

ANNO PRIMO

GULIELMI IV. REGIS.

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CAP. III.

An Act to amend an Act of the last Session, for the better Administration of Justice, so far as relates to the Essoign and General Return Days of each Term, and to substitute other Provisions in lieu thereof; and to declare the Law with regard to the Duration of the Terms in certain Cases.

[23d *December* 1830.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for the more effectual Administration of Justice in* England *and* Wales, it was amongst other Things enacted, that the Essoign and General Return Days of each Term should, 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 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 1 W. 4. c. 70.

Easter

Easter Term there shall be Four Returns instead of Five, the last being omitted: And whereas it is expedient to repeal so much of the said Act as is herein recited, and to make other Provisions in lieu thereof: 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by the Authority of the same, That so much of the said Act as is herein-before recited shall be and the same is hereby repealed.

Repeal of so much of recited Act as relates to the Appointment of Essoign Days.

When Writs are to be returnable.

II. And be it further enacted, That all Writs now usually returnable before any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer respectively, on General Return Days, that shall be made returnable after the First Day of *January* in the Year of our Lord One thousand eight hundred and thirty-one, may be made returnable on the Third Day exclusive before the Commencement of each Term, or on any Day, not being *Sunday*, between that Day and the Third Day exclusive before the last Day of the Term; and the Day for Appearance shall, as heretofore, be the Third Day after such Return, exclusive of the Day of the Return, or in case such Third Day shall fall on a *Sunday*, then on the Fourth Day after such Return, exclusive of such Day of Return.

For removing Doubts as to Duration of Terms.

III. And whereas it is expedient to remove all Doubts that may exist as to the Duration of the Terms in any Case that may occur; be it therefore declared and enacted, That in case the Day of the Month on which any Term according to the Act aforesaid is to end shall fall to be on a *Sunday*, then the *Monday* next after such Day shall be deemed and taken to be the last Day of the Term; and that in case any of the Days between the *Thursday* before and the *Wednesday* next after *Easter* shall fall within *Easter* Term, then such Days shall be deemed and taken to be a Part of such Term, although there shall be no Sittings in Banc on any of such intervening Days.

For Continuance and Determination of Actions, Indictments, &c. which may have been depending in any of the Courts abolished by the recited Act;

IV. And whereas it is expedient to provide for the Continuance and Determination of all such Real Actions, Indictments, and Informations for Criminal Offences, and Informations in the Nature of Quo warranto, as may have been depending in any of the Courts abolished by the said Act; be it therefore enacted, That all Indictments and Informations for Criminal Offences, and Proceedings had thereon, depending in any of the said Courts, shall, at the next General Assize and Oyer and Terminer to be holden in and for the County in the Court whereof the same may be depending, be, by the late Prothonotary of the same Court, or other Officer or Person having the Custody thereof, delivered to the Clerk of Assize of the same County, and shall be proceeded with and heard and determined in the same Manner as if the same had been commenced at an Assizes or Oyer and Terminer holden in the same County by or before any Judges of Assize or Oyer and Terminer in and for such County;

as also of Writs of Right.

and that all Writs of Right and other Real Actions depending in any of the said Courts, and all Pleas and Proceedings thereon, shall, at the Request either of the Demandant or Tenant, be forthwith transmitted by such Prothonotary, or other Officer or Person having the Custody thereof, into the Office of the Prothonotaries of His Majesty's Court

of Common Pleas, and shall be proceeded with and heard and determined in the said Court of Common Pleas in the same Manner as if the same Actions had been commenced in that Court; and that all Informations in the Nature of Quo warranto, and Pleas and Proceedings thereon, depending in any of the said abolished Courts, shall, at the Request either of the Relator or Defendant, be transmitted by such Prothonotary, or other Officer or Person having the Custody thereof, into the Crown Office of His Majesty's Court of King's Bench, and be proceeded with and heard and determined in the said Court of King's Bench as if the same had been commenced in that Court; and every such Delivery and Transmission shall be made, certified, and signed, without Fee or Reward, by the Officer or Person delivering or transmitting the same.

Recoveries of Lands may be suffered in the Courts of the Mayor of Chester, as heretofore;

V. And whereas it was not intended by the said Act to abridge the Jurisdiction of the Courts of the Mayor and Citizens of *Chester* within the County of the same City, but Doubts may be entertained whether Fines and Recoveries may be levied and suffered in the same Courts since the Commencement of the said Act, and it is expedient to remove such Doubts, and to provide more distinctly for the levying of such Fines; be it therefore enacted by the Authority aforesaid, That Recoveries of Lands, Tenements, and Hereditaments within the County of the same City may be levied and suffered as heretofore hath been accustomed in the said Courts, or such of them as had Authority and Jurisdiction in that Behalf, in like Manner and to the same Purpose and Effect as if the said Act had not passed; and that Fines of such Lands, Tenements, and Hereditaments may be levied on Writs of Covenant and other Writs necessary and usual in that Behalf to be issued out of the High Court of Chancery, instead of the Court of Exchequer of the County Palatine of *Chester*, and shall be of the same Force and Effect as Fines levied before the Justices of the Court of Common Pleas.

and Fines levied on Writs issued from the Court of Chancery.

Such Fines may be reversed upon Writ of Error.

VI. Provided always, and be it further enacted, That all such Fines shall be subject to be reversed, and may be reversed upon Writs of Error to be sued and proceeded before the Justices of the Court of Common Pleas, if any Error shall be found therein.

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