ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. LXVIII.

An Act for remedying Inconveniencies attending certain Proceedings in the Courts of Great Sessions in *Wales*, and for the County Palatine of *Chester*, in the Court of Common Pleas for the County Palatine of *Lancaster*, in the Court of Pleas for the County Palatine of *Durham*, and in the County Courts in *Wales*.

[17th *June* 1793.]

WHEREAS Persons against whom Judgements may be obtained in the Courts of Great Sessions in Wales, the Court of Great Sessions for the County Palatine of Chester, the Court of Common Pleas for the County Palatine of Lancaster, and the Court of Pleas for the County Palatine of Durham, may, Preamble.

may, in order to avoid Execution, remove their Persons and Effects beyond the Jurisdiction of such Courts: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where final Judgement shall be obtained in any Action or Suit, in any of the said Courts, it shall and may be lawful to and for any of His Majesty's Courts of Record at Westminster, upon Affidavit made before a Judge, or Commissioner authorized to take Affidavits in such Court, and filed therein, of such Judgement being obtained, and diligent Search and Enquiry having been made after the Person or Persons against whom such final Judgement shall be obtained, on his, her, or their Effects, and of Execution having issued against the Person or Persons, or Effects, as the Case may be, of such Person or Persons, against whom such final Judgement shall be obtained, and that the Person or Persons, or Effects of such Person or Persons, are not to be found within the Jurisdiction of such Court, to cause a Transcript of the Record of the said Judgement to be removed into such Court at Westminster; and to issue Writs of Execution thereupon to the Sheriff of any County, City, Liberty, or Place, against the Person or Persons, or Effects of such Person or Persons, against whom such final Judgement shall be obtained, in such Manner as upon Judgements obtained in the said Courts at Westminster; and the Sheriff upon every such Execution shall, and he is thereby authorized to detain the Person or Persons against whom such Execution shall be issued, until the Sum of Forty Shillings be paid to him, or to levy that Sum out of the Effects, according to the Nature of the Execution, for the extraordinary Costs of the Person or Persons by whom such final Judgement shall be obtained in such Court subsequent to the said Judgement, and of the Execution in the said Court at Westminster, over and above the Money for which such Execution shall be issued.

Where final Judgements shall be obtained in the Courts of Great Sessions in *Wales*, &c. and the Persons or Effects cannot be found within the Jurisdiction of the Court, any Court of Record at *Westminster* may issue Execution, &c.

II. And whereas by an Act, passed in the Thirty-fourth Year of the Reign of His Majesty King Henry the Eighth, intituled, An Act for certain Ordinances in the King's Dominions and Principality of *Wales*, it is, amongst other Things, enacted, That the Sheriff of the several Counties or Shires in Wales in the said Act mentioned, upon every Judgement had before him in his County or Hundred Court, in any Plaint under Forty Shillings, may award a Capias ad Satisfaciendum to arrest the Party condemned; and it is also enacted, That no Execution of any Judgement given or to be given in any Court in the said Act mentioned be stayed or deferred by reason of any Writ of false Judgement, but that Execution may be had and made at all Times before the Reversal of the said Judgement, the Pursuit of the said Writ notwithstanding: Be it further enacted by the Authority aforesaid, That the several Clauses aforesaid in the said Act shall be, from and after the passing of this Act, repealed.

Clauses in 34 *Hen.* VIII. c. 26, enacting, That the Sheriffs in *Wales*, in Plaints under 40 *s.* may award a *Capias*, &c. and that no Judgement be stayed by any Writ of false Judgement, repealed.

III. Provided always, and be it further enacted, That no Execution shall be stayed upon or by any Writ of false Judgement for the reversing of any Judgement given in any County Court in Wales, unless the Person or Persons who shall prosecute the said Writ be first bound unto the Party or Parties for whom the said Judgement shall have been given, in a Recognizance with Two sufficient Sureties, such as the Sheriff in the said Court shall approve and allow, in the Sum of Ten Pounds (except where the Sum adjudged for Costs and Damages shall exceed the Sum of Ten Pounds, and in such Case in Double the Sum so adjudged), to prosecute the said Writ with Effect, and also to pay and satisfy, if the said Judgement be affirmed, or the said Writ abated or nonprossed, all and singular the Damages and Costs adjudged, and also the Costs and Damages awarded for the Delay of Execution; the Acknowledgement of which Recognizance the said Sheriff is hereby authorized and required to take and file amongst the Proceedings of his said Court; and for the Caption and filing whereof the Sum of One Shilling, and no more, shall be paid to

No Execution to be stayed by any such Writ, unless the Prosecutor enter into a Recognizance, &c.

In case of Breach of Recognizance an Action of Debt may be maintained.

the said Sheriff by the Person or Persons who shall prosecute the said Writ: And in case of a Breach of the Condition of such Recognizance, the Conuzee or Conuzees thereof may have and maintain an Action of Debt on the same, in any of His Majesty's Courts of Record in Wales, against the Conuzors, or either of them, to recover all and singular the Damages and Costs in the said Recognizance mentioned.

FINIS.