ANNO PRIMO

# GULIELMI IV. REGIS.

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## C A P. LXX.

## An Act for the more effectual Administration of Justice in *England* and *Wales*. [23d *July* 1830.]

WHEREAS the Appointment of an additional Puisne Judge to each of His Majesty's superior Courts of Common Law would cause much greater Facility and Dispatch of Business therein: And whereas it is expedient to put an end to the separate Jurisdiction for the County Palatine of *Chester* and the Principality of *Wales*, and to make more effectual Provision for the Administration of Justice in *England* and *Wales*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever His Majesty shall be pleased to appoint an additional Puisne Judge to either of His Courts of the King's Bench, the Common Pleas, and the Exchequer, the Puisne Judges of such Court shall sit by Rotation in each Term, or otherwise, as they shall agree amongst themselves, so that no greater Number than Three of them shall sit at the same Time in Banc for the Transaction of Business in Term, unless in the Absence of the Lord Chief Justice or Lord Chief Baron; and that it shall and may be lawful for any One of the Judges of either of the said Courts, when Occasion shall so require, while the other Judges of the same Court are sitting in Banc, to sit apart from them for the Business of adding and justifying

Puisne Judges to sit in Rotation; but not less than Three at a Time in Banc.

Special Bail, discharging Insolvent Debtors, administering Oaths, receiving Declarations required by Statute, hearing and deciding upon Matters on Motion, and making Rules and Orders in Causes and Business depending in the Court to which such Judge shall belong, in the same Manner and with the same Force and Validity as may be done by the Court sitting in Banc.

Salaries to additional Judges.

II. And be it further enacted, That from and after the Appointment of any such additional Judge there shall be issued and paid and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, (after paying or reserving sufficient to pay all such Sums as have been directed by any former Act of Parliament to be paid out of the same, but with Preference to all other Payments which shall hereafter be charged upon the same,) the Sum of Five thousand Pounds to such additional Judge as he shall be so appointed, as and for a yearly Salary, to be paid from Time to Time quarterly, free and clear from all Taxes and Deductions whatsoever, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, by equal Portions, the first Payment to be made on the first of such Days respectively as shall occur after the Appointment of the Judge entitled to receive the same; and that if any Person hereafter appointed to such Office shall die, or resign the same, the Executor or Administrator of the Person so dying, or the Person so resigning, shall be entitled to receive such proportionable Part of the Salary aforesaid as shall have accrued during the Time that such Person shall have executed such Office since the last Payment, and that the Successor of any such Person so dying or resigning shall be entitled to receive such Portion of the Salary as shall be accruing or shall accrue from the Day of such Death or Resignation: Provided always, that the Removal of a Puisne Judge from one Court to another shall not be deemed a new Appointment under this Act.

Retirement Allowances to additional Judges.

III. And be it further enacted, That upon the Resignation of any such additional Judge it shall be lawful for His Majesty, by His Letters Patent under the Great Seal of *Great Britain*, to give and grant to the Person so resigning (under and subject to the same Conditions, Limitations, and Restrictions as any Annuity on Resignation can now by Law be granted to any other Judge of the same Court) an Annuity during his Life not exceeding the Sum of Three thousand five hundred Pounds yearly, or such other Sum as shall by any Act hereafter to be made provided for Judges resigning their Offices, to be paid and payable out of and charged upon the Consolidated Fund aforesaid, free and clear of all Taxes and Deductions whatsoever, by even quarterly Payments to be made respectively on the Days aforesaid in each Year.

Additional Judges may sit in London and Westminster.

IV. And be it further enacted, That every Judge of the said Courts, to whatever Court he may belong, shall be and he is hereby accordingly authorized to sit in *London* and *Middlesex* for the Trial of Issues arising in any of the said Courts, and to transact such

Business at Chambers or elsewhere, depending in any of the said Courts, as relates to Matters over which the said Courts have a common Jurisdiction, and as may, according to the Course and Practice of the Court, be transacted by a single Judge.

Repeal of Act 3 G. 4. c. 102.

V. And be it further enacted, That a certain Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal an Act of the First and Second Years of His present Majesty, for facilitating the Dispatch of Business in the Court of King's Bench, and to make further Provision in lieu thereof*, shall be and the same is hereby repealed, except so far as it repeals the said former Act, and except so far as relates to the last Warrant issued by His said late Majesty under the said Act.

Terms altered.

VI. And be it further enacted, That in the Year of our Lord One thousand eight hundred and thirty-one, and afterwards, *Hilary* Term shall begin on the Eleventh and end on the Thirty-first Day of *January*; *Easter* Term shall begin on the Fifteenth Day of *April* and end on the Eighth Day of *May*; *Trinity* Term shall begin on the Twenty-second Day of *May* and end on the Twelfth Day of *June*; and *Michaelmas* Term shall begin on the Second and end on the Twenty-fifth Day of *November*; and that the Essoign and General Return Days of each Term shall, until further Provision be made by Parliament, be as follows; that is to say, the First Essoign or General Return Day for every Term shall be the Fourth Day before the Day of the Commencement of the Term, both Days being included in the Computation; the Second Essoign Day shall be the Fifth Day of the Term; the Third shall be the Fifteenth Day of the Term; and the Fourth and last shall be the Nineteenth Day of the Term, the First Day of the Term being already included in the Computation; with the same relation to the Commencement of each Term as they now bear, and shall be distinguished by the Day of the Term on which they respectively fall, the *Monday* being in all Cases substituted for the *Sunday* when it shall happen that the Day would fall on *Sunday*, except always that in *Easter* Term there shall be but Four Returns instead of Five, the last being omitted; provided that if the whole or any Number of the Days intervening between the *Thursday* before and the *Wednesday* next after *Easter* Day shall fall within *Easter* Term, there shall be no Sittings in Banc on any of such intervening Days, but the Term shall in such Case be prolonged and continue for such Number of Days of Business as shall be equal to the Number of the intervening Days before mentioned exclusive of *Easter* Day, and the Commencement of the ensuing *Trinity* Term shall in such Case be postponed, and its Continuance prolonged for an equal Number of Days of Business.

Limiting the Time for Sittings.

VII. And be it further enacted, That when the Alteration of the Terms herein-before mentioned shall take effect not more than Twenty-four Days, exclusive of *Sundays*, after any *Hilary*, *Trinity*, and *Michaelmas* Term, nor more than Six Days, exclusive of *Sundays*, after any *Easter* Term, to be reckoned consecutively immediately after such Terms, shall be appropriated to Sittings in *London* and *Middlesex*

*Middlesex* for the Trial of Issues of Fact arising in any of the said Courts; provided that if any Trial at Bar shall be directed by any of the said Courts, it shall be competent to the Judges of such Court to appoint such Day or Days for the Trial thereof as they shall think fit; and the Time so appointed, if in Vacation, shall for the Purpose of such Trial be deemed and taken to be a Part of the preceding Term; provided also, that a Day or Days may be specially appointed, at any Time not being within such Twenty-four Days, for the Trial of any Cause at Nisi Prius, with the Consent of the Parties thereto, their Counsel or Attornies.

Regulation as to Writs of Error.

VIII. And be it further enacted, That Writs of Error upon any Judgment given by any of the said Courts shall hereafter be made returnable only before the Judges, or Judges and Barons, as the Case may be, of the other Two Courts in the Exchequer Chamber, any Law or Statute to the contrary notwithstanding; that a Transcript of the Record only shall be annexed to the Return of the Writ; and the Court of Error, after Errors are duly assigned and Issue in Error joined, shall, at such Time as the Judges shall appoint, either in Term or Vacation, review the Proceedings, and give Judgment as they shall be advised thereon; and such Proceedings and Judgment, as altered or affirmed, shall be entered on the original Record, and such further Proceeding as may be necessary thereon shall be awarded by the Court in which the original Record remains, from which Judgment in Error no Writ of Error shall lie or be had, except the same be made returnable in the High Court of Parliament.

Judgments to be pronounced in all Trials for Felonies upon Record during the Sittings, except as herein is excepted.

IX. And be it further enacted, That upon all Trials for Felonies or Misdemeanors upon any Record of the Court of King's Bench, Judgment may be pronounced during the Sittings or Assizes by the Judge before whom the Verdict shall be taken, as well upon the Person who shall have suffered Judgment by Default or Confession, upon the same Record, as upon those who shall be tried and convicted, whether such Persons be present or not in Court, excepting only where the Prosecution shall be by Information filed by Leave of the Court of King's Bench, or such Cases of Informations filed by His Majesty's Attorney General wherein the Attorney General shall pray that the Judgment may be postponed; and the Judgment so pronounced shall be indorsed upon the Record of Nisi Prius, and afterwards entered upon the Record in Court, and shall be of the same Force and Effect as a Judgment of the Court, unless the Court shall, within Six Days after the Commencement of the ensuing Term, grant a Rule to show Cause why a new Trial should not be had or the Judgment amended; and it shall be lawful for the Judge before whom the Trial shall be had either to issue an immediate Order or Warrant for committing the Defendant in execution, or to respite the Execution of the Judgment, upon such Terms as he shall think fit, until the Sixth Day of the ensuing Term; and in case Imprisonment shall be Part of the Sentence, to order the Period of Imprisonment to commence on the Day on which the Party shall be actually taken to and confined in Prison.

X. And

X. And be it further enacted, That all Persons admitted or admissible to practise as Attornies in the Courts of King's Bench and Common Pleas shall be admissible in like Manner as Attornies of the Court of Exchequer, and be admitted and allowed to practise there as such, upon Application to the Barons of that Court, without being obliged to employ any Clerk in Court in the Capacity of Attorney of the Court of Exchequer, any Law or Usage to the contrary notwithstanding; and that it shall be lawful for the Barons of the said Court, and they are hereby required, to distinguish by their Rules and Orders the Fees which shall continue to be taken by the Sworn and Side Clerks of the Court for the Duties performed as Officers of the Court, similar to the Duties of the Officers of the other superior Courts, from such Fees and Charges as shall be allowed to be taken by the Attornies so admitted to practise, so that the Amount of such Fees and Charges upon the whole do not exceed the Amount and Rate of such Fees and Charges as are now allowed upon the Taxation of Costs.

Attornies of King's Bench or Common Pleas may practise in the Exchequer in like Manner.

Fees of Clerks.

XI. And be it further enacted, That in all Cases relating to the Practice of any of the Courts of King's Bench, Common Pleas, or Exchequer, in Matters over which the said Courts have a common Jurisdiction, or of or relating to the Practice of the Court of Error before mentioned, it shall be lawful for the Judges of the said Courts jointly, or any Eight or more of them, including the Chiefs of each Court, to make general Rules and Orders for regulating the Proceedings of all the said Courts; which said Rules and Orders so made shall be observed in all the said Courts; and no general Rule or Order respecting such Matters shall be made in any Manner, except as aforesaid.

Judges may make Rules for Regulation of Courts.

XII. And be it further enacted, That Bail may be justified before a Judge in Chambers, or in some other convenient Place to be by him appointed, as well in Term as in Vacation, and whether the Defendant be actually in Custody or not.

Justification of Bail before Judge in Chambers.

XIII. And be it further enacted, That from and after the Commencement of this Act His Majesty's Writ shall be directed and obeyed, and the Jurisdiction of His Majesty's Courts of King's Bench, Common Pleas, and Exchequer respectively, and of the several Judges and Barons thereof, shall extend and be exercised over and within the County of *Chester* and the County of the City of *Chester*, and the several Counties in *Wales*, in like Manner, to the same Extent, and to and for all Intents and Purposes whatsoever as the Jurisdiction of such Courts respectively is now exercised in and over the Counties of *England* not being Counties Palatine, any Statute heretofore passed to the contrary notwithstanding; and that all original Writs to be issued into the said several Counties of *Chester*, City of *Chester*, and *Wales*, shall be issued by the Cursitors for *London* and *Middlesex*, and the Process and Proceedings thereon shall be issued by and transacted with such of the Officers of the several Courts of King's Bench and Common Pleas as shall be named for that Purpose by the Chief Justices of such Courts respectively, each naming for his own Court.

Jurisdiction of Courts at Westminster extended to Counties Palatine, &c.

Present Jurisdiction of Counties Palatine and Principality of Wales to cease.

Suits to be transferred.

XIV. And be it further enacted, That all the Power, Authority, and Jurisdiction of His Majesty's Court of Session of the said County Palatine of *Chester*, and of the Judges thereof, and of His Court of Exchequer of the said County Palatine, and of the Chamberlain and Vice Chamberlain thereof, and also of His Judges and Courts of Great Sessions, both in Law and Equity, in the Principality of *Wales*, shall cease and determine at the Commencement of this Act; and that all Suits then depending in any of the said Courts, if in Equity, shall be transferred, with all the Proceedings thereon, to His Majesty's Court of Chancery or Court of Exchequer, as the Plaintiff or (in default of his making Choice before the last Day of next *Michaelmas* Term) as any Defendant shall think fit, and if in Law, to the Court of Exchequer, there to be dealt with and decided according to the Practice of those Courts respectively, or of the Court from whence the same shall be transferred, according to the Discretion of the Court to which the same shall be transferred; which Court shall, for the Purpose of such Suits only, be deemed and taken to have all the Power and Jurisdiction, to all Intents and Purposes, possessed before the passing of this Act by the Court from whence such Suit shall be removed.

Not to affect the Rights of the Corporation of Chester.

XV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to abolish or affect the Obligations and Duties or the Jurisdiction or Rights now lawfully imposed upon, performed, or claimed and exercised by the Mayor and Citizens of *Chester* in the Courts of the County of the City of *Chester* or otherwise, save and except that such Writs of Error or false Judgment as may now by any Charter or Usage of the said Corporation be brought upon the Judgments of the said Courts or any of them before any of the Courts abolished by this Act, shall hereafter be issued, as in other Cases, from inferior Courts, and be returnable into His Majesty's Court of King's Bench.

Attornies of Courts of Great Sessions allowed to practise, on Payment of certain Fees.

XVI. And be it further enacted, That all Persons who on or before the passing of this Act shall have been admitted as Attornies and shall then be practising in any of the Courts of Sessions or Great Sessions in the County Palatine of *Chester* or in *Wales* respectively, shall be entitled, upon the Payment of One Shilling, to have their Names entered upon a Roll to be kept for that Purpose in each of the superior Courts of *Westminster*, and thereupon be allowed to practise in such Courts in all Actions and Suits against Persons residing, at the Commencement of the Suit, within the County of *Chester* or Principality of *Wales*; and that all Persons having served or now actually serving as Clerks to such Attornies under Articles, and who would otherwise be entitled to be admitted as Attornies of the said Courts of Great Sessions, may, on or before the Expiration of Six Months after the passing of this Act, be admitted as Attornies of the said Courts at *Westminster*, for the Purpose of practising there, in the like Matters only, without Payment of any greater Duty than would be now payable by Law upon their Admission as Attornies of such Courts of Great Sessions respectively.

XVII. And

Attornies of Great Sessions may be admitted as Attornies at Westminster.

XVII. And be it further enacted, That all Attornies and Solicitors now actually admitted and practising in any of the said Courts of Sessions or Great Sessions may be admitted as Attornies of the said Courts at *Westminster*, in like Manner as is now or may be hereafter prescribed for the Admission of other Persons as Attornies therein, upon Payment of such Sum for Duty, in addition to the Sum already paid by them in that Behalf, as shall, together with such latter Sum, amount to the full Duty required upon Admission of Attornies in the said Courts at *Westminster*; and that all Persons having served or now actually serving under Articles as Clerks to such Attornies or Solicitors of any of the said Courts of Sessions or Great Sessions, may, at the Expiration of their respective Times of Service, be admitted as Attornies of the said Courts at *Westminster*, in like Manner and upon Payment of the like Duty as if they had served under Articles as Clerks to Attornies of the last-mentioned Courts.

Masters Extraordinary acting in Courts abolished by this Act allowed to exercise same Powers, upon certain Conditions.

XVIII. And be it further enacted, That any Person who shall have been duly appointed a Commissioner for taking Affidavits, or a Master Extraordinary in Chancery of any of the Courts abolished by this Act, shall, upon producing his Appointment before the proper Officer, and upon the Payment of One Shilling, be entitled to have his Name inserted in a List to be kept for that Purpose of such Commissioners or Masters Extraordinary, as the Case may be, and to exercise, within the Limits of his existing Commission or Commissions, the same Power and Authority, and for the same Purposes, as if his Commission had issued from one of His Majesty's Courts at *Westminster*.

Assizes to be held in Chester and Wales.

XIX. And be it further enacted, That from and after the Time herein appointed for the Commencement of this Act Assizes shall be held for the Trial and Dispatch of all Matters, Criminal and Civil, within the County of *Chester* and the several Counties and County Towns in the Principality of *Wales*, under and by virtue of Commissions of Assize, Oyer and Terminer, Gaol Delivery, and other Writs and Commissions, to be issued in like Manner and Form as hath been usual for the Counties in *England*; and all Laws and Statutes now in force relating to the Execution of such Commissions, when issued for Counties in *England*, shall extend and be applied to the Execution of the Commissions issued for the County of *Chester* and the Counties of *Wales* under the Authority of this Act.

Mode of holding Assizes in Chester and Wales until His Majesty shall otherwise direct.

XX. And be it further enacted, That, until it shall be otherwise provided by Law, One of the Two Judges appointed to hold the Sessions of Assizes under His Majesty's Commission within the County of *Chester* and Principality of *Wales* shall, in such Order and at such Times as they shall appoint, proceed to hold such Assizes at the several Places where the same have heretofore been most usually held within *South Wales*; and the other of such Judges shall proceed to hold such Assizes at the several Places where the same have heretofore been most usually held in *North Wales*; and both of such Judges shall hold the Assizes in and for the County of *Chester* in like Manner as in other Counties of *England*.

XXI. And

Regulations as to rendering in Discharge of Bail, Defendant not being in Custody.

XXI. And be it further enacted, That a Defendant, who shall have been held to Bail upon any Mesne Process issued out of any of His Majesty's superior Courts of Record, may be rendered in Discharge of his Bail, either to the Prison of the Court out of which such Process issued, according to the Practice of such Court, or to the Common Gaol of the County in which he was so arrested, and the Render to the County Gaol shall be effected in the Manner following; that is to say, the Defendant, or his Bail, or One of them, shall for the Purpose of such Render obtain an Order of a Judge of One of His Majesty's superior Courts of *Westminster*, and shall lodge such Order with the Gaoler of such County Gaol, and a Notice in Writing of the Lodgment of such Order, and of the Defendant's being actually in Custody of such Gaoler by virtue of such Order, signed by the Defendant, or the Bail, or either of them, or by the Attorney or Agent of any or either of them, shall be delivered to the Plaintiff's Attorney or Agent, and the Sheriff or other Person responsible for the Custody of Debtors in such County Gaol shall, on such Render so perfected, be duly charged with the Custody of such Defendant, and the said Bail shall be thereupon wholly exonerated from Liability as such.

As to rendering in Discharge of Bail, Defendant being already in Custody.

XXII. And be it further enacted, That a Defendant who shall hereafter be in Custody of the Gaoler of the County Gaol of any County in *England* or in the Principality of *Wales*, by virtue of any Proceeding out of any of His Majesty's superior Courts of Record, may be rendered in Discharge of his Bail in any other Action depending in any of the said Courts, in the Manner herein-before provided for a Render in Discharge of Bail; and the Keeper of such Gaol, or such Sheriff or other Person responsible for the Custody of Debtors as aforesaid, shall on such Render be duly charged with the Custody of such Defendant, and the said Bail shall be thereupon wholly exonerated from Liability as such.

Upon Termination of Office of Welsh Judges, their Salaries to be retained, and form Part of Consolidated Fund.

XXIII. And be it further enacted, That the Salaries of the Judges of the County Palatine of *Chester*, and of the Judges of the several Courts of Great Sessions in the Principality of *Wales*, shall, upon the Termination of the said Offices respectively, make Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and a Sum equal to the Amount of each such Salary shall be retained in the Exchequer as Part of the Consolidated Fund, and no Part thereof shall be issued or carried to the Account of the Civil List; any thing in any Act or Acts of Parliament to the contrary notwithstanding.

Compensation to Welsh Judges on Abolition of their Offices.

XXIV. And whereas it is expedient that due Provision should be made for the Compensation of the Judges herein-after mentioned, and of other Persons having a Freehold in their Offices in the County of *Chester* or Principality of *Wales*, for the Losses they may sustain by the Abolition of their Offices or Reduction of their Fees by virtue of this Act; be it therefore enacted, That from and after the Commencement of this Act there shall be issued, paid, and payable, out of and charged upon the Consolidated Fund of

the United Kingdom of *Great Britain* and *Ireland*, (after paying or reserving sufficient to pay all former Charges thereon, but in preference to any Charge hereafter to be made,) to *Thomas Jervis* Esquire, now One of His Majesty's Justices of the *Chester* Circuit, the Sum of One thousand and fifteen Pounds Twelve Shillings; to *Jonathan Raine* Esquire, now His Majesty's Chief Justice of the *North Wales* Circuit, the Sum of One thousand Pounds; and to *Robert Matthew Casberd* Esquire, One of His Majesty's Judges of the *Brecon* Circuit, the Sum of One thousand Pounds; the said several Sums to be payable and paid, free and clear from all Taxes and Deductions whatsoever, by even Portions, on the Fifth Days of *January*, *April*, and *July*, and the Tenth Day of *October*, in each Year, the first Payment thereof to commence and be made on the first of such Days as shall occur after the Commencement of this Act; and the said Annuities respectively to continue during the Lives of the Parties respectively entitled to receive the same, or until such Time as they may respectively be appointed by His Majesty to any other Place or Office the Salary or Emoluments of which shall be of equal or greater Amount than the said Annuities respectively, or in case the Salary or Emolument of such Office shall be of less yearly Amount than the Annuity which the Party appointed to such Office is entitled by this Act to receive, then the said Annuity to be abated and reduced in proportion to the Amount of such Salary or Emoluments, so as to make the whole Sum received by the Party equal to, but not exceeding, the Amount of such Annuity.

Compensations to Persons affected by Abolition of the Courts of Wales and Chester.

XXV. And be it further enacted, That there shall in like Manner, after the Commencement of this Act, be issued, paid, and payable out of and charged upon the said Consolidated Fund, (after paying and reserving as aforesaid, and with such Preference as aforesaid,) to the several Persons having a Freehold Interest in such Offices in the County of *Chester* or Principality of *Wales* as shall be abolished or affected by virtue of this Act, free and clear of all Taxes and Deductions whatsoever, such Sums of Money, at such Times, by way of Annuity or otherwise, as shall be adjudged and determined to be due to such Persons respectively by any Commission to be appointed by His Majesty or by virtue of any Act of Parliament, for the Purpose of determining the Amount of the Compensation that ought to be due and payable in such Cases; and that in the meantime and until Compensation shall be awarded and determined in manner aforesaid, or the Time shall have elapsed that may be appointed for claiming the same, it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, to issue their Warrants for the Payment to such Persons as aforesaid, out of the said Consolidated Fund, of such half-yearly or quarterly Allowances as to the said Commissioners shall seem reasonable, both as to the Amount and Times of Payment, on account of such Compensation as may thereafter be awarded to the said Parties respectively.

Persons appointed under certain

XXVI. Provided always, and be it further enacted, That no Person shall be entitled to such Compensation or Allowance as aforesaid, whose

Restrictions, to the Offices about to be abolished, not entitled to Compensation.

whose Appointment to his Office was qualified by any Condition or Reservation expressed in his Patent or otherwise made known to such Person, that such Office or the Emoluments thereof were to be held and enjoyed subject to any future Provision to be made by Parliament touching the same, or without any Claim to Compensation in case the same should cease or be subjected to any Regulation: And provided also, that no Person shall be entitled to receive any such Compensation or Allowance who shall not previously make a full and true Statement to the said Commissioners of His Majesty's Treasury, to be verified on Oath before a Judge or Master in Chancery, if they shall think fit so to direct, of the Amount of the Salary, Fees, and Emoluments of such Office, and of the Disbursements and Outgoings of the same, for the Space of Ten Years before the passing of this Act; and that such Compensation or Allowance shall cease altogether, or be reduced in Amount, as the Case may be, whenever the Party entitled to receive the same shall be placed in any other public Office of which the Salary and Emoluments shall be equal to the Whole or to Part of such Compensation or Allowance, so that in the last-mentioned Case no Person shall be entitled to receive more of such Compensation or Allowance than shall be equal to the Difference between the full Amount thereof and the Amount of the Salary and Emoluments of the Office in which he may be hereafter placed.

Records of the several Courts abolished to be kept as heretofore until otherwise provided for.

XXVII. And be it further enacted, That the Records, Muniments, and Writings of the several Courts abolished by this Act shall, until otherwise provided by Law, be kept by the same Persons and in the same Places as before the passing of this Act; and that the Court of Common Pleas shall have the like Power and Authority to amend the Records of Fines and Recoveries passed heretofore in any of the Courts abolished by this Act, as if the same had been levied, suffered, or had in the Court of Common Pleas: Provided always, that in case of the Death of any such Person before any other Provision shall have been made for keeping such Records, Muniments, and Writings, the Custody thereof shall be with the Clerks of the Peace of the several Counties to which Counties the same shall respectively belong.

Proclamation upon Fines may be made at Assizes in Chester or Wales.

XXVIII. And be it further enacted, That upon all Fines which now are or before the Commencement of this Act shall be duly acknowledged in *Chester* or *Wales*, Proclamation may be made at the successive Assizes to be holden under His Majesty's Commission within the County of *Chester* and Principality of *Wales*, before any Judge of such Assize, during the Continuance of such his Commission, in the same Manner and Form, and with the same Force and Effect, as if the same had been proclaimed before the Justices of *Chester* and *Wales*, or any of them; any Law or Usage to the contrary notwithstanding.

Fines, &c. to be levied in Chester,

XXIX. And be it further enacted, That all Fines and Recoveries to be levied and suffered after the Commencement of this Act, of Lands, Tenements, or Hereditaments in the County of *Chester* or County

County of the City of *Chester* or Principality of *Wales*, shall be levied and suffered in such and the like Manner, and the same Officers shall be employed therein, as in the Case of Fines and Recoveries now levied or suffered of Lands, Tenements, or Hereditaments in any County of *England* not being a County Palatine. &c. as in other Counties of England.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall be taken to affect the Right of any Lessee by Patent under the Crown, or of any Pensioner or other Person lawfully entitled to any Portion of the Money payable upon Fines and Recoveries of Manors, Lands, or Tenements in the County of *Chester* or Principality of *Wales*, but that the same shall be paid and payable by the proper Officer of the Court of Common Pleas who shall receive the same, to such Lessee or other Person, or his Agent, in like Manner and to the same Extent as heretofore, during the Continuance of his Interest therein. Not to affect the Rights of Lessees by Patent before the passing of this Act.

XXXI. And be it further enacted, That in all Cases where any Trust for charitable Uses or of a public Nature shall have been cast upon the Judges of the Courts hereby abolished, by virtue of their Offices, it shall be lawful for the Lord High Chancellor or Keeper of the Seals for the Time being, or for the Judges of Assize upon their Circuits in the County of *Chester* or Principality of *Wales*, to appoint such other Trustee or Trustees as they shall think fit, by any Writing under their Hands, in place of the former Judge or Judges; which Trustee or Trustees so named shall have the same Power and Authority, and be subject to the same Rules and Duties, as the Trustee or Trustees for whom he or they may be substituted. Lord Chancellor may appoint Trustees for charitable Uses in lieu of Judges abolished by this Act.

XXXII. And be it further enacted, That where by any Law, Charter, or Usage any Corporate or other Officer or Person hath been accustomed or ought to take any Oath before any of the Judges or other Officers or in any of the Courts abolished by this Act, such Officer or Person may and shall take the same Oath before any Judge during the Assizes or in open Court at the Quarter Sessions in the County where such Oath was formerly taken, and such Oath being so taken shall have the same Force and Effect to all Intents and Purposes as if taken before any of the Judges or in any of the Courts abolished by this Act. Officers to take the same Oaths before Judges hereby appointed as they did before the Judges of the Courts hereby abolished.

XXXIII. And whereas it is expedient that the Accounts of the Sheriffs of the County of *Chester* and Principality of *Wales* should be passed, as nearly as Circumstances will admit, in the same Manner as heretofore; be it enacted, That the Clerk of Assize, within Ten Days after the Conclusion of the Assizes in the County of *Chester* and in each County in *Wales*, shall make out a Roll containing the Names and Places of Residence of all Persons liable to the Payment of any Fines, Issues, Amercements, Recognizances, Compositions, or other Sums imposed or forfeited during the preceding Assizes, with the Sums set opposite to each Name, and shall forthwith transmit the same to the Sheriff, with an Order upon the Sheriff, signed in the Name of One of the Judges of Assize, directing the Sheriff to cause such For passing Accounts of Sheriffs of County of Chester and Principality of Wales.

such Sums to be levied and recovered from the Parties liable to pay the same, which Order shall be of the same Force and Efficacy, and be returnable to the same Person or Persons, as any Writ or Process heretofore issued to the Sheriff for the like Purpose; and the Sheriff, upon the Receipt thereof, shall proceed to levy the Sums in the said Roll mentioned, and shall be accountable for the same, and all Arrears thereof, in the same Manner, at the same Time, and to the same Officer, and shall pass his Accounts before the same Officer or Officers, as he hath been heretofore accustomed.

Attornies General of County of Chester and Wales to continue until His Majesty shall otherwise appoint.

XXXIV. And be it further enacted, That the several Persons holding and exercising within the several Counties of *Chester* and *Wales* the Office of His Majesty's Attorney General shall, until His Majesty's Pleasure shall be otherwise declared, continue (within their several Places and Counties where they are now entitled to exercise such Office) to have, in Person only, and not by Deputy, the same Rank, Name of Office, and the same Privileges, Fees, and Emoluments, which by any Law or Custom they have hitherto enjoyed and held within their respective Counties, save and except such Fees as would necessarily cease with the Abolition of the Courts and Jurisdictions abolished by this Act.

When Quarter Sessions are to be held.

XXXV. And whereas the General Quarter Sessions of the Peace are now directed to be held in each Year in the First Week after the Eleventh Day of *October*, in the First Week after the *Epiphany*, in the First Week after the Clause of *Easter*, and in the First Week after the Translation of *St. Thomas* the Martyr: And whereas it will be expedient that the Times of holding the General Quarter Sessions of the Peace should be altered in part; be it therefore enacted, That in the Year of our Lord One thousand eight hundred and thirty-one, and afterwards, the Justices of the Peace in every County, Riding, or Division for which Quarter Sessions of the Peace by Law ought to be held, shall hold their General Quarter Sessions of the Peace in the First Week after the Eleventh Day of *October*, in the First Week after the Twenty-eighth Day of *December*, in the First Week after the Thirty-first Day of *March*, and in the First Week after the Twenty-fourth Day of *June*; and that all Acts, Matters, and Things done, performed, and transacted at the Times appointed by this Act for the holding of the General Quarter Sessions of the Peace shall be as valid and binding to all Intents and Purposes as if the same had been done, performed, and transacted at General Quarter Sessions of the Peace holden at the Times by Law limited for the holding thereof before the passing of this Act.

Landlords to recover Possession of Lands, &c. after Notice of Ejectment.

XXXVI. And whereas Landlords, to whom a Right of Entry into or upon any Lands or Hereditaments may accrue during or immediately after *Hilary* and *Trinity* Terms respectively, are at present unable to prosecute Ejectments against their Tenants, so as to try the same at the Assizes immediately ensuing, whereby much Delay is occasioned in the Recovery of the Possession of Lands and Tenements wrongfully withheld by Tenants against their Landlords; be it therefore enacted, That in all Actions of Ejectment hereafter to be brought in any of His

His Majesty's Courts at *Westminster* by any Landlord against his Tenant, or against any Person claiming through or under such Tenant, for the Recovery of any Lands or Hereditaments where the Tenancy shall expire, or the Right of Entry into or upon such Lands or Hereditaments shall accrue to such Landlord, in or after *Hilary* or *Trinity* Terms respectively, it shall be lawful for the Lessor of the Plaintiff in any such Action, at any Time within Ten Days after such Tenancy shall expire or Right of Entry accrue as aforesaid, to serve a Declaration in Ejectment entitled of the Day next after the Day of the Demise in such Declaration, whether the same shall be in Term or in Vacation, with a Notice thereunto subscribed, requiring the Tenant or Tenants in Possession to appear and plead thereto within Ten Days in the Court in which such Action may be brought; and Proceedings shall be had on such Declaration, and Rules to plead entered and given, in such and the same Manner, as nearly as may be, as if such Declaration had been duly served before the preceding Term: Provided always, that no Judgment shall be signed against the casual Ejector until Default of Appearance and Plea within such Ten Days, and that at least Six clear Days Notice of Trial shall be given to the Defendant before the Commission Day of the Assizes at which such Ejectment is intended to be tried; provided also, that any Defendant in such Action may, at any Time before the Trial thereof, apply to a Judge of either of His Majesty's superior Courts at *Westminster*, by Summons in the usual Manner, for Time to plead, or for staying or setting aside the Proceedings, or for postponing the Trial until the next Assizes; and that it shall be lawful for the Judge in his Discretion to make such Order in the said Cause as to him shall seem expedient.

Declaration to be entitled specially.

XXXVII. And be it further enacted, That in making up the Record of the Proceedings on any such Declaration in Ejectment it shall be lawful to entitle such Declaration specially of the Day next after the Day of the Demise therein, whether such Day shall be in Term or in Vacation, and no Judgment thereupon shall be avoided or reversed by reason only of such special Title.

Writ of Possession may issue on Certificate of Judge, &c.

XXXVIII. And be it further enacted, That in all Cases of Trials of Ejectments at Nisi Prius, when a Verdict shall be given for the Plaintiff, or the Plaintiff shall be nonsuited for Want of the Defendant's Appearance to confess Lease, Entry, or Ouster, it shall be lawful for the Judge before whom the Cause shall be tried to certify his Opinion on the Back of the Record that a Writ of Possession ought to issue immediately, and upon such Certificate a Writ of Possession may be issued forthwith; and the Costs may be taxed, and Judgment signed and executed afterwards at the usual Time, as if no such Writ had issued: Provided always, that such Writ, instead of reciting a Recovery by Judgment in the Form now in use, shall recite shortly that the Cause came on for Trial at Nisi Prius at such a Time and Place and before such a Judge, (naming the Time, Place, and Judge,) and that thereupon the said Judge certified his Opinion that a Writ of Possession ought to issue immediately.



XXXIX. And

Commencement of Act.

XXXIX. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and take effect upon and from the Twelfth Day of *October* in this present Year.

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