

ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

CAP. CV.

An Act for the better regulating the Practice, and for preventing Delays in the Proceedings of the Court of Common Pleas at *Lancaſter*.

[28th *July* 1800.]

Preamble.

WHEREAS many Delays and Difficulties exiſt in the Practice of the Court of Common Pleas at *Lancaſter*, in and for the County Palatine of *Lancaſter*, by Reaſon that the Commencement and Continuance of Suits and Proceedings in the ſaid Court have Relation to the Times of the Teſte of the original Writs whereupon ſuch Suits and Proceedings are grounded, and to the Aſſizes at which ſuch Writs are returnable, and at or of which ſuch Suits and Proceedings are inrolled or recorded, and alſo by Reaſon of the Want of more frequent Days of Return of Writs of Inquiry of Damages and *Scire facias*, and of judicial Proceſs, iſſuing out of the ſame Court; for Remedy whereof, may it pleaſe Your Majeſty that it may be enacted; and 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, from and after the paſſing of this Act, it ſhall and may be lawful to and for any Plaintiff or Plaintiffs, Defendant or Defendants reſpectively, in any perſonal Suit or Action, or in any Action of Treſpaſs and Ejectment hereafter to be depending in the ſaid Court, to declare upon, plead, and give Evidence of any Cauſe or Cauſes of Action, or any Matter or Thing, Matters or Things, in Bar or Precluſion of any ſuch Suit or Action, or any other Matters or Things whatſoever, provided the ſame ſhall happen prior

Plaintiffs or Defendants may plead and give Evidence of any Cauſe of Action, or any Thing in Bar of any Suit, provided the ſame ſhall happen prior

to the iſſuing of the Writ of *Capias ad reſpondendum*, &c. or prior to the Day of actual Service of any Declaration, notwithſtanding the Cauſe of Action ſhall have accrued prior to the Return of the original Writ, *etc.*

ſhall have accrued or happened, or ſhall hereafter accrue or happen, prior to the Day of the actual ſigning and iſſuing of the Writ of *Capias ad reſpondendum*, or other Proceſs, firſt actually iſſued forth in ſuch perſonal Suit or Action, or prior to the Day of the actual ſerving of any Declaration or Declarations in any ſuch Action of Treſpaſs and Ejectment, notwithſtanding ſuch Cauſe or Cauſes of Action, Matters or Things, ſhall or may not have accrued prior to the Teſte and Return of the original Writ or Writs whereupon or whereby ſuch Suit or Action is or ſhall be, either really or by Fiction of Law, grounded or warranted, or prior to the Aſſizes or Time wherein or whereof ſuch Declaration or Declarations is or are, or ſhall or may be filed and recorded; and that no Advantage ſhall be taken by Reaſon of any ſuch Cauſe or Cauſes of Action, Matters or Things as aforeſaid, having accrued or being ſtated to have accrued ſubſequent to the Teſte and Return of ſuch original Writ or Writs, or ſubſequent to the Aſſizes or other the Time laſt above mentioned, or any of them, by or upon Demand of Oyer of any original Writ, Plea in Abatement, Demurrer to any Pleading or Pleadings, Demurrer to Evidence, Bill of Exceptions, Writ of Error, or any other Proceſs or Proceedings whatſoever.

No Advantage ſhall be taken by reaſon of any Action having accrued ſubſequent to the Return of ſuch original Writ, &c.

Proceſs iſſuing out of Court may be returnable according to the preſent Practice, or on any of the Return Days in *Eaſter* and *Michaelmas* Terms, according to the Court of Common Pleas at *Weſtminſter*, &c.

II. And be it further enacted, That, from and after the paſſing of this Act, any Writ or Writs of Inquiry of Damages, *Scire facias*, and any judicial or other Proceſs whatſoever hereafter to be iſſued forth and out of the ſame Court in any Action or Suit hereafter to be depending in the ſaid Court, (except ſuch Proceſs as may, according to the preſent Courſe and Practice of the ſaid Court), be made returnable on the Firſt *Wedneſday* of any Month, ſhall and may be awarded, made, and iſſued forth returnable either upon or at the ſeveral Days and Times whereupon the ſame may now be made returnable reſpectively, according to the preſent Courſe and Practice of the ſaid Court, or returnable on any of the Return Days in *Eaſter* and *Michaelmas* Terms reſpectively, according to the Courſe of His Majeſty's Court of Common Pleas at *Weſtminſter*; and that ſuch Writs may be proceeded upon, and Judgement entered, and Execution iſſued thereon, teſted on the Returns of ſuch Writs of Inquiry, or *Scire facias*, or judicial Proceſs, in ſuch and the like Manner as if the ſame had been made returnable at the preceding Seſſion of Aſſizes of the ſaid County Palatine.

No final Judgement to be entered or Execution iſſued within 10 Days after the Day of the Return of the Writ of Inquiry or *Scire facias*, &c.

III. Provided always, That no final Judgement be entered, or Execution iſſued, within the Space of Ten Days next after the Day of the Return of any ſuch Writ of Inquiry of Damages or *Scire facias*, made returnable under the Authority of this Act, excluſive of the Day of ſuch Return and the Day of entering ſuch final Judgement, or iſſuing forth of ſuch Execution.

Parties not debarred from moving Arreſt of Judgement.

IV. And provided always, That nothing herein contained ſhall be conſtrued to debar any Party or Parties from moving in Arreſt of Judgement, or bringing a Writ of Error, in the ſame Manner as he or they might have done before the making of this Act.

Proceedings commenced not to be affected.

V. Provided always, and be it enacted, That nothing in this Act contained ſhall alter, vary, or affect any Proceedings in any Action already commenced, and now depending in the ſaid Court of Common Pleas at *Lancaſter*.

VI. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act.

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