SPECIAL RULES

ON THE

REVENUE SIDE

OF THE COURT OF

EXCHEQUER.

DUBLIN:

PRINTED BY WILLIAM KIDD, No. 29, SKINNER-ROW.

MDCC LXXVII.

Houses of the Oireachtas

Houses of the Oireachtas

DEDICATION.

To the Gentlemen Practitioners of the Court of Exchequer.

Gentlemen,

I moſt reſpectfully ſubmit, to your candid Judgment, the following Extracts and Rules on the Revenue Side of the Exchequer. You will be pleaſed, in the Courſe of your Practice, to adopt ſuch of them, as you ſhall judge to be moſt applicable to the Juſtice of this Court, in behalf of all Parties.

I am, Gentlemen,
your moſt obedient,
moſt humble Servant,

RICHARD MORGAN.

Houses of the Oireachtas

Houses of the Oireachtas

The following Obſervation was intended, on the Occaſion of the late Cuſtodiam Bill, to be propoſed, among others, to the Houſe of Commons, as Amendments of the Cuſtodiam Law.

FROM May the 25th, 1764, to June the 5th, 1771, but twenty-one Charges have been filed in the proper Office, on the Revenue Side of the Exchequer; and not one ſince appears on the File: and it does not appear that any Account has been ſettled, on the Foot of any one thereof, in ſaid Office. It is admited that the Court has in two Inſtances referred it to the Officer to go into, ſtate and report an equitable Account, but without Effect. In the Year 1771, it was charged and proved by the Defendant, that according to the real Receipt of Cuſtodiam Rents, the Plaintiff was overpaid to the Amount of 3083l. 4s. 0d. and tho' the Plaintiff ſtill remained in Poſſeſſion, under a Cuſtodiam of 200l. a Year, yet the Defendant was, under theſe deſperate Circumſtances, obliged to appeal to a Court of Equity for Relief. All that the Court can at preſent do in ſuch Caſes, according to the preſent Practice, is to ſtop the Plaintiff, and to proceed by Attachment againſt him; which if enforced, the very Intereſt of ſuch Overpayments, would more than ſatisfy the Fees thereof. In 1757, it

it appears, by the Officers Report, that the Plaintiff, according to the extended Value, was overpaid the Sum of 1600l. and upwards, which extended Value was not neceſſarily one tenth Part of the real Value.

Extracts from Reports on the Revenue Side of the Exchequer.

9th of May, 1734.

		l.	s	d.
Exrs. of Blundell againſt Wemys.	Plaintiff in Poſſeſſion three Years and Half at 60l. per Annum. Extended Value	210	0	0
Debt	100 0 0			
Coſt	25 6 9			
	125	6	9	
Overpaid	£.	84	13	3

6th July, 1734.

		l.	s.	d.
Ryland againſt Sherlock.	Plaintiff in Poſſeſſion ſix Years and Half, at 14l. per Annum. Extended Value,	91	0	0
Debt	66 17 9			
Coſt	17 3 5			
	84	1	2	
Overpaid	£.	6	18	10

4th Feb.

4th February, 1734.

		l.	s.	d.
Daly against Daly.	Plaintiff in Poſſeſſion three Years and Half, at 820l. per Annum. Extended Value,	2870	0	0
	Plaintiff in Poſſeſſion three Years on another Cuſtodiam, at 170l. per Annum. Extended Value,	510	0	0
		3380	0	0
Debt	2070 2 2			
Coſt	154 10 0			
	2224 12 2			
	Overpaid £.	1155	7	10

29th November, 1738.

		l.	s.	d.
Enraght in Truſt for his Majeſty, againſt Tenants of the Lands of Artully and others in Com. Kerry.	Plaintiff in poſſeſſion twenty-two Years, at 40l. per Annum. Extended Value,	880	0	0
Arrears of Quit Rent due and ſince accrued		702	4	$8\frac{3}{4}$
	Overpaid £.	177	15	$3\frac{3}{4}$

10th June,

Houses of the Oireachtas

10th June, 1741.

		l.	s.	d.
Unthank against Taverner.	Plaintiff in Poſſeſſion eight Years and Half, at 15l. per Year. Extended Value,	127	10	0
Debt	40 0 0			
Coſt	16 3 5			
		56	3	5
	Overpaid £.	71	6	7

2d July, 1741.

		l.	s.	d.
Edwards against Short.	Plaintiff in Poſſeſſion ſeven Years, at 193l. 14s. 8d. per Annum. Extended Value,	1356	2	8
Debt	262 10 0			
Coſt	18 17 9			
		281	7	9
	Overpaid £.	1074	14	11

20th April,

Houses of the Cireachtas

20th April, 1744.

		l.	s.	d.
Admiſtr. of Ellis against Newſtead.	Plaintiff in poſſeſſion four Years and Half, at 138l. per Year. Extended Value,	621	0	0
Debt	273 0 0			
Coſt of entering Judgment	1 19 1			
		274	19	1
Overpaid	£.	346	0	11

12th June, 1744.

		l.	s.	d.
Martin against Reynolds.	Plaintiff in Poſſeſſion three Years, at 613l. per Annum. Extended Value,	1839	0	0
Debt	801 13 11			
Coſt	52 7 7			
		854	1	6
Overpaid	£.	984	18	6

7th Fe-

7th February, 1757.

		l.	s.	d.
Exrs. of Tew against Gay.	Plaintiffs in Poſſeſſion ſix Years, at 350l. per Year.			
	Extended Value,	2100	0	0
	l. s. d.			
Debt	400 0 0			
Coſt	48 1 2			
		448	1	2
	Overpaid £.	1651	18	10

The great Diſtreſſes which are brought upon the unhappy Defendants, in Outlawry, ſeem to ariſe from the Officers being confined to the ſtating Accounts on the Foot of the Cuſtodiams according to the extended Value only. The Caſes herewith preſented, ſhew that the Officer was formerly impowered and required to enter into and report an equitable Account.

18th Nov.

House of the Oireachtas

18 November, 1699.

Swift againſt Byrne.

CUR. Rerefered to the Officer, and he to be armed with a Commiſſion, to examine and report what Byrne has really and bona fide received without his Default, and what Allowances are to be given him, and to report how he then finds the Matter.

6th December, 1706.

Robert Lowry, Clerk.

By Mr. William Wate, his Attorney, moves on the laſt Order, Says, that they met before the Officer, but ſome Matters occurred that the Officer could not examine into without a Commiſſion; prays a Commiſſion to the Officer, and likewiſe, that the Cuſtodee and his Aſſignee may account on the

CUR. The Officer to be armed with a Commiſſion, and the Coſtodee and his Aſſignee to account on the

10th February, 1706.

Cowly againſt Byrne

CUR. Buſnet, Aſſignee to the Cuſtodee, to account in ſix Days, and the Rents in the mean Time to be ſtoped in the Tenants Hands, and the Officer to be armed with a Commiſſion.

19th May,

Houses of the Oireachtas

19th May, 1707.

John Darby, Pewterer, Plaintiff, Thomas Handcock, Esq; Defendant.

CUR. The Plaintiff to account in four Days, before the Officer, and the Officer to be armed with a Commission to examine.

6th Nov. 1714.

Moore againſt Montgomery.

Mr. Taylor, per Warren and Woods, prays a Commiſſion.

CUR. Take a Commiſſimiſſion.

Poſtea. Reyly, Eſq; pro Quer. oppoſes the iſſuing any Commiſſion, Warren and Woods having entered into no Security, and having had an Opportunity to examine laſt Vacation.

CUR. Enter into Security in four Days, or Publication to paſs

13th July, 1724.

Shee againſt Ryan

Cornelius O'Callaghan, Eſq; pro Defendant, and Mr. St. Leger, a third Perſon, Says, there is an Account refered to the Officer; and prays Leave to exhibit Interrogatories in Aid of the Account.

CUR. Be it ſo.

1ſt De-

1ſt December, 1724.

Shee againſt Ryan. } Mr. Colles, pro Quer.

CUR. Take a Commiſſion to prove Plaintiff's Account; returnable Eſſoyn Day of next Term.

7th December, 1727.

Shee againſt Ryan. } Mr. Terry, pro Defendant.

CUR. Take a Commiſſion in Aid of the Account.

24th February, 1727.

Mahony againſt Sherlock. } Mr. Scott, pro Patrick Sherlock, a third Perſon, Says, ſaid Patrick Sherlock has a ſubſequent Cuſtodiam on the Defendant's Eſtate; and prays, the Plaintiff, who is in Poſſeſſion, as prior Cuſtodee, may account.

CUR. The Plaintiff to account before the Officer for what he has received, on which Account all juſt Allowances to be given, &c.

24th February, 1732.

His Majeſty againſt Tenants of Ballynemony. } Mr. Prime Serjeant, pro Denny Cuffe, moves to be diſcharged from the Purſevant, iſſued againſt him.

Mr.

Mr. Malone, pro eod.

Order 11th December, 1732, read.

D. Cuffe's Affidavit read.

Mr. Green, pro Mr. Godfrey Green, Says, Mr. Cuffe and thoſe deriving under him were in Poſſeſſion of the Lands, not only for the Year demiſed, but for ſeveral Years afterwards.

CUR. Refer to the Officer to examine and report how long Mr. Cuffe, or any deriving under him, was in Poſſeſſion of the Lands demiſed to him by the Officer, and to report, if occaſion, ſpecially, and Mr. Green at Liberty, to examine Mr. Cuffe on Interrogatories, and on Mr. Cuffe's giving Security, by Recognizance, to pay what ſhall appear due on return of the Report, to be diſcharged out of Cuſtody, and a Superſedeas to iſſue without further Motion,

25th February, 1733.

Daly againſt Power. } Mr. Callaghan, Senior, pro Mrs. Wheeler, a ſecond Cuſtodee; prays, the Plaintiff may account on the Foot of the ſeveral Cuſtodiams, granted her of Defendant's Eſtate, in the Counties of Galway, Mayo, Clare, and City of Limerick.

CUR. Plaintiff to account on the Foot of the ſaid ſeveral Cuſtodiams, and refer to the ſecond Remembrancer, &c. and at Liberty to examine the Plaintiff on perſonal Interrogataries.

16th July,

16th July, 1734.

Green, Cuſtodee, against Denny Cuffe, Tenant of Ballynemony.

Mr. Green, pro Quer. prays a Commiſſion, in Aid of the Account refered to the Treaſurer's Remembrancer in this Cauſe.

CUR. Take a Commiſſion as is deſired.

9th June, 1738.

French against Madden and Madden.

Mr. Blakeney, pro Quer. prays a Commiſſion, to examine as to Matters of account.

Certificate read.

CUR. Take a Commiſſion, to examine as to Matters of account.

31ſt January, 1729.

Lynch against Blake.

Mr. Aylward pro D. prays Liberty to exhibit additional Interrogatories, touching Matters of Account, before the Officer.

CUR. Be it ſo.

House of the Oireachtas

The following Courſe of proceeding, ſeems to be adopted in order to extort Truth from Perſons charged with Contempts, and to examine Witneſſes, in Support of the Charge.

9th June, 1699.

The King againſt Rathborne. } The Defendant, by Mr. Keefe his Attorney, moves the Court on the laſt Order, Says, that the Defendant has been examined on perſonal Interrogatories, purſuant to a former Order; prays he may be heard in Court on the Interrogatories and Depoſitions.

Cur. Return the Interrogatories and Depoſitions, and let the Matter be heard in Court, on Tueſday next, the Attorney General firſt to have Notice.

5th Auguſt, 1699.

Richard Allen, by his Attorney, moves on his Petition and Affidavit, that he was lately taken

taken upon an Attachment, iſſued againſt him to the Purſevant of this Court, for a ſuppoſed Contempt by him committed, and he is willing to enter into Recognizance, to Anſwer what ſhall be objected againſt him by Barbara Molloy, Widow; and that he hath this Day entered into Recognizance accordingly.

CUR. A Superſedens to the ſaid Attachment forthwith to iſſue.

10th June, 1708.

Lord Shelburne againſt Harriſon.

CUR. Let Harriſon, the Collector, enter into Recognizance forthwith before Chief Baron, to abide the Judgment of the Court, and the Complainant to exhibit Interrogatories in four Days, and Harriſon to anſwer the Interrogatories forthwith.

Com. Kerry. ——————

Francis Bernard, Eſq; moves the Court, in behalf of —— Herbert, High Sheriff of ſaid County, upon the Affidavit, that the Purſevant ſhould be taken off.

Lord Chief Baron. This is not the proper Way of making your Defence; here is an Affidavit

davit poſitive of the Reſcue, and you muſt anſwer perſonal Interrogatories in Cuſtody.

CUR. Let the Sheriff give Security to appear the 1ſt of next Term, and anſwer perſonal Interrogatories.

18th May, 1709.

The Queen againſt Campbell and Moore. } This Matter, being this Day ſpoken to by Council, as well for her Majeſty, as for the Defendant. The Matter inſiſted on as to Campbell, being, whether a Replevin lies for Goods ſeized by her Majeſty's Officers; and as to Moore, whether the Tobacco ſeized had paid the Duty. On hearing the Matter:

CUR. Commit Campbell to the Marſhal of the Court, and to anſwer perſonal Interrogatories To-morrow; and Moore to attend the Court until further Order.

24th July, 1709.

The Queen againſt Hedges. } Mr. Mullen, pro Defendant, Says, that the Defendant is in Cuſtody on a ſuppoſed Contempt prays, that Interrogatories may be exhibited againſt Defendant, or that he may be diſcharged.

CUR. Exhibit Interrogatories againſt Defendant in four Days, or let him be diſcharged.

28th No-

28th November, 1709.

The Queen against Barry and Barry } Mr. Keating, pro Defendant, Says, the Defendants, purſuant to a former Rule, are examined on perſonal Interrogatories, for a Contempt and Reſcue; and prays Publication and a Day of hearing.

CUR. Publication to paſs immediately, and to be heard on Tueſday next.

26th May, 1710.

Lincoln againſt Hore. } Anderſon pro Quer. moves the Court on the laſt Notes. The Notes read. Says he filed his Interrogatories; and, prays the Reſcuers, in the Notes named, may anſwer them. Mr. Taylor, pro Defendant, prays a Commiſſion to anſwer them.

CUR. Take a Commiſſion to anſwer them, returnable the third return of next Term, but then, muſt return it by that Time, or an Attachment againſt the Reſcuers. abſque Motion.

3d December, 1709.

Same againſt Same. } Mr. Solicitor, pro Regina moves on the laſt Order; Says, that the Defendants have been examined on perſonal Interrogatories, for a Contempt and

and Reſcue, and have in their Anſwers denied the Matters charged on them; prays a Commiſſion, to examine Witneſſes to prove the Matters charged againſt the Defendants by the Interrogatories.

CUR. Ordered accordingly, and diſcharge laſt Rule.

Poſtea. Mr. Keating, pro Defendant, moves for Liberty to examine likewiſe for the Defendants.

CUR. A Commiſſion likewiſe for the Defendants. Niſi Cauſe, on Monday, abſque Motion.

20th June, 1710.

Lincoln } againſt } Hore.

Walter Taylor, for the Reſcuers in the laſt Notes, moves the Court on the Notes, and the Affidavit of Bryan Kelly. The Notes and Affidavit read. Says, that one of the Reſcuers fell from his Horſe, and is not able to come up; prays Liberty to anſwer the Interrogatories before a Baron in the Circuit.

CUR. Ordered accordingly.

1ſt May

1ſt May, 1711.

Archdekin against Huſſey. } Mr. Donovan, pro: Barry Denny, and David Molineux, Says, there is an Order for an Attachment againſt them, for replevying a Diſtreſs taken by the Plaintiff, who is a Cuſtodee; and, prays he may be admitted to appear for them, as on an Attachment, and that the Plaintiff may file his Interrogatories.

CUR. Appear as on an Attachment, and the Plaintiff to file his Interrogatories.

5th July, 1711.

Archdekin against Huſſey. } Mr. —— Anderſon, the Plaintiff's Attorney, moves on the Notes of the 1ſt of May, 1711. Notes read. He has filed his Interrogatories againſt Barry Denny and David Mollyneux, which they take no Care to anſwer; and prays he may be at Liberty to take out his Attachment. Mr. Denovan.—That Mr. Denny is old and infirm, and not able to travel to Dublin; and prays a Commiſſion, or Liberty to anſwer before a Baron, if any goes the Munſter Circuit.

CUR. Anſwer before a Baron, if any go the Munſter Circuit; if not, anſwer by the firſt of next Term.

16th February, 1711.

Campbell, in truſt for Mrs. Baggot, againſt Levallin.

Alan. Broderick, Eſq; pro Defendant, moves the Court on the Order of the 1ſt of February, Inſtant. Order read. He moves to have the Cuſtodiam diſſolved; and that the Perſons who are called Reſcuers, may be diſcharged from their Recognizances, and the Attachments againſt them laid aſide, unleſs Interrogatories be filed againſt them. The Defendant was outlawed, and the Plaintiff had a Cuſtodiam and Injunction thereon. Diſtreſſes were ſworn to have been taken, but reſcued, and you juſtly iſſued your Attachments againſt James Levallin, William Foulod, Charles Daly, and Thady Mahony, who were ſaid to be the Reſcuers. We have ſince reverſed the Outlawry, and our Rents are ordered to be brought into Court: theſe, called Reſcuers, entered into Security by Recognizance, to appear and anſwer, and the Recognizance was reſpited. The Perſons are all now in Court, to anſwer Interrogatories; and if any Contempt be committed, it will appear by their Anſwers.

Cur. The Plaintiff to file Interrogatories in four Days, or diſcharge the Recognizances.

5th July,

5th July, 1712.

Butler against Ryan. } Alan Broderick, Esq; the Defendant's Council, moves on the Notes of the 20th of June, 1712. Notes read. ——— The Plaintiff had a Custodium, and a Distress being taken, Defendant replevied; for which, you issued an Attachment. We desire to be admitted to give Security by Recognizance, to abide the Judgment of the Court.

CUR. Giving a Recognizance, with Security in four Days, to appear and answer, &c. Take a Supersedeas to the Attachment.

John Droleuvaux, Henry Watts, and George Faulkiner's } Affidavits read.

The Queen against Watts. } Mr. Shippy, lately a Brewer, (who is now broke) had several Barrels of Beer, which for valuable Consideration, he sold to the Defendant, and he took them into his Possession, and put them into his own Cellar; after which, Droleuvaux put a Padlock on the Door, which, Watts, as he believed he might, took off; and the Gauger, though he does not tell you what is due, has seized twenty-two Barrels of the Ale of

of Shippey, which is ſufficient to anſwer the Queen's Duty; but, if not, Watts has fairly, for good and juſt Conſideration, bought the Beer, and the Duty of the Beer, it being brewed in April laſt, ſworn to be paid. Sir Richard Levinge, pro Regina, ſays, there was 16l. due to the Queen, from Shippey, for which, a Warrant of Execution was iſſued, and in purſuance of that, which is dated the 21ſt of July laſt, this Beer was ſeized, and from the Date of the Warrant, the Effects of Shippey are bound.

Mr. Solicitor, per Regina. Watts's Sale, if any, was after the Warrant; and Shippey, knowing of the Execution, made it his Buſineſs to diſpoſe of his Drink, to elude the Execution.

Mr. Recorder, deſires to ſee this Execution, which, it ſeems, is from the Commiſſioners of Exciſe, and cannot be called an Execution, nor can it bind the Goods before the Execution of it; and Watts has acted as a fair Dealer, and is a Purchaſer for valuable Conſideration, without Notice.

Lord Chief Baron. Watts, in his Affidavit, does not ſwear he did not know of the Proceedings of the Commiſſioners: and you did not ſay, that you have yet paid the purchaſe Money.

Mr. Recorder. Since there are thoſe Doubts, we are content to be examined on perſonal Interrogatories.

Cur. Anſwer the perſonal Interrogatories, firſt appearing as on an Attachment.

25th Fe-

25th February, 1712.

Queen } Prays the Interrogatories may be
againſt } filed, he being in Cuſtody, on an
Ramſay. } Attachment for a Contempt.

——— Mr. Chetwood, pro Regina, prays Time.

CUR. File the Interrogatories in four Days, or diſcharge the Defendant, and ſuperſede the Attachment.

15th December, 1713.

Moore } Michael Ward, Eſq; of Coun-
againſt } cil, with John Woods, late
Montgomery. } Subſheriff of the County of
——— Downe, moved the Court on the Order of the 15th of December laſt. Order read. Two Affidavits of John Gamble read. John Woods's Affidavit read. Woods is in Cuſtody, though he did all he could to execute the Plaintiff's Injunction.

Lord Chief Baron—Thinks you have ſhewn no Cauſe to diſcharge the Sheriff from the Attachment.

CUR. Diſcharge him out of Cuſtody, on giving good Security to attend de Die in Diem, until diſcharged by the Court; and to anſwer Interrogatories, and the Plaintiff to file his Interrogatories; and the Court think Woods might, in ſome Meaſure, purge his Contempt, if he renewed the Injunction, and got it, or the Injunction

Injunction which the Plaintiff renewed, executed in the mean Time, at his own Expence.

Poſtea. Mr. Taylor, Attorney for Weſtenra Warren, Eſq; prays the Attachment againſt him, in the ſame Cauſe, may be ſuperſeded, on giving the like Security.

CUR. Be it ſo, on entering Security, as Wood's is to do, paying the Purſevant's Fees.

8th June, 1717.

Dominus Rex againſt Tenen Bargorum et alios.

Mr. Attorney General, per Domino Regens. Several Perſons have denied a Contempt, charged on them. Prays an Examination.

CUR. Take a Commiſſion to prove the Contempt.

28th June, 1725.

Rice againſt Darcy.

St. John Brodrick, Eſq; prays that Mr. Carthy, Subvic. Com. Kildare, may not be kept in Cuſtody of the Purſevant, until next Term.

Mr: Stewart
Mr. P. Daly.

Pro Piers Rice.

CUR. The Subſheriff, on anſwering the Interrogatories, and giving Security by Recognizance,

zance, to appear in Cuſtody the 1ſt of next Term, to be diſcharged; and diſcharge the Notice, given in behalf of Aylmer, with Coſts.

31ſt January, 1729.

Lynch againſt Blake. } Mr. Aylward, pro Defendant, prays Liberty to exhibit additional Interrogatories, touching Matters of account, before the Officer.

CUR. Be it ſo.

8th July, 1735.

Kelly againſt Donnellan. } Mr. Rowan, pro Mr. Eyre, a third Perſon, moves to ſuſpend the Execution of the Attachment, iſſued againſt him, for a Contempt in this Cauſe, being willing to pay ſuch Damages and Coſts, as the Officer ſhall tax.

CUR. Suſpend the Execution of the Attachment to the 1ſt of next Term, and in the mean Time, refer to the Officer, to ſettle the Damages and Coſts ſuſtained by the Plaintiff, by reaſon of the Contempt committed by Mr. Eyre.

11th December, 1738.

Oſborne againſt Geering and Neſbitt. } Mr. Keon, Attorney, pro Quer. moves on the Order of the 10th of June laſt, whereby Defendants were to anſwer perſonal Interrogatories, to be exhibited by Plaintiff;

Plaintiff; and on the Affidavit of Service thereof, and the Examiner's Certificate of ſaid Interrogatories being lodged; and that Defendant, Carncroſs Neſbitt, had not attended to be ſworn and examined; therefore prayed, in regard the ſaid Neſbitt, had been ſerved with the ſaid Order, and had appeared by his Attorney, who had given Notice of a Motion in this Cauſe, that the ſaid Neſbitt might attend in a ſhort Day, to be examined on ſaid Interrogatories, or that an Attachment might iſſue againſt him.

Order, Affidavit, and Certificate read.

CUR. The Defendant, Neſbitt, to attend and anſwer the ſaid Interrogatories, by the 1ſt Day of next Term, or an Attachment to iſſue againſt him, abſque.

5th February, 1742.

Carre againſt Ryves.

CUR. The Tenants to appear as on Attachments, and to anſwer perſonal Interrogatories.

7th February, 1742.

Carre againſt Ryves and others.

Mr. Powel, for the Defendants, appears as on an Attachment; prays the Plaintiff may exhibit his perſonal Interrogarories.

CUR. Plaintiff to exhibit Interrogatories in four Days.

23d February, 1742.

Carre againſt Ryves.

Mr. Prime Serjeant, pro Plaintiff, Hiffernan, and others, Says, there was an Order for them to anſwer Interrogatories,

rogatories, touching the Payment of their Rents; that the Iterrogatories are filed, but refuſes to give Copies; Says, he apprehends they are entitled to Copies, this being a ſuppoſed Contempt.

Mr. Smith, for Plaintiff.

CUR. The Parties to have Copies of the Interrogatories.

Frazier againſt Coghlan. } Purſevant's Certificate of Defendant's, being in his Cuſtody. Read. Prays the Plaintiff may exhibit his Interrogatories in a ſhort Day, and that the Purſevant's Day Fees may ſtop.

CUR. Plaintiff to exhibit his Interrogatories in four Days, and the Day Fees to attend the Event.

It is ſubmitted whether the three following Rules, may not, according to ſpecial Circumſtances, be applied, without Prejudice, to the caſual Revenue; and, whether the ſucceeding ones are not eſſentially neceſſary to enforce the general Execution of the Proceſs of the Exchequer.

20th Auguſt, 1701.

Richard Murphy. } Petitions that he entered into a Recognizance of for the Appearnnce of Patrick

Patrick Doyle, at the laſt Lent Aſſizes, at Wexford; that the Recognizance, by ſome Miſtake, is eſtreated, and Proceſs thereon iſſued; and the Petitioner's Goods thereon, taken by the preſent Sheriff of the County of Wexford. Prays that on giving Security, to pay or diſcharge the ſaid Recognizance, before the Lord Chief Baron, the ſame may be reſpited.

CUR. The Petitioner to enter into ſufficient Security, before the Lord Chief Baron, to pay or diſcharge the ſaid Recognizance, by the 15th Day of December next, and reſpite the ſame until then.

6th November, 1706.

James Geraght, by Mr. Johnſon, his Attorney, moves the Court on the Petition and Affidavit of ſaid James, ſets forth, that he is taken on the Proceſs of Green Wax, on account of a forfeited Recognizance, entered into by one James Geraght, but depoſeth that he is not the Perſon.

Petition and Affidavit read.

CUR. The Petitioner entering into good Security, before the Chief Baron, to pay or diſcharge, by the 1ſt of next Term, reſpite the Recognizance.

16th July, 1756.

His Majeſty againſt Carrol. } Mr. Fitz. Gibbon, for the Defendant, moves for Liberty for the Defendant to give Bail for a Recognizance, for which he ſtands committed to the Four-Court Marſhalſea.

CUR. Be it ſo.

12th De-

12th December, 1747.

IRELAND.

Ordered by the Court, that the ſeveral Sheriffs of this Kingdom, do pay their Tots into the Receipt of this Court, before the Revenue Day of the next ſucceeding Term, in which they account, or that they be fined for ſuch Neglect; and that no Fines ſo impoſed, ſhall be reſpited on any account, without an Affidavit verifying ſufficient Cauſe.

28th November, 1752,

Be it remembered, that the Court, taking into Conſideration the Delay occaſioned by Sheriffs not returning the ſeveral Writs directed to them, but ſuffering Fines to be impoſed on them, which have been reduced on Payment of the Box only.

Ordered by the Court, that for the future, no Fines impoſed on any Sheriffs, for not returning Writs directed to them, ſhall be reduced, without producing an Affidavit aſſigning the Cauſe.

23d November, 1750.

Exrs. of Nich. Kirwan against Val. Blake.

Mr. Kirwan, for the Plaintiff, moves on ſeveral Attachments iſſued in this Cauſe, directed to the Purſevant; and the Purſevant's return that the ſeveral Perſons named therein were not to be found; prays a Renewal of the ſaid Attachment, and that they may be directed to the Sheriff.

CUR. Be it ſo.

11th De-

11th December, 1750.

Exrs. of Nich. Kirwan against Val. Blake. } Mr. Gore, for the Purſevant, moves to ſet aſide the Order of the 23d November laſt, for renewing the Attachments to the Sheriff.

Order—Read.

Mr. Kirwan for the Plaintiff.

Cur. No Rule, but the former Order to ſtand.

F I N I S.

Houses of the Oireachtas