue, Fol. 39, and Duty —— ——		14			14	

Term

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Copy Notice of Trial sent		1			1	
Subpœna ad Testificandum and Solicitor's Fee thereupon		5	2		8	6
Term Fee, Clerk in Court and Solicitor		3	4		10	
Paid Postage of Letters					4	

VACATION.

As to Services of Subpœna ad Testificandum, taking Instructions for Drawing and fair Copies of Briefs, Counsel and Court Fees, &c. Expences of Witnesses, and other Items preparatory to, and at the Trial of the Cause; the same Rule of Charges are to be observed, as in those Particulars on the Behalf of a Plaintiff.

Where a Verdict passes for Defendant, the like Charges as the Plaintiff's after Trial; but if the Verdict be given for the Plaintiff, then the following are Defendant's Charges:

TRINITY

	Clerk in Court on the Solicitor. £. s. d.	Between Party and Party. £. s. d.
TRINITY TERM.		
Paid for an Office Copy of the Plaintiff.'s Affidavit for Increase of Costs, Fol. 18, and Duty — —	15 2	15 2
Attending to tax the Plaintiff's Costs, by Clerk in Court and Solicitor —	3 4	6 8
Copy of the Bill of Costs as taxed and allowed —	1 6	2
Term Fee, Clerk in Court and Solicitor —	3 4	10
Paid Postage of Letters —	1	4

JUDGMENT

JUDGMENT OF NONPROSS.

After Special Bail in a Country Cause.

In the Exchequer of Pleas.

Jenkin at the Suit of Lloyd.

HILARY TERM, 1792.	Clerk in Court on the Solicitor £.	s.	d.	Between Party and Party. £.	s.	d.
Attending the Defendant in Custody taking Instructions and Warrant to defend					4	4
*Paid Sheriff for Bail Bond					8	10
*Attending to put in Bail to the Sheriff ——					3	4
Taking Instructions for Bail above —— ——					3	4
Ingrossing the Special Bail Piece, Duty and Parchment					3	2
Paid the Commissioner on putting in Bail to the Action. Vid. 4. *W & M.* c. 4. s. 1.					2	
Attending him and the Bail on that Occasion ——					6	8
Drawing and Ingrossing an Affidavit of the Acknowledgment and Caption, Duty and Oath ——					5	7
The like of Justification of the Bail, and two Oaths					6	7
*The Bail Piece not arriving in due Time, Summons for Time to put in special Bail, Copy and Service	3				4	
*Attending same, order made	1	8			3	4
*Order Copy and Service	3				4	
Paid allowing the special Bail Piece by the Baron	11				11	
The like by Clk. of the Pleas	4				4	
Attending them both for such respective Purposes	3	4			3	4
Filing the Bail Piece 1s. with Affidavits 1s. and Clerk in Court's Fee thereon	5	4			5	4

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Solicitor's Fee thereon —					3	4
Warrant of Retainer, filling up, filing it and Duty		3	7			
EASTER TERM.						
Rule to declare —		2	2		2	2
Attending the Plaintiff's Summons for Time to declare		1	8		3	4
Copy of the Order sent —		1			1	
Copy Rule to discontinue on Payment of Costs		1			1	
Drawing a Bill of Costs and a fair Copy thereof —		1	6		2	
Notice of taxing Bill, Copy and Service —		1			2	
Attending Clerk of the Pleas to tax Defendant's Costs		3	4		6	8
Paid him for Taxation of the Bill — —		2			2	
Term Fee and Letters —		3	4		14	
If Judgment of Nonprofs signed						
Paid signing Judgment of Nonprofs and Duty —		9			9	
Usher's Clerk and Docquet		3			3	
Entering Judgment on the Roll, Fol. 6 —		1			2	
Bill of Costs and a fair Copy		1	6		2	
Notice of taxing the same, Copy and Service —		1			2	
Attending the Clerk of the Pleas to Tax Bill —		3	4		6	8
Paid for taxing the same		2			2	
Execution and Solicitor's Fee thereon —		5	2		8	2
Term Fee Clerk in Court Solicitor and Letters —		3	4		14	

Costs on a Judgment as in Case of a Nonsuit.
Vid. 14. Geo. II. c. 17.

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
EASTER TERM, 1792.		
Drawing a Notice of Motion for Judgment as in Case of a Nonsuit, making a fair Copy and Service thereof	1	2
Drawing and Ingrossing an Affidavit of Service thereof, and of Issue being joined, Duty and Oath	5 7	5 7
Drawing a Brief for Counsel to move for Judgment of Nonsuit, and making a fair Copy thereof	1	1 6
To Counsel, a Fee to move, and attending him and the Court on Motion	12 2	13 10
Paid Bagbearer for taking the Roll to Westminster	1	1
Paid for entering and an Office Copy of the Rule to shew Cause	4 4	4 4
Making a fair Copy and Service thereof, on the Plaintiff's Clerk in Court	1	2
Drawing and Ingrossing an Affidavit of Service, Duty and Oath	5 7	5 7
Paid for an Office Copy of the Plaintiff's Solicitor's Affidavit, to shew Cause on, Fol. 9, and Duty	7 7	7 7

Drawing

	Clerk in Court on the Solicitor £. s. d	Between Party and Party £. s. d.
Drawing Brief thereof, and making a fair Copy with further Instructions to make the Rule absolute	1 6	2 6
To Counsel, a Fee to move the same —— ——	1 1	1 1
Attending him therewith	1 8	3 4
Attending the Court on Motion, when the Rule was discharged on Payment of the Costs of the Application, and the Plaintiff's peremptory Undertaking to try this Cause at the next Assizes ——	3 4	6 8
Paid for entering, and an Office Copy of the Rule	4 4	4 4
Copy and Service of the same, on the Plaintiff's Clerk in Court —	1	2
Drawing and making a fair Copy of a Bill of Costs of this Motion for Taxation	1 6	2
Notice of taxing the same Copy and Service ——	1	2
Attending the Clerk of the Pleas to Tax the same	3 4	6 8
Paid him for taxing the Bill	2	2
Term Fee, Clerk in Court and Solicitor ——	3 4	10
Paid Postage of Letters —		4
Drawing and Ingrossing a Letter of Attorney to demand Costs, Duty, and Paper, and attending the Execution thereof ——		15 10

Making

	Clerk in Court on the Solicitor £. s. d.	Between Party and Party £. s. d.
Making a fair Copy of the Letter of Attorney and Rule, with the Master's *Allocatur* thereon, to serve on the Plaintiff ——		5
Service thereof *personally* on, and demanding the Costs of the Plaintiff —		5

On Non-payment of the Costs when demanded, which is by delivering to the Plaintiff a Copy of the Rule, and Letter of Attorney, and shewing the Originals; make Affidavits as well of those Facts, as the due Execution of the Letter of Attorney, and the Court on Motion, will grant an Attachment against the Plaintiff.

Generally, the Costs are paid by the Clerk in Court, on Taxation, in which Case the three last *conditional* Charges amounting to £.1 15s. 10d. are deducted.

If the Plaintiff neglects trying the Cause pursuant to such Undertaking, then move as follows in the next

MICHAELMAS TERM, 1792.

Drawing and Ingrossing an Affidavit that the Cause was not tried at last Assizes, pursuant to Plaintiff's peremptory Undertaking for that Purpose	5 7	5 7
Drawing and making a fair Copy of Brief to move to make Rule absolute, for Judgment as in Case of a Nonsuit —— ——	1	1 6

To

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
To Counsel a Fee therewith		10	6		10	6
Attending him and the Court on Motion ——		3	4		6	8
Paid for entering the Rule		2	2		2	2
Paid for signing final Judgment and Duty ——		9			9	
Paid Usher's Clerk, and for docquetting the Judgment —— ——		3			3	
Entering Proceedings & Judgment on the Roll, Fol. 36		6			12	
Drawing a Bill of Costs, and making a fair Copy thereof		1	6		2	
Notice of taxing same, Copy and Service ——		1			2	
Attending the Clerk of the Pleas to Tax the same		3	4		6	8
Paid him for taxing the Bill		2			2	
Execution and Solicitor's Fee thereon ——		5	2		8	6
Paid for the Sheriff's Return of *Non est inventus* ——		2			2	
Paid Clerk in Court for filing the Writ and Return		1			1	
Testatum Capias ad Satisfaciendum and Solicitor's Fee thereon ——		6	2		9	6
Term Fee, Clerk in Court and Solicitor ——		3	4		10	
Paid Postage of Letters —					4	

Costs

Costs for not proceeding to Trial after Notice given, and not countermanded in due Time.

Vid. 14. Geo. II. c. 17. s. 5.

HILARY VACATION, 1792.	Clerk in Court on the Solicitor £. s. d.	Between Party and Party. £. s. d.
A Subpœna for Witnesses and Solicitor's Fee thereon	5 2	8 6
Each Copy 1s. Service of the same 2s. 6d. and conduct Money 1s. given to three Witnesses ——		13 6
The like on another at 18 Miles Distance ——		4 6
Paid an Attorney his Fee therefore, and Postage of Letters on that Occasion		4 4
To Mr. B. King's Counsel, a Fee with his Brief of		4 4
To his Clerk ——		2 6
Fee to Mr. D. as opening Counsel with his Brief		3 3
To his Clerk ——		2 6
Attending them therewith		6 8
Instructing Counsel to move for a *Ne recipiatur* ——		2 6
Paid entering a *Ne recipiatur* with the Marshal ——		4
Paid four Witnesses each, absent two Days, 2*s.* and the travelling Expences of one of them, at 18 Miles Distance, 9s. ——		2 9
Solicitor's Attendance two Days at the Assizes —		1

EASTER

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
EASTER TERM.						
Drawing and Ingrossing an Affidavit of the Issue being joined, and that Plaintiff did not proceed to Trial of the Cause pursuant to his Notice given, nor did he countermand same in due Time; also of the issuing and Service of the Subpœnas for Witnesses, the Time of their and the Attornies necessary Attendance at Assize Town, and of Fees given to Counsel with Briefs, Fol. 12, Duty and Oath — —				10	7	
Paid filing the same —	1			1		
Paid for an Office Copy thereof — —	9	7		9	7	
Drawing and making fair Copy of a Brief for Counsel to move for Costs for not going on to Trial	1			1	6	
To Counsel a Fee to move same — —	10	6		10	6	
Attending him therewith and the Court on Motion	3	4		6	8	
Paid for entering and an Office Copy of the Rule	4	4		4	4	
Copy and Service of the same on Plaintiff's Clerk in Court — —	1			2		

Drawing

	Clerk in Court on the Solicitor			Between Party and Party		
	£.	s.	d.	£.	s.	d.
Drawing a Bill of Costs and making a fair Copy thereof for Taxation ——	1	6		2	6	
Notice of taxing the same, Copy and Service ——	1			2		
Attending to tax the Defendant his Bill of Costs —	3	4		6	8	
Paid the Clerk of the Pleas for the Taxation of the Bill —— ——	2			2		
Term Fee, Clerk in Court and Solicitor ——	3			10		
Paid the Postage of Letters				4		
Drawing and Ingrossing a Letter of Attorney, &c. *Vid. ante*, Fol. 275 & 276						

ADDENDA.

A D D E N D A.

The few following Precedents are designed for the Assistance of the Solicitor, and may be found useful.

Infant's Petition to prosecute by Guardian.

INFANTS may sue by *Prochein Ami*, or next Friend or Guardian, not by Attorney; but must always defend by Guardian. Strange 304. Archer against Frowde.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, against Rhys Jenkin, Defendant.

To the Right Honourable Sir James Eyre, Knight, Lord Chief Baron of his Majesty's Court of Exchequer at Westminster, and the rest of the Barons of the said Court.

The humble Petition of David Lloyd an Infant, under the Age of Twenty-one Years, the Plaintiff in this Cause.

Sheweth,

That your Petitioner has, as he is advised, good Cause of Action against the above-named Rhys Jenkin, for assaulting, beating, wounding, and ill-treating your Petitioner; and that your Petitioner hath some Time since commenced an Action against the said Rhys Jenkin, in this Honourable Court, for the same; but in regard that your Petitioner is an Infant under the Age of Twenty-one Years,

Your Petitioner therefore most humbly prays your Honors, to assign unto him Rowland Lloyd, of Welch Pool, in the County of Montgomery, Gentleman, your Petitioners next Friend and Guardian, to prosecute the said Action against the said Rhys Jenkin, and your Peti-tioner shall ever pray, &c.

David Lloyd.

To which is subscribed the following

ACCEPTANCE.

I do hereby agree to accept to be the Guardian of the above-named David Lloyd an Infant, according to the Prayer of the above Petition.

Rowland Lloyd.

Witness, Llewellin Morgan.

An Affidavit of the Prochein Ami's Signature.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

Lewellin Morgan of Welch Pool in the County of Montgomery, Gentleman, Solicitor for the Plaintiff in this Cause, maketh Oath, and saith, that David Lloyd the above-named Plaintiff, did on the Day of April instant, sign the Petition hereunto annexed, in the Presence of this Deponent; and this Deponent further saith, that he was also present, and did see Rowland Lloyd, Gentleman, the Person mentioned in the said Petition, duly sign the Acceptance or Agreement thereunder written, in Order to his being a Guardian to the said David Lloyd, the Younger.

Sworn, &c. before me, Llewellin Morgan.

OBSERVATIONS.

If an Infant brings Trespass by Guardian, and is nonsuited, he is not liable to Costs.—Grave against Grave. Cro. Eliz. 33, because he cannot while under Age disavow the Suit. Stran. 708, Turner against Turner.

In 1 Barnes, 104, 105, Slaughter against Talbot, the Doctrine seems otherwise.

Infant

Infants Petition to defend by Guardian.

In the Exchequer of Pleas.

Between { David Lloyd Plaintiff, and Rhys Jenkin, Defendant.

To the Right Honorable Sir James Eyre, Knight, Lord Chief Baron of his Majesty's Court of Exchequer at Westminster, and the rest of the Barons of the said Court.

The humble Petition of Rhys Jenkin, an Infant under the Age of Twenty-one Years.

Sheweth,

That the said Plaintiff hath lately commenced an Action at Law, against your Petitioner for, *(here set forth the Cause of Action)* and your Petitioner is advised and believes, that he hath a good Defence thereto; but in regard your Petitioner is an Infant,

Your Petitioner humbly prays your Honors would be pleased to assign William Davies, of Welch Pool, in the County of Montgomery, Clerk, as his Guardian, to defend this Suit, and your Petitioner shall ever pray, &c.

Rhys Jenkin.

To which add a similar Affidavit as in the last Fol.

These several Petitions and Affidavits, are transmitted to the Clerk in Court, who procures the necessary Orders thereon, and files on Record those Documents, in a regular Manner to warrant the Proceedings.

Plaintiffs in Formâ Pauperis.

In this Court Plaintiffs are admitted to sue in *Formâ Pauperis* under the following Regulations:

"That none be admitted to sue as Plaintiff, in "*Formâ Pauperis*, without a Certificate under his "Counsel's Hand, that he hath good Cause of "Action against such Person who is to be sued; "and no Process to be made out against any who "is not particularly named in the Petition."

And further by Rule of Easter, 3d Geo. I. It was ordered, that "No Person, for the future, "should be admitted in *Formâ Pauperis*, unless "the Attorney to be assigned, or his Clerk, at-"tend a Baron with a Petition for his Admission; "and that no Counsel shall be assigned, unless such "Counsel only, who hath certified the Cause of "Action and Petition."

The Forms of the Petition, and Certificate for this Purpose, are as follows, and to be severally ingrossed on a treble 6d. Duty.

Paupers Petition to prosecute.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

To the Right Honorable Sir James Eyre, Knight, Lord Chief Baron of his Majesty's Court of Exchequer at Westminster, and the rest of the Barons of the said Court.

The humble Petition of David Lloyd, of Welch Pool, in the County of Montgomery, Taylor, a very poor Man.

Sheweth,

That the said Defendant is, and stands justly indebted unto your Petitioner, in the Sum of One Hundred

Hundred Pounds, for the Work and Labour of your Petitioner, done for the said Defendant, and Money laid out and expended for his Use at his Request; and your Petitioner hath commenced an Action against him for Recovery of the same.

That your Petitioner finds himself unable to carry on the said Cause, on Account of his extreme Poverty, as appears by the Affidavit hereto annexed, unless admitted by your Honors to do so in *Formâ Pauperis.*

I humbly conceive, that the said Petitioner hath good Cause of Action, against the above-named Rhy Jenkin, and humbly accept to be his Counsel.

H. Ellis.

Your Petitioner therefore most humbly prays your Honors, that he may be admitted in *Formâ Pauperis*, to prosecute the said Action, and that Humphrey Ellis, Esquire, may be assigned to him, as his Counsel, and Richard Edmunds, his Attorney, to prosecute his said Suit, and your Petitioner shall ever pray, &c.

David Lloyd.

Affidavit to be annexed to the Petition.

In the Exchequer of Pleas.

David Lloyd Plaintiff,
against
Rhys Jenkin, Defendant.

David Lloyd of Welch Pool, in the County of Montgomery, Taylor, maketh Oath and saith, that he is not worth *Five* Pounds in all the World, save and except the Matters in Question in this Cause, and also his Wearing Apparel.

Sworn, &c. before David Lloyd.

By the 23d Hen. VIII. c. 15. s. 2, it is provided "That all and every such poor Person or "Persons, being Plaintiff or Plaintiffs, in any of the

"the said Actions, Bills, or Plaints, what at the "Commencement of their Suits, or Actions, be "admitted by Discretion of the Judge or Judges, "where such Suits or Action shall be pursued or "taken, to have their Process and Counsel of "Charity, without any Money or Fee paying for "the same, shall not be compelled to pay any "Costs by Virtue and Force of this Statute, but "shall suffer such other Punishment as by the "Discretion of the Justices or Judge, afore whom "such Suits shall depend, shall be thought rea-"sonable."—Vide Sid. 261, Salk. 506, and Rep. Pr. in C. P. 47, Walker against Parker.

Affidavit in Trover to hold to Bail.

In the Exchequer of Pleas.

David Lloyd, Plaintiff,
against
Rhys Jenkin, Defendant.

David Lloyd of Welch Pool, in the County of Montgomery, Gentleman, maketh Oath and saith, that Rhys Jenkin, now has or lately had in his Possession, as this Deponent is informed, and verily believes, divers Goods and Chattels the Property of this Deponent, to wit, one Gold Watch, one Diamond Ring, one Silver Tankard, and twelve Silver Table Spoons, of the Value of One Hundred and Thirty Pounds and upwards, which said Goods and Chattels the said Rhys Jenkin unjustly detains, or has unlawfully converted them to his own Use.

Sworn, &c. as before, David Lloyd.

Quakers

Quakers Affirmation.

In the Exchequer of Pleas.

David Lloyd, Plaintiff,
against
Rhys Jenkin, Defendant.

David Lloyd of Welch Pool, in the County of Montgomery, Ironmonger, being one of the People called Quakers, solemnly affirms that Rhys Jenkin is indebted to this Deponent, in the Sum of Fifteen Pounds, which the said Rhys Jenkin promised to pay to this Affirmant, upon an Exchange lately made, between the said Rhys Jenkin and this Affirmant, of a certain Mare of the said Affirmants, for a certain Horse of the said Rhys Jenkin.

David Lloyd.

Affirmed at Welch Pool
aforesaid the Day of
April 1792, before me
Llewellin Morgan, a Commissioner, &c.

As to Affidavits of Debt, see 2 Strange 1226. 1270 *2 Barnes* 62. 65

Affidavit of an Assault, in order to procure a Baron's Order for holding the Defendant to Bail.

In the Exchequer of Pleas.

Jacob Andrews, of the Parish of Berriew, in the County of Montgomery, Clerk, and Luke Adams of the same Place Yeoman*, severally depose and say, and first the said Jacob Andrews maketh Oath, that on Friday the Sixth Day of July Instant, he this Deponent going to view, whether the Tythe Hay, on the Lands of Henry Lucas of the said Parish of Berriew, was ready to be set forth, he the said Henry Lucas did then in a certain Close or Field, in the Possession of the said Henry Lucas in

* There must be another, or more Deponents than the Party applying for an Order.

the

the ſaid Pariſh, unprovoked and without any reaſonable Cauſe, in a violent Manner aſſault, beat, and ſtrike, and throw this Deponent on the Ground, he this Deponent making no Oppoſition or Reſiſtance againſt him the ſaid Henry Lucas, but this Deponent being reſcued by ſome perſons preſent, from the ſaid Henry Lucas, the ſaid Henry Lucas did again, as ſoon as he got loſe from the ſaid Perſons, who ſo reſcued this Deponent, on a ſecond Time aſſault, throw down, beat and kick this Deponent, upon and about his Head and Body, ſo that the Blood guſhed out of this Deponent's Mouth, Noſe, and Ears, which occaſioned, to this Deponent, the Loſs of his Speech and Hearing for ſome Time, ſo as to render him incapable of performing his Duty in the aforeſaid Pariſh, he being Miniſter of the ſame. And this Deponent further ſaith, that the ſaid Henry Lucas hath often declared, that it was no Sin for any Man to kill or deſtroy this Deponent. And this Deponent Luke Adams on his Part maketh Oath and ſaith, that he was preſent and did ſee the above-ſaid ſeveral Tranſactions paſs, and Aſſaults committed, which are truly and preciſely above deſcribed, ſtated, and ſet forth, and this Deponent in like Manner depoſeth to the ſame fully, as is before depoſed by the ſaid other Deponent Jacob Adams.

Jacob Andrews
Luke Adams.

Sworn, &c. before

The Like on another Occaſion.

In the Exchequer of Pleas at Weſtminſter.

Michael Lamb and Jarvis Curtis, both of the City of Briſtol, Mariners, and late belonging to the Ship, or Veſſel called the Lovely Betſey, of the Port of Briſtol, whereof Jaſper Lance is Commander, ſeverally make Oath, each ſpeaking for himſelf and firſt this Deponent, Michael Lamb for himſelf ſaith,

That

That in or about the Month of September last, Lancelot Turk, Surgeon of the before-mentioned Ship or Vessel, came to this Deponent on the Deck of the said Ship, she then being on the Coast of Africa, whilst this Deponent was industriously doing his Duty, and without any Provocation, or Cause given to him by this Deponent Michael Lamb, he the said Lancelot Turk, violently and with great Force, laid hold of this Deponent Michael's Collar, knocked him down and dragged him this Deponent Michael, on the Floor or Deck thereof, and with his Fists and Feet, and a Bludgeon, which he then had in his right Hand, did with great Force and Violence, strike this Deponent Michael, many grievous and heavy Strokes, and Blows on the Head, Face, and divers Parts of his Body, by which, and by Means whereof, this Deponent Michael became and lay senseless for some Time, and the said Lancelot Turk would have again beat this Deponent Michael, had he not been prevented therefrom by the Captain, the Chief and second Mate, and other humane Persons then on Board of the said Ship. And this Deponent Michael Lamb further saith, that his Cheeks and the whole of his Face were very much bruised, wounded, swelled and discoloured, as well as his Nose and Eyes, and thereby the said Lancelot Turk also knocked out one of this Deponent Michael's Fore-teeth, and so terribly wounded this Deponent, that he was thereby in the greatest Torture and acute Pain, for near Three Weeks after, during which Time he was confined to his Hammock, and not able to do his Duty on Board the said Ship, and discharged, and lost large quantities of Blood upwards and downwards, in so much that this Deponent Michael's Life was in great Danger of being lost, from the cruel Treatment, Wounds, and Bruises, which he so as aforesaid received of, and by the Hands of the said Lancelot Turk. And this Deponent Michael Lamb further saith, that the said

Lancelot Turk hath not made any Reparation, or Satisfaction to him, for the said Violence and Assaults, although he is well able and in good Circumstances so to do, and is informed, and believes it to be true, that the said Lancelot Turk is resolved, and soon intends to leave this Kingdom, and reside in Parts beyond the Sea. And this Deponent, Jervis Curtis, for himself saith, that he was present at the Time and Place before-mentioned, by the said Michael Lamb, in or about the said Month of September last, when the said Lancelot Turk came up to the said Michael Lamb, on the Deck of the said Ship, on the Coast of Africa as aforesaid, whilst the said Michael Lamb was diligently performing, and doing his regular Duty, and without any Cause or Provocation whatsoever given by the said Michael Lamb to him the said Lancelot Turk, he the said Lancelet Turk violently laid hold of the said Michael Lamb, with great Force by the Collar, and dragged and knocked him on the Floor or Deck thereof, and with his Fist, and Feet, and a Bludgeon which he then held in his right Hand, did with great Violence, strike and beat the said Michael Lamb, divers and many grievous and heavy Blows, on the Head, Face, and divers other Parts of the Body, by which, and by Reason whereof the said Michael lay senseless and prostrate upon the said Deck for some Time, And the said Lancelot Turk would have again beat and ill-treated the said Michael Lamb, had he not been prevented by the Persons before-mentioned. And this Deponent Jervis Curtis for himself saith, that the Cheeks and the whole of the Face of the said Michael Lamb, became and were very much bruised, wounded and swelled, and discoloured, as well as his Nose and Eyes, And this Deponent firmly believes, that the said Michael was by Reason thereof in great bodily Pain, Anguish and Torture, for near three Weeks after, during which Time, he was confined to his Hammock, and incapable of performing

performing his Duty on Board the ſaid Ship, and diſcharged and loſt large Quantities of Blood, in ſo much that the ſaid Michael Lamb was in great Danger of being loſt, from the cruel Treatment, and violent Aſſaults which he received from the Hands of the ſaid Lancelot Turk as aforeſaid.

Michael Lamb,
Jervis Curtis.

Sworn, &c. before

N. B. No Order can be obtained in Caſes of this Nature, unleſs the Affidavit of the Plaintiff is ſupported, or confirmed by that of ſome other Perſon preſent, at the Time when the Cauſe of Complaint originated.

This Affidavit being tranſmitted to the Clerk in Court, he attends a Baron therewith, and ſolicits, at the Barons Diſcreton, an

Order to hold to Bail.

"Upon reading the above Affidavit, I do Order "that Lancelot Turk be held to Bail in the Sum "of Sixty Pounds, at the Suit of Michael Lamb, in "the Affidavit above-mentioned, dated this 13th "Day of May, 1792."

James Eyre.

For this Order you pay 4s. and for reading the Affidavit 2s.

An Affidavit wherein to move to diſcharge an Action as being beneath the Dignity of the Court.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff,
against
Rhys Jenkin, Defendant. }

Rhys Jenkin, of Welch Pool, in the County of Montgomery, the Defendant above-named, maketh Oath and ſaith, that in the Year 1788, there were ſome trifling Dealings between this Deponent and the ſaid Plaintiff, this Deponent having ſold to him

five Pigs for the Sum of Eleven Pounds Ten Shillings and Six-pence; and this Deponent saith, that he was indebted to the said Plaintiff in the Sum of Thirteen Pounds Six Shillings and Nine-pence, for divers Goods, Wares and Merchandizes, sold and delivered by the said Plaintiff, to this Deponent, as appears by the Bill hereunto annexed received from the said Plaintiff, and in no other Sum of Money whatsoever, to the Knowledge or Belief of this Deponent, and the Ballance of such Account which amounts to One Pound Sixteen Shillings and Three-pence, he this Deponent always was and now is ready and willing to pay to the said Plaintiff, on Demand, without giving him the least Trouble, yet notwithstanding these Premises the said Plaintiff, on or about the Fourteenth Day of May last past, according to this Deponent's Remembrance as to the Time, caused him to be served with a Copy of a Writ of *Subpœna ad respondendum*, issuing out of this Honorable Court, for the Recovery of the said Ballance, as he believes, whereto he caused an Appearance to be entered, and saith that he is advised, that it is beneath the Dignity of this Honorable Court, to retain a Suit, for so small a Sum or Demand as that of One Pound Sixteen Shillings and Three-pence.

Rhys Jenkin.

Sworn at Welch Pool, &c. before

Jurisdictions in Wales, and the Counties Palatine.

The Courts of King's-Bench, and Common Pleas, some times, issue their Process, as well into the Principality of Wales, as the Counties Palatine, where the Jurisdiction of those Courts, doth not extend to (*Vid. Lampley against Thomas*, 1 *Wills*, 193) which Actions, the Defendant may plead in Abatement, to which Plea must be subjoined the following

Affidavit

Affidavit to plead the Jurisdiction of the Court of Great Session in Wales, or the Counties Palating to an Action on the Case &c. brought

In the King's Bench.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

Rhys Jenkin of Welch Pool, in the County of Montgomery, the Defendant above-named, maketh Oath, that he this Deponent now is, and at the Time of the Commencement of this Suit, and long before was an Inhabitant and Resident of and within the Town of Pool aforesaid, in the County of Montgomery aforesaid, within the Principality or Dominion of Wales, in which said County, there now is, and from Time immemorial hath been a Court of Great Session, for trying and determining all Manner of Actions. And this Deponent further saith, that the said Plaintiff's Cause of Action against him in this Cause, did happen and arise within the said County of Montgomery, and Principality of Wales, and not elsewhere.

Sworn, &c. before Rees Jenkin.

This Affidavit is sworn before a Commissioner in the King's-Bench, annexed to the Plea, and both filed with the Clerk of the Papers, before the Rule of four Days to plead is expired, which in this Case is *inclusive* of the first and last Day.

If in Ejectment the following Affidavit.

In the King's-Bench.

John Doe, Lessee of David Lloyd, Plaintiff, against
Rhys Jenkin and others, Defendants,
for Lands and Tenements in the Town of Welch Pool, in the County of Montgomery.

Rhys Jenkin of Welch Pool, in the County of Montgomery, Gentleman, Tenant in Possession of Part

Part of the Premises in Question in this Cause, maketh Oath that on or about the second Day of June instant, he this Deponent was served with the annexed Copy of Declaration in Ejectment; and this Deponent saith, that he at that Time, and long before, resided and dwelt, and still doth reside and dwell, at Welch Pool aforesaid, in the said County of Montgomery. And this Deponent further saith, that he very well knows Edward Rowland, Arthur Rider, and Robert Owen, who are respectively Tenants in Possession, of other Part of the Premises, in the said Declaration mentioned; and that they the said Edward Rowland, Arthur Rider, and Robert Owen, the several other Tenants before-named, did for several Years last past reside, and dwell, and still do, and each of them doth now reside, and dwell, in Welch Pool aforesaid, in the said County of Montgomery, and that the Lands and Premises severally occupied by them, and all and singular other the Lands and Premises in the said Declaration mentioned, do lie, and are situate, within the Town of Welch Pool aforesaid, in the said County of Montgomery.

Rhys Jenkin.

Sworn at Welch Pool aforesaid, &c. before

Method of soliciting such Proceedings.

Get an Office Copy of the Declaration and Affidavit of Service, from the Clerk of the Rules, then file common Bail in the proper County, with Warrant of Retainer, and give Notice of Motion, for leave to plead to the Jurisdiction. Make an Affidavit of Service of Notice, and filing common Bail, and move the Court on the several Copies, for a Rule to shew Cause.

Affidavit

Affidavit whereon to move for Judgment as in the Case of a Nonsuit, pursuant to the Statute of 14 Geo. II. c. 17.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

Henry Nugent of the Exchequer Office of Pleas, Lincoln's-Inn, in the County of Middlesex, Gentleman, maketh Oath and saith, that Issue was joined in this Cause as of Hilary Term last past, as appears to this Deponent, by the Record thereof, to which for greater Certainty he craves Leave to refer; and that the same has not been tried, but remains undetermined as Deponent believes. And this Deponent further saith, that he did on Saturday last, serve Richard Edmunds, Attorney for the Plaintiff in this Cause, with a Notice in Writing, purporting, that this Honorable Court would be moved on the Twenty-fifth Day of April instant, or so soon after as Counsel can be heard, for the said Plaintiff to shew Cause, why the like Judgment should not be entered for the said Defendant in this Cause, as in Case of a Nonsuit, by leaving such Notice on the Seat of the said Mr. Edmunds, in the Exchequer Office aforesaid.

Henry Nugent.

Sworn at my Chambers in Serjeants-Inn, Chancery-Lane, &c. }

Two Days Notice is necessary to be given of this Motion.

As to those Cases where a Nonsuit will, or will not be ordered by the Court, and the Plaintiffs be liable to Costs, vid. M.S. Rep. Eggleton against Smith, East. 2 Geo. III. 149, 2 Barn 102, Howard against Radburn, M S. Weller against Goyton and Walker, Trin. 31 Geo. II. K. B. Burr. 358, f. 6.—M.S. Rep. Watson against Jackson and others

others, Mich. 25 Geo. II. K. B.—M.S. Rep. Jennings against Wilson and others, Trin. 26 Geo. II. K. B. 2 Barn. 103.—Honiwill against Blatchford, 2 Barn. 251, 253.—2 Barn. Sup. 43, Hamp against Cuming.

Affidavit whereon to move for Costs for not proceeding to Trial pursuant to the 14 Geo. II. c. 17.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

Rhys Jenkin of Welch Poole, in the County of Montgomery, the Defendant in this Cause, and Philip Rider of the same Place, his Solicitor, severally make Oath as follows; and first the said Rhys Jenkin for himself saith, that pursuant to Notice of Trial given in this Cause, for the last Assizes held at Shrewsbury in and for the County of Salop; he this Deponent and the said Philip Rider, together with four Witnesses, which were material and necessary for and on Behalf of this Deponent, in this Cause, to wit. Herbert Roch, Esquire, George Hudson, Gentleman, Elijah Price, Grocer, and Abraham James, Victualler, attended at the said Assizes, and took a Journey from their respective Habitations to Shrewsbury aforesaid, being upwards of Twenty Miles for the Purpose of giving Evidence in this Cause, and were all necessarily absent from Home two Days, on that Occasion, and that he paid for Horse-hire, and other necessary Expences of himself, his said Solicitor, and Witnesses, the Sum of Five Pounds Ten Shillings and Eight-pence, in going to, staying at, and returning from the said Assizes. And the said Philip Rider for himself saith, that upon receiving Notice of Trial in this Cause, he caused one *Subpœna ad testificandum* to be issued, and four Tickets thereof served on the several Witnesses above-named,

named, who were all of them material and necessary on the said Defendant's Behalf, and One Shilling each to be given to them, at the Time of such Service, that his Brief in this Cause, consisted of three Sheets of Paper fairly and close wrote, of which he made two Copies, and gave therewith to Mr. B. a Fee of
and to Mr. D. a Fee of
and to each of their Clerks Two Shillings and Sixpence, that he caused the Court of *Nisi Prius* to be moved for Leave to enter a *ne recipiatur*, at the Sitting of the Court, on the first Morning after the Commission Day, which being accordingly ordered, he thereupon paid to the Marshal the Sum or Fee of Four Shillings; and these Deponents lastly severally say, that the said Plaintiff did not proceed to Trial according to his Notice, neither have they or either of them, received any Countermand of the same.

Rhys Jenkin,
Philip Rider.

Sworn at Welch Pool aforesaid, &c.
before me a Commissioner, &c.

As to those Cases where the Court will or will not order Costs for not proceeding to Trial after Notice given, vid. Rep. Pr. in C. B. 60, Duell against Stow. 2 Barn 107, Ogle against Moffat, Stan. 874, Rex against Earl. M.S. Rep. Wheatley against Hale, Hil. 20 Geo. II. 2 K. B. M.S. Sparrow against Turton, Trin. 7 Geo. III. C. B.

A Letter of Attorney to demand Costs. (6s. Duty)

Know all Men by these presents, That I Rhys Jenkin, of Welch Pool, in the County of Montgomery, for divers good Causes and Considerations me hereunto moving, have made, ordained, authorized, constituted, and appointed, and by these presents, Do make, ordain, authorize, constitute, and appoint, Morgan Charnock, of Welch Pool

 aforesaid,

aforesaid, Gentleman, my true and lawful Attorney for me, and in my Name, and to my Use, to ask, demand, and receive of and from David Lloyd, of Llanidloes in the said County of Montgomery, Gentleman, the Sum of Nineteen Pounds Eighteen Shillings and Eleven-pence, being Costs allowed to me, by Virtue of, and under an Order of his Majesty's Court of Exchequer, at Westminster, bearing Date, the Day of last past, and *Allocatur* of the proper Officer taxing the same thereon made and given; and on Payment thereof, Acquittances or other sufficient Discharges for the same, for me and in my Name, to make seal and deliver; and to do all other lawful Acts and Things whatsoever concerning the Premises, as fully in every Respect, as I myself might or could do, if I were personally present, hereby ratifying, confirming, and allowing, all and whatsoever my said Attorney shall in my Name lawfully do, in and about the said Premises, by Virtue of these presents, in Witness whereof I have hereunto set my Hand and Seal this Day of in the Year of our Lord One Thousand Seven Hundred and Ninety-two.

Rhys Jenkin, (L.S.)

Sealed and delivered in the presence of } Owen Tudor.

Affidavit of Demand of Costs, Refusal of Payment, and the due Execution of the Letter of Attorney.

In the Exchequer of Pleas.

Between { David Lloyd, Plaintiff, and Rhys Jenkin, Defendant.

Morgan Charnock of Welch Pool, in the County of Montgomery, Gentleman, and Owen Tudor of the same Place, Gentleman, severally make Oath, and

and first the said Morgan Charnock for himself saith, that he this Deponent on the
Day of instant, personally served David Lloyd the above-named Plaintiff, with a true Copy of the Rule with the Master's *Allocatur* thereon given for Costs taxed on the said Rule, and Letter of Attorney hereto annexed, and at the same Time shewed him the original Rule and *Allocatur* of Taxation, and demanded of him the Money mentioned in the Taxation, and also shewed to him the said Letter of Attorney, from the said Defendant, authorizing this Deponent to receive the same; but the said David Lloyd declined *(and refused)* to pay the same, and the same yet remains unpaid. And the said Owen Tudor for himself saith, that he was present, and did see the said Defendant, Rhys Jenkin, duly execute the Letter of Attorney above-mentioned to be hereunto annexed; and that the Name "Rhys Jenkin" appearing to be the Party executing the same, and the Name "Owen Tudor" subscribed as a Witness to the due Execution of the said Letter of Attorney, are of the respective proper Hands Writing of the said Rhys Jenkin and this Deponent.

Sworn at Welch Pool aforesaid, &c.
before, &c. Morgan Charnock,
Owen Tudor.

A Commissioner in the said Court.

F I N I S.

Hilary Term, 32d Geo. III. 1792.

WHEREAS by an Order made in Hilary Term in the Fourteenth Year of the Reign of his late Majesty King George the Second, by all the Judges of England, for preventing Inconveniences to Suitors, It was Ordered amongst other Things, "that no Writ and Record of *Nisi Prius* should be "received at the Assizes, in any County in England, "unless they should be delivered to and entered "with the Marshal, before the first Sitting of the "Court after the Commission Day, except in the "Counties of York and Norfolk, and there the "Writs and Records should be delivered to and en-"tered with the Marshal, before the first Sitting of "the Court on the second Day after the Com-"mission Day." And Whereas many Inconveniences do happen to the Suitors, and to the Sheriff and Jurymen and to the public Business of the Assizes in the County of *Norfolk*, from the Delay in entering the Writs and Records for Trial of the Causes. Now to prevent such Inconveniences for the future, It is Ordered by all the Judges of England, that no Writ or Record of *Nisi Prius* shall be received at the Assizes in and for the County of *Norfolk or City* of *Norwich* unless such Writ and Record shall be delivered to and entered with the Marshal before the first Sitting of the Court, on the Day next after the Commission Day.

Kenyon
Loughborough
Ja. Eyre
H. Gould
W. R. Ashurst
B. Hotham
R. Perryn
F. Buller
J. Heath
J. Wilson
N. Grose
A. Thomson.

New Rule made on Payment of Money into Court.

Trinity Term, 23d Geo. III.

Lloyd against Jenkin.

Wednesday the 19th Day of *June*, Upon the Motion of Mr. Ellis, of Counsel for the Defendant, it is ordered, that the said Defendant bring into this Court, the Sum of Ninety-two Pounds Two Shillings and Four-pence, to be paid to the Plaintiff, his Attorney, or Clerk in Court; and if the Plaintiff will accept thereof with Costs to be taxed in full Discharge of this Suit, that then he shall proceed to tax such Costs; and the Defendant shall also pay to the Plaintiff, his Attorney or Clerk in Court, such Costs, and that thereupon all further Proceedings in the Action shall be stayed. And if the Plaintiff will not accept of such Sum, with the Costs, in full Discharge of this Suit, then the Plaintiff is to be at Liberty to take the said Sum of Ninety-two Pounds Two Shillings and Four-pence out of Court, and to proceed in his Cause, but that in that Case he shall suffer a Nonsuit at the Trial of the said Cause unless his Demand shall be found to exceed the said Sum of And that if his Demand shall be found to exceed the said Sum of then that he shall take his Verdict for the Excess only.

The Lord Chief Baron intends to appropriate *the first* SEVEN *Days of the Sittings after the End of each Term*, in Middlesex, to the Trial of the CROWN Causes, and not to any of the PLEA SIDE Causes till *after* that Time.

On the *Eighth* and *subsequent Days*, the Attornies are to be in Attendance with their Witnesses, to try their Causes, &c.

INDEX.

INDEX.

ABATEMENT.

ACTIONS.

ADMINISTRATORS.

AFFIDAVIT.

INDEX.

AFFIRMATION.

APPEARANCE.

ARRESTS.

ASSAULT.

INDEX.

ASSAULT.

ASSIGNMENT of BAIL BOND.

ATTACHMENT.

ATTORNIES.

ATTORNEY, LETTER OF

BAIL COMMON, See APPEARANCE.

BAIL SPECIAL.

I N D E X.

BAIL BOND.

BARONS of the EXCHEQUER.

BILLS of COSTS.

I N D E X.

I N D E X.

INDEX.

CONTEMPT.

COSTS.

COUNTIES PALATINE.

COUNTERMAND.

COURT of EXCHEQUER.

INDEX.

DEBTORS and ACCOMPTANTS.

DECLARATION.

DEEDS INROLLED.

DEFEAZANCE.

DEFAULT.

DEMAND of PLEA, See PLEADING.

DILATORY PLEAS.

DISCONTINUANCE.

DISTRINGAS.

INDEX.

EJECTMENTS.

ERROR.

ESSOIGN.

EXCEPTION to BAIL.

INDEX

EXCHEQUER.

EXECUTION.

EXECUTORS.

FEES.

See also COSTS.

FIERI

INDEX.

FIERI FACIAS.

FINES.

FORMA PAUPERIS.

FRANCHISES.

GROATS.

GUARDIAN.

HABEAS CORPUS.

HABERE FACIAS POSSESSIONEM.

IMPARLANCE.

INFANT.

INQUIRY.

INROLMENT

INDEX.

INROLMENT of DEEDS.

INSOLVENT DEBTORS.

INVENTORY.

INTERROGATORIES.

ISSUE.

ISSUES.

JUDGES.

JUDGMENT.

Judgment

INDEX.

JURISDICTION.

JURIES.

JUSTIFYING BAIL.

LETTERS OF ATTORNEY,

See also BAIL SPECIAL.

LIBERTIES.

LIMITATIONS of ACTIONS.

LORDS ACT,

See INSOLVENT DEBTORS.

MONEY BROUGHT INTO COURT.

I N D E X.

PRIVILEGE.

PROCEDENDO.

PROCEEDINGS against BAIL.

See ACTIONS, ASSIGNMENT OF BAIL BOND, BAIL SPECIAL, PROCESS, BAIL BOND and PRISONERS.

INDEX.

INDEX.

REPLICATION.

RETURNS.

RULES.

SCIRE FACIAS.

SERVICE.

INDEX.

INDEX.

TENDER.

TERMS.

TRIALS.

TROVER.

VENIRE.

VENUE.

VIEW.

WAGER of LAW.

WALES.

WARRANT of ATTORNEY.

INDEX.

WARRANTS.

WITNESSES.

WRITS.

FINIS.