ANNO PRIMO

GEORGII IV. REGIS.

****

C A P. LV.

An Act for giving further Facilities to the Proceedings in the Court of King's Bench, and for giving certain Powers to Justices of Assize.

[15th *July* 1820.]

WHEREAS by an Act made in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for the better Regulation of Trials by Jury, and for* 24 G. 2. c. 18.
enlarging the Time for Trials by Nisi Prius in the County of Middlesex, Power and Authority is given to the Chief Justice of the King's Bench, the Chief Justice of the Common Pleas, and the Chief Baron of the Court of Exchequer for the Time being, and every of them respectively, and in the Absence of any of them, to and for any other Judge or Baron of the said several Courts, as Justices of Nisi Prius for the said County of *Middlesex*, at any Time within the Space of Fourteen Days after the End of any Term respectively, to try all such Issues as by an Act, made in the Eighteenth Year of the Reign of Queen *Elizabeth*, intituled *An Act for Trial of Nisi Prius in the County of* Middlesex, 18 Eliz. c. 12.
they or any of them are enabled to try in such Place and Manner, and with and under such Powers, Authorities, and Provisions as in the said last-mentioned Act, or in an Act made in the Twelfth Year of the Reign of King *George* the First, intituled *An Act for the better re-* 12 G. 1. c. 31.
gulating Trials by Nisi Prius in the County of Middlesex, or any other Act of Parliament or Law whatsoever concerning the Premises, are

prescribed and contained: And whereas it may be convenient that the Time for such Trials after the Term be still further extended; 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 from and after the passing of this Act it shall and may be lawful to and for the Chief Justice of the King's Bench, the Chief Justice of the Common Pleas, and the Chief Baron of the Court of Exchequer for the Time being, and every of them respectively, and in the Absence of any of them, to and for any other Judge or Baron of the said several Courts, and also to and for any Judge of the King's Bench, sitting for the Trial of Causes, according to the Powers herein-after in that Behalf given, as Justices of Nisi Prius for the said County of *Middlesex*, at any Time or Times after the End of any Term respectively, during the Vacation after such Term, to try all such Issues as by the before-mentioned Acts they or any of them are enabled to try, in such Place and Manner, and under such Powers, Authorities, and Provisions, as in and by the aforesaid Acts or any other Act of Parliament or Law whatsoever concerning the Premises, are prescribed and contained; any thing in the before-mentioned Acts to the contrary hereof in anywise notwithstanding.

Justices of Nisi Prius may sit after Term, during the Vacation, to try Issues.

II. And whereas from the Increase of Business in the Court of King's Bench, it is expedient that further Facilities should be afforded as well for the Trial of Issues in *Middlesex* and *London*, as for the Purpose of expediting the other Proceedings in the same Court; be it further enacted, That from and after the passing of this Act, and for the Space of Two Years then next following, it shall and may be lawful to and for any one of the Judges of the said Court of King's Bench, at the Request of the Lord Chief Justice of the same Court, to sit for the Trial of Causes at Nisi Prius in *Westminster* and *London*, on the same Days on which the said Lord Chief Justice, or any other Judge of the same Court in the Absence of the said Lord Chief Justice shall be sitting, for the Trial of Causes at those Places respectively, or at either of them, so that the Trial of Two Causes may be proceeded in at the same Time; and all Jurors, Witnesses, and other Persons who may have been summoned or required to attend, and who ought to attend at or for the Trial of any Cause before the said Lord Chief Justice, during the Time aforesaid, shall give their Attendance at and for the Trial thereof, before such other Judge as may be sitting for the Trial thereof by virtue of this Act; and it shall and may be lawful to and for the Marshal and other Officers of the said Lord Chief Justice to appoint from Time to Time fit and proper Persons to be approved by the said Chief Justice, to attend for them and on their Behalf respectively before such Judge: Provided always, that all Causes intended to be tried at any Sittings at Nisi Prius in *Middlesex* or *London*, shall be entered for Trial with the Marshal of the said Chief Justice, and all Process and other Proceedings for or relating to the Trial thereof, shall be made and issued according to the Practice and Forms now in use; but nevertheless the Trial of every Cause which shall be tried in virtue of this Act, shall be entered of Record as having been had and made

Any of the Judges of the Court of King's Bench may sit for the Trial of Causes at Nisi Prius in Westminster and London, on the same Days on which the Chief Justice is sitting.

Jurors and Witnesses to attend.

Marshal, &c. to appoint proper Persons to attend.

Causes to be entered with the Marshal.

made before the Judge before whom such Cause shall happen to have been actually tried.

Insolvents brought up under the Lords Act, 32 G. 2. c. 28. may be brought before a single Judge of the King's Bench, sitting under 57 G. 3. c. 4.

III. And be it further enacted, That from and after the passing of this Act, all Persons who are directed to be brought before the Court of King's Bench, by a certain Act of Parliament passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, commonly called "The Lords Act," or by any other Law for the Relief of Insolvent Debtors, may hereafter be brought before some single Judge of the same Court, sitting under the Authority of an Act made and passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to facilitate the Progress of Business in the Court of King's Bench in* Westminster Hall; and that all Orders made by and all Proceedings had before such single Judge, shall be as good, valid, and effectual, to all Intents and Purposes, as if such Orders had been made by and such Proceedings had before the said Court of King's Bench.

13 C. 2. c. 1. 25 C. 2. c. 2. Corporations and other Oaths directed to be taken before the Court, may be taken before a single Judge.

IV. And be it further enacted, That all Oaths directed by an Act passed in the Thirteenth Year of King *Charles* the Second, intituled *An Act for the well-governing and regulating of Corporations*, and by an Act of the Twenty-fifth Year of the same Reign, intituled *An Act for preventing Dangers which may happen from Popish Recusants*, or by any other Statute now in being, to be taken by Persons admitted to Offices of Trust and Profit, and by all Barristers and Attornies, may, after the passing of this Act, be administered and taken, and the Declaration mentioned in the said Act of the Twenty-fifth Year of King *Charles* the Second, may be made and subscribed before such single Judge sitting as aforesaid; and that the proper Officer shall, at seasonable Times, attend before such single Judge, for the Purpose of administering such Oaths, and registering such Subscription.

Justices at Nisi Prius may make Orders in Causes to be tried before them, although not Judges of the Court in which such Actions are brought.

V. And whereas it is expedient that the Justices of the Courts of King's Bench and Common Pleas, and the Barons of the Exchequer at *Westminster*, and the Justices of *Chester*, should have Power and Authority, upon their respective Circuits for taking the Assizes, to grant Summonses, and to make Orders in Actions and Prosecutions, in the Manner herein-after mentioned; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for the Justices of the Courts of King's Bench and Common Pleas, and the Barons of the Exchequer at *Westminster*, and the Justices of *Chester*, and each and every or any one of them, during their respective Circuits for taking the Assizes, to grant such and the like Summonses, and make such and the like Orders, in all Actions and Prosecutions which are or shall be depending in any of His Majesty's Courts of Record at *Westminster* in which the Issue, if brought to Trial, would be to be tried upon such their respective Circuits, as if such Justices of the Courts of King's Bench and Common Pleas, and Barons of the Exchequer, and Justices of *Chester*, were respectively Judges of the Court in which such Actions or Prosecutions are or shall be depending, although such respective Justices

tices of the Courts of King's Bench and Common Pleas, and Barons of the Exchequer, and Justices of *Chester*, or any of them, may not be Judges of the Court in which such Actions or Prosecutions are or shall be depending; and such Summonses and Orders shall be of the same Force and Effect as if such Justices of the Courts of King's Bench and Common Pleas, and Barons of the Exchequer, at *Westminster*, and Justices of *Chester*, were respectively Judges of the Court in which such Actions or Prosecutions are or shall be depending.

The Three Counties Palatine to be taken as Counties on the Circuit.

VI. And be it further enacted, That for the Purposes of this Act, the Counties Palatine of *Lancaster*, *Durham*, and *Chester*, shall be taken to be Counties on the Circuits of the respective Justices of the Courts of King's Bench and Common Pleas, and Barons of the Exchequer, at *Westminster*, and Justices of *Chester*.

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