

ANNO QUINTO

GEORGII IV. REGIS.

CAP. CVI.

An Act to enlarge and extend the Power of the Judges of the several Courts of Great Sessions in *Wales*, and to amend the Laws relating to the same. [24th *June* 1824.]

WHEREAS Difficulties have arisen in His Majesty's Courts of Great Sessions in *Wales* from a Want of Power in the Judges of such Courts respectively to compel any Person residing out of the Jurisdiction of any such Courts respectively, to attend as a Witness on any Trial or Cause therein: And whereas Inconvenience has been experienced for Want of Power in the Judges of the said Courts of Great Sessions to issue Commissions for the taking of Answers, Examinations, and Affidavits, and for the Examination of Witnesses, at Places out of the respective Jurisdictions of the said Courts, and of administering Oaths to the Persons putting in such Answers and Examinations, and making such Affidavits, and being examined as Witnesses: And whereas Difficulties have arisen in His Majesty's Courts of Great Sessions in *Wales* with respect to enforcing Rules, Orders, and Decrees of the said Courts, against Persons who have entered Appearances in Suits instituted in such Courts, or have come in as Creditors or Purchasers, and submitted

to the Jurisdiction thereof, but by reason of their Residence being out of the Limits of the Jurisdiction of the said Courts, or of their having withdrawn themselves therefrom, are not amenable to the Process thereof: And whereas it is advisable that further Provisions be made for discouraging the Practice of commencing frivolous and vexatious Suits in His Majesty's Courts at *Westminster*, in Causes of Action arising within the Dominion and Principality of *Wales*, and also to expedite Suits in the said several Courts of Great Sessions, and provide for new Trials, and regulate the Practice therein: And whereas it is therefore expedient that the Powers of the Judges of the said Courts should be enlarged and extended, and the Laws and Usages relating to the same be amended: And whereas it is also expedient to regulate the Fees and King's Silver payable on Fines and Recoveries levied and suffered within the Principality of *Wales*, and to provide for the more effectually levying and suffering the same: May it please Your Majesty that it 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, when and as often as the Attendance of any Person or Persons shall or may be deemed necessary as a Witness or Witnesses to give Evidence in, about, or concerning any Suit, Cause, Trial, Commission, or Issue, prosecuted, brought, and depending in or before any of the said Courts of Great Sessions, and such Person or Persons shall not, when his, her, or their Attendance is so deemed necessary, be resident within the Jurisdiction of the said Court of Great Sessions, where such his, her, or their Attendance may so be deemed necessary, but be resident at such Time in *England* or *Wales*, in all and every such Cases it shall and may be lawful for any of the Parties in the said Suits, Trial, Commission, or Issue, to apply to the proper Officer of His Majesty's Courts of Exchequer at *Westminster*, and such Officer is hereby authorized and required to issue a Writ or Writs of *Subpœna ad testificandum*, or any Writ or Writs of *Subpœna duces tecum*, on Demand, in like Manner as the same is or are issuable by the said Court of Exchequer in any Cause, Trial, Suit, Commission, or Issue depending therein; and such Writ or Writs of *Subpœna ad testificandum* and of *Subpœna duces tecum* shall be directed to such Person or Persons, commanding such Person or Persons to attend and give Evidence as a Witness or Witnesses in such Court of Great Sessions, upon such Cause, Trial, Commission, Suit, or Issue so prosecuted and depending therein; and such Person or Persons shall be compelled and compellable to attend the same, in like Manner and under such Penalties as if the said Writ or Writs had issued to command his, her, or their Attendance in the said Court of Exchequer, in, upon, or concerning any Suit, Cause, Trial, Commission, or Issue depending therein; and any such Party, on whose Behalf any such Writ or Writs shall be issued, in Default of Obedience to any such Writ or Writs by the Person or Persons to whom the same may be directed, and on whom the same shall be served, shall have the like Remedy against such Person or Persons for such Default, as if the said Writ or Writs had issued from the said Court of Exchequer, to compel

Witnesses residing out of the Jurisdiction of the Courts of Great Sessions may be subpœnaed by Exchequer Writs to attend such Courts.

compel and require such Person or Persons to attend and give Evidence there: Provided always, that in every Case where a new Cause or Issue is commenced, it shall and may be lawful for the Marshal of the said Court of Great Sessions in which such new Cause or Issue is commenced, in the Name of a Justice of such Court, to issue such Writs of *Subpœna ad testificandum* or of *Subpœna duces tecum*, as either of the Parties to the said Suit shall require; and in case of Disobedience to any such Writ, the Parties shall have the like Remedy in the said Court of Exchequer as if the said Writ or Writs had been directly issued out of that Court.

Certain Writs may be issued by the Marshal of the Court of Great Sessions.

II. And whereas it may be expedient, for the better and more perfect Administration of Justice in *Wales*, that the Court of King's Bench, Common Pleas, and Exchequer should in certain Cases have the Power of granting new Trials of Causes which have been commenced and been tried in the said Court of Great Sessions; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for any Party or Parties, who shall be dissatisfied with any Verdict given or obtained, or Nonsuit entered against him, her, or them, in any Action which shall have been tried in any of the said Courts of Great Sessions, to apply by Motion to any of the said Courts of King's Bench, Common Pleas, or Exchequer sitting *in Banco*, for a Rule to show Cause why a new Trial of such Action should not be granted, or Nonsuit set aside and a new Trial granted, or a Verdict entered for the Plaintiff or Defendant, or a Nonsuit entered, as the Case may be, in the same Manner as hath been usually heretofore done in Actions depending in the said Courts, and tried at *Nisi Prius* before any Judge of Assize, by virtue of any Record issuing out of the said Courts; and that thereupon it shall and may be lawful for the said Courts to grant such Rule, and proceed to hear and determine the Merits of the same, in such Manner and Form as hath been heretofore done in Actions depending in the said last-mentioned Courts, and tried as aforesaid; and in case the Courts shall make the said Rule absolute, which they are hereby authorized and empowered to do, and order a new Trial to be had between the Parties in such Action, that upon the Party or Parties who shall have obtained such Rule delivering an Office Copy of such Rule so made absolute, to the proper Officer of the Court of Great Sessions where such Cause was tried, all Proceedings upon the former Verdict or Nonsuit so obtained in the said Courts of Great Sessions shall cease, and the said Actions shall proceed to Trial at the next or some other Great Sessions, to be holden in and for the County in which the same was tried as aforesaid, in like Manner as if no Trial had been had therein; or in case of a Verdict being ordered to be entered for the Plaintiff or Defendant, or a Nonsuit being ordered to be entered, as the Case may be, Judgment shall be entered accordingly.

New Trials to be moved for before the Courts of King's Bench, Common Pleas, or Exchequer.

III. And be it further enacted by the Authority aforesaid, That a Transcript of the Record for which such new Trial shall be moved, or Motion made for altering the Verdict, or entering or setting aside a Nonsuit, certified by the Prothonotary of the said Courts of Great Sessions

Transcript of Record for which a new Trial shall be moved to be transmitted

to the Court to which such Application shall be made.

Sessions respectively, or his Deputy, shall be transmitted to the Court to which such Application shall be made as aforesaid, for the Purpose of such Motion for a new Trial, or setting aside such Nonsuit and granting a new Trial thereon, or entering a Verdict for the Plaintiff or Defendant, or entering a Nonsuit, and which Transcript the said Prothonotary or his Deputy is hereby authorized and required to deliver on Demand, on Payment of the usual Fee; and that the Costs of such Application for a new Trial and setting aside such Nonsuit, or entering a Verdict for Plaintiff or Defendant, or entering a Nonsuit, shall be in the Discretion of the said Court to award and order to and by which Party to such Motion the same shall be paid: Provided always, that nothing herein contained shall be deemed or taken to prevent any of the said Courts of Great Sessions from granting any new Trial, or setting aside any Nonsuit, or entering a Nonsuit, or altering a Verdict, according to any Rule established therein.

Not to prevent Courts of Great Sessions from granting new Trials, &c.

Oaths to be administered by the Court, &c.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Court, to which such Applications shall be made, or any Commissioner appointed to take Affidavits therein, to administer an Oath to any Person or Persons making an Affidavit either to obtain such Rule, or show Cause against the same as aforesaid; and every Person or Persons forswearing him, her, or themselves in such Affidavit or Affidavits, shall incur and be liable to the same Penalties as if such Affidavit or Affidavits had been made and sworn in an Action depending in the said Court: Provided always, that nothing in this Act contained shall extend or be construed to extend to stay or delay the entering up Judgment which shall have been given or obtained in any Action in any of the said Courts of Great Sessions, and suing out Execution thereon, unless the Party or Parties intending to apply under the Provisions of this Act for a new Trial thereof, or for Alteration of the Verdict, or entering or setting aside a Nonsuit, with Two sufficient Sureties, such as the Court of Great Sessions wherein such Action shall be depending shall allow of, shall first before such Stay made be bound unto the Party or Parties for whom such Verdict or Nonsuit shall have been given or obtained, by Recognizance to be acknowledged in the same Court, in such reasonable Sum as the same Court of Great Sessions shall think fit, to make and prosecute such Application for such new Trial or Alteration of Verdict, or entering or setting aside a Nonsuit, and also to satisfy and pay, if such Application shall be refused, all and singular the Debts, Damages, and Costs adjudged and to be adjudged in consequence of the said Verdict, or Nonsuit, in the said Court of Great Sessions, and all Costs and Damages to be also awarded for the delaying of Execution thereon; and upon such Recognizance being entered into, the said Court of Great Sessions is hereby authorized to stay all Proceedings in such Action: And further, that the entering up of Judgment, in any of the said Courts of Great Sessions, in any Writ of Dower or Action of Ejectment, and suing out Execution thereon, shall not be stayed, unless the Party or Parties intending to apply for a new Trial, or to alter the Verdict or enter or set aside a Nonsuit

Execution not to be stayed unless Bail be given to answer Damages, &c.

a Nonsuit therein under the Provisions of this Act, shall be bound in manner aforesaid unto the Party or Parties in whose Favour such Verdict or Judgment of Nonsuit shall have been given or obtained, in such reasonable Sums as the Court of Great Sessions in which such Action shall be depending shall think fit, with Condition, that if such Application shall not be made and prosecuted, or shall be refused, the Party or Parties so intending to make such Application shall pay such Costs, Damages, and Sum or Sums of Money as shall be awarded by the said Court of Great Sessions, in case no such Application shall have been made and prosecuted, or after such Application shall have been refused; and upon such Recognizance being entered into, the said Court of Great Sessions is hereby authorized to stay all Proceedings in such Action.

On Failure of Application, a Writ shall issue to inquire into Mesne Profits and Damages.

V. And to the End that the same Sum and Sums and Damages may be ascertained, it is further enacted, That the Court of Great Sessions wherein such Action shall be depending, upon such Failure to make and prosecute such Application, or such Refusal as aforesaid, shall issue a Writ (if necessary) to inquire as well of the Mesne Profits as of the Damages by any Waste committed after such Verdict or Nonsuit in such Writ of Dower or Action of Ejectment shall have been given or obtained; and upon the Return thereof, Judgment shall be given, and Execution awarded for such Mesne Profits and Damages, and also for Costs of Suit.

Appointing Time of returning Writs of Execution upon Judgments obtained in the Courts of Great Sessions.

VI. And whereas all Writs of Execution issued upon Judgments obtained in the said Courts of Great Sessions in *Wales*, are now returnable only at the Great Sessions held for the respective Counties; and Sheriffs frequently delay executing the same for many Months, and often refuse to make Returns to such Writs, or to pay over the Money received by them; and Sheriffs may also refuse to return bailable Processes, returnable in the Vacation, until the following Great Sessions, to the great Prejudice of the Suitors of the said Court; for Remedy whereof, and facilitating the Proceedings of the said Courts, be it enacted by the Authority aforesaid, That from and after the passing of this Act all Writs of Execution upon Judgments obtained in the said Courts of Great Sessions shall and may be made returnable before the Judges of such Courts respectively, on the common Day in each of the Two Vacations annually betwixt the Two Sessions (being the First Days of *Trinity* Term after the Spring Sessions, and the First Day of *Hilary* Term after the Autumn Sessions), or on the First Day of the next Sessions, at the Election of the Party or Parties obtaining such Judgment, his, her, or their Attorney, who shall sue out the same; and that the Sheriffs (to whom any such Writ of Execution, or bailable Writ issued out of the said Courts, returnable in the Vacation, shall be delivered) shall make due Returns of such Writs at the Time the same shall be returnable, and file such Writs and Returns with the proper Officer of such Courts, or as soon afterwards as such Sheriff shall be called upon by a Rule of the same Courts.

Prothonotaries to grant Rules for the Sheriffs in Vacation to return Writs.

VII. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act it shall and may be lawful to and for the respective Prothonotaries of the said Courts, or such other Officers as the Judges of the said Courts respectively shall appoint, to grant Rules for the Sheriffs in the Vacation to return such Writs of Execution and bailable Processes as shall be returnable in the Vacation, in such Manner and under such Regulations as the said Justices of the said Court shall appoint for that Purpose; and in case any Sheriff shall refuse or decline to return any Writ within Six Days after the Service of such Rule on him or his Deputy, such Sheriff shall be in the like Contempt, and answerable in the same Manner as if such Rule had been made by the said Judges at Sessions.

Rules made in Vacation as to Plaintiff's Demand and Defendant's Set-off, &c.

VIII. And be it further enacted, That after the passing of this Act it shall and may be lawful to and for the said Prothonotaries, or such other Officer as aforesaid, to grant Rules in the Vacation for a Particular of the Plaintiff's Demand, and of Defendant's Set-off, and for Leave to plead several Matters, or to pay Money in Stay of Proceedings, or to sign Judgment for Want of a Plea, in any Action depending in the said Court, under such Regulations as the said Judges shall appoint for that Purpose.

Power to issue Commissions directed to Persons out of the Jurisdiction for taking Examinations, &c.

IX. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act it shall and may be lawful for the Judges of the said Courts of Great Sessions respectively, and the Judges of such Courts are hereby authorized and empowered, to issue Commissions to Persons resident out of the Jurisdiction of such Courts, for the Purpose of taking Answers, Examinations, and Affidavits, and for the Examinations of Witnesses in Causes in Equity, and also for the taking of Affidavits and the Examination of Witnesses at Law, in such Manner and in such Cases as the said Court of Exchequer has been used to issue the same, as Occasion shall require, and of administering Oaths to the Persons putting in such Answers and Examinations, and making such Affidavits, and being examined as Witnesses.

Persons forswearing before a Commissioner liable to Penalties.

X. And it is hereby further enacted by the Authority aforesaid, That all and every Person or Persons forswearing him, her, or themselves in any Answer or Affidavit, or in any Deposition or Examination, taken and sworn before any Commissioner appointed by virtue of this Act, shall incur and be liable to the same Penalties as if such Answer or Affidavit, Deposition or Examination, had been taken and sworn in any Suit in Equity depending in the said Court of Exchequer, or in any Action depending in the said Court.

Power to Judges to make Orders in Actions at Law in any County within the Jurisdiction.

XI. And it is hereby further enacted, That from and after the passing of this Act it shall and may be lawful for the Judges of the said Courts of Great Sessions, and they are hereby authorized and empowered, in all Cases at Law, when the said Courts shall be sitting, in any County within the Limits of such Courts respectively, to make such Rules and Orders in Suits at Law, instituted and depending in the

the other Counties within their Jurisdiction, as to them the said Judges shall seem meet, and Occasion shall require; and such Rules and Orders shall be as valid and effectual in the Law, and as binding upon the Parties, as if the same had been made in the particular County in which such Suits were instituted.

Power to Judges to make Orders out of the Jurisdiction of the Courts in the Vacation.

XII. And it is hereby further enacted, That from and after the passing of this Act it shall and may be lawful for the Judges of the said Courts of Great Sessions, and they are hereby authorized and empowered, in all Cases, both at Law and in Equity, when the said Courts shall not be sitting in *Wales*, to hear Motions and Petitions, and make such Rules and Orders thereon in Vacation, and out of the Jurisdiction of the said Courts, as to them the said Judges shall seem meet, and Occasion shall require; and such Rules and Orders shall be as valid in the Law, and as binding upon the Parties, as the same would or might have been in case the same had been made in *Wales*, within the Jurisdiction of the said Courts, and during the Sitting thereof.

Writs may issue from one County to another.

XIII. And whereas Doubts and Difficulties arise as to serving Process in Actions within the respective Courts of Great Sessions, where the Cause of Action arises in one County, and the Defendant or Defendants reside in another County, each such Counties being within the same Jurisdiction of such Court of Great Sessions respectively; be it declared and enacted by the Authority aforesaid, That from and after the passing of this Act, whenever a Cause of Action shall arise in one County and the Defendant or Defendants shall reside in another County, such Counties as last aforesaid being within the same Jurisdiction of the said Courts of Great Sessions respectively, it shall and may be lawful that any Writ or Writs to commence any Action within any of the Courts of Great Sessions, shall and may issue, directed to the Sheriff of such County wherein such Defendant or Defendants may reside, such last-mentioned County being within the same Jurisdiction of the said Courts of Great Sessions respectively, Notice being indorsed on such Writ of the County wherein such Action is brought, and which said Writ or Writs shall be deemed legal Process to compel such Defendant or Defendants to appear to such Action or Actions.

Prothonotaries may issue testatum Executions against Defendants in any County within the Jurisdiction.

XIV. And be it further enacted, That from and after the passing of this Act, in all Cases in which Judgments shall have been obtained in the Courts of Great Sessions respectively, it shall and may be lawful for the Prothonotary of the Circuits of the said Courts of Great Sessions within which such Judgment has been obtained, and he is hereby required, upon the Application of the Person or Persons so obtaining the same, to issue a *testatum* Execution against the Defendant or Defendants, his, her, or their Goods and Chattels, directed to the Sheriff of any of the Counties within the same Jurisdiction of such Court of Great Sessions, although such County is not the County within which such Judgment was obtained, in such and the same Manner, and with the same Force and Effect as *testatum* Executions are issued from the Courts at *Westminster* into any

any County on Judgments in Actions where the Venue is laid in another County.

Power to enforce Orders, &c. against Persons removing out of Jurisdiction by Process from the Courts at Westminster.

XV. And be it further enacted by the Authority aforesaid, That in all Cases in which any Person shall have commenced any Suit, or have entered any Appearance in any Suit at Law or in Equity instituted in any of the said Courts of Great Sessions, or shall have come in as a Creditor or Purchaser, or otherwise submitted to the Jurisdiction of the said Courts of Great Sessions, but by reason of his or her Residence out of the Jurisdiction of such Courts, or having withdrawn therefrom, his or her Person or Goods cannot be made amenable to the Process thereof, it shall and may be lawful for the said Court of Exchequer in all Suits and Matters in Equity, and in all Suits and Matters at Law for the said Court of Exchequer, and also for the said Courts of King's Bench and Common Pleas, upon a Certificate from the proper Officer of the said Courts of Great Sessions, of such Commencement of Suit, or of such Appearance having been entered or such Submission made, and upon a Transcript or Office Copy of such Rule, Order, or Decree being duly certified to the said Court of Exchequer in Matters of Equity, or in Matters of Law to the said Court of Exchequer or the said Courts of King's Bench and Common Pleas, together with an Affidavit of a due Service of a Copy of such Rule, Order, or Decree, and of the Non-performance thereof, to issue an Attachment or other Process for enforcing Obedience to the same, in such Manner as is usual for the Purpose of enforcing Obedience to the Rules, Orders, and Decrees of such Court.

Power to dismiss Officers in certain Cases.

XVI. And whereas it is expedient that the Judges of the said Courts of Great Sessions should have full Power over the Officers thereof; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act it shall and may be lawful for the Judges of the said Courts, and they are hereby authorized to remove any Officer of the said Courts, or his Deputy, for Peculation, Extortion, or other Misconduct, and appoint a new Officer or Deputy in the Room of the Person so removed; any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that nothing in this Clause contained shall authorize such Judges to dismiss on their own Authority any Officer of the said Courts nominated and appointed by the Crown.

Officers of the Court to find Security.

XVII. And whereas it is expedient that Security shall hereafter be given for any Sum or Sums of Money paid into any of the said Courts of Great Sessions for and on account of any Party or Parties to any Suit therein; be it further enacted, That from and after the passing of this Act the Judges of the said several Courts of Great Sessions shall and may, within their respective Jurisdictions, have and take, and are hereby required to have and take, from any Officer or Officers of such Courts respectively, and hereafter to be appointed, within Three Calendar Months next after such Appointment, and as often after as Occasion may require, such Security as to such Judges shall seem proper for and concerning the accounting for all and every Sum and Sums of Money which such Officer or Officers shall receive

receive in any Cause or Suit at Law or in Equity pending in any such Court of Great Sessions, and which said Sum or Sums of Money shall be paid into any such Court by any Person in any Suit therein, and received by any such Officer or Officers as is or are or shall be accustomed or authorized to receive the same; such Security to be given by Recognizance, or otherwise, as the said Judges shall direct, binding every such Officer or Officers, together with Two or more sufficient Sureties, in such penal Sum or Sums as to the said Judges shall seem proper, for the due accounting for all and every such Sum or Sums of Money so paid.

Power to secure the Suitors Money by paying same into the Bank in the Name of the Accountant General of the Court of Exchequer.

XVIII. And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the Judges of the said Courts of Great Sessions, and they are hereby authorized and empowered, in all Cases in which they shall think fit, to order and direct any Sum or Sums of Money belonging to the Suitors of the said Courts of Great Sessions to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer at *Westminster*, subject to the Order and Decree of the Court of Great Sessions at the Instance of which it shall be so paid in; and the said Accountant General is hereby directed to obey the Orders and Decrees of such Court of Great Sessions in regard thereto, in like Manner as he obeys the Orders and Directions of the said Court of Exchequer, and to act and do all Matters and Things relating to the delivering, securing, and investing of the Money so ordered to be paid, and the Payment, selling, and transferring of the same, and the keeping the Accounts with the Bank of *England*, and other Matters relating thereto, in the like Manner as he acts and does all Matters and Things relating to the Delivery, securing, and investing of the Money and Effects of the Suitors of the said Court of Exchequer, and the Payment, selling, and transferring of the same, and the keeping the Accounts or other Matters relating thereto.

So much of 13 G. 3. c. 51. as to Actions arising in Wales and tried at the Sessions at the nearest English County repealed.

XIX. And whereas by an Act of Parliament made in the Thirteenth Year of His late Majesty's Reign, intituled *An Act to discourage the Practice of commencing frivolous and vexatious Suits in His Majesty's Courts at* Westminster, *in Causes of Action arising within the Dominion of* Wales, *and for further regulating the Proceedings in the Courts of Great Sessions in* Wales, it is enacted, that in case the Plaintiff in any Action upon the Case for Words, Action of Debt, Trespass on the Case, Assault and Battery, or other personal Action, where the Cause of such Action shall arise within the Dominion of *Wales*, and which shall be tried at the Assizes at the nearest *English* County to that Part of the said Dominion of *Wales* in which the Cause of Action shall be laid to arise, shall not recover by Verdict Debt or Damages to the Amount of Ten Pounds, in such Case, if the Judge who tried the Cause, on Evidence appearing before him, shall certify on the Back of the Record of *Nisi Prius*, that the Defendant or Defendants was or were resident in the Dominion of *Wales* at the Time of the

Service of the Writ or other Mesne Process served on him, her, or them in such Action, on such Fact being suggested on the Record or Judgment Roll, Judgment of Nonsuit shall be entered against the Plaintiff; and such Defendant or Defendants shall be entitled to and have like Judgment and Remedy thereon, to recover such and the like Costs against the Plaintiff or Plaintiffs in every such Action, as if a Verdict had been given by the Jury for the Defendant or Defendants, unless the Judge before whom such Cause shall be tried shall certify on the Back of the Record that the Freehold or Title of Land was chiefly in question, or that such Cause was proper to be tried in such *English* County: And whereas it is expedient that so much of the said Act as is herein recited should be repealed, and other Provisions be made in lieu thereof; be it therefore enacted, That so much of the said Act as has been herein recited be and from henceforth shall stand absolutely repealed, and is hereby repealed.

So much of 13 G. 3. c. 51. as relates to transitory Actions within Wales not amounting to 10*l.* repealed.

XX. And whereas it is also expedient that so much of the said Act of the Thirteenth Year of His late Majesty's Reign which relates to prevent transitory Actions, where the Cause of Action does not amount to Ten Pounds, arising within the said Principality, from being brought in any of His Majesty's Courts of Record out of the said Principality, be repealed, and other and further Provisions substituted in lieu thereof; be it therefore enacted by the Authority aforesaid, That so much of the said last-mentioned Act be and is hereby repealed.

Actions brought out of the Principality of Wales, where the Debt or Damage found shall not amount to 50*l.* and where the same shall be proved to have arisen in Wales, Defendants to recover Costs of Suit.

XXI. And be it further enacted, That in all Actions upon the Case for Words, Action of Debt, Trespass on the Case, Assault and Battery, or other personal Action, and all transitory Actions, which from and after the Sixth Day of *November* which shall be in the Year of our Lord One thousand eight hundred and twenty-four, shall be brought in any of His Majesty's Courts of Record out of the Principality of *Wales*, and the Debt or Damages found by the Jury shall not amount to the Sum of Fifty Pounds, and it shall appear upon the Evidence given on the Trial of the said Cause, that the Cause of Action arose in the said Principality of *Wales*, and that the Defendant or Defendants was or were resident in the Dominion of *Wales* at the Time of the Service of any Writ, or other Mesne Process, served on him, her, or them in such Actions, and it shall be so testified under the Hand of the Judge who tried such Cause, upon the Back of the Record of *Nisi Prius* (on such Facts being suggested on the Record or Judgment Roll), a Judgment of Nonsuit shall be entered thereon against the Plaintiff or Plaintiffs, and the Plaintiff or Plaintiffs shall pay to the Defendant or Defendants in such Action, his, her, or their Costs of Suit, and the Defendant and Defendants shall have like Remedy to recover the same as in the Case of a Verdict given for the Defendant or Defendants in such Action; and in the Taxation of all Costs allowed and given to the Defendant or Defendants, the proper Officer shall allow to the Plaintiff or Plaintiffs, out of the Defendant's Costs, the full Sum given by the Verdict to

the Plaintiff or Plaintiffs for his, her, or their Debt or Damages; and although no Judgment shall be entered for the Plaintiff or Plaintiffs upon such Verdict, yet nevertheless such Verdict, without any Judgment entered thereon, shall be an effectual Bar to any Action or Actions commenced in any Court whatsoever by the Plaintiff or Plaintiffs for the same.

Certificate to be made by Judge in Cases where the Cause of Action has commenced in Wales and tried in England.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall bar or preclude any Person or Persons from commencing and carrying on any Action, and which may be tried at the Assizes at the nearest *English* County to that Part of the said Dominion of *Wales* in which the Cause of Action shall be laid, to arise against any Defendant or Defendants so resident in the Dominion of *Wales*, and obtaining full Costs in such Action, if the Judge before whom the Cause shall be tried shall certify on the Back of the Record that the Title or Freehold of Land was chiefly in question, or that such Cause was proper to be tried in such *English* County.

No Certiorari to be allowed without Notice.

XXIII. And for better preventing vexatious Delays and Expences occasioned by the suing forth Writs of Certiorari for the Removal of Actions, Suits, Causes, or other Proceedings at Law commenced and carried on in any of His Majesty's Courts of Great Session in *Wales*, and for regulating in future the issuing of such Writs; be it further enacted, That from and after the Sixth Day of *November* which shall be in the Year of our Lord One thousand eight hundred and twenty-four, no Writ of Certiorari shall be granted, issued forth, or allowed, to remove any Action, Bill, Plaint, Cause, Suit, or other Proceeding at Law whatsoever, originated in or commenced, carried on or had in any of His Majesty's Courts of Great Sessions in *Wales*, unless it be duly proved upon Oath that the Party or Parties suing forth the same hath or have given Seven Days Notice thereof in Writing to the other Party or Parties concerned in the Action, Bill, Plaint, Cause, Suit, or other Proceeding sought to be so removed, and unless the Party or Parties so applying or suing forth such Writ shall, upon Oath, shew to the Court in which Application shall be made sufficient Cause for issuing such Writ, and so that the Party or Parties therein concerned may have an Opportunity to shew Cause, if he or they shall so think fit, against the issuing or granting such Certiorari, and that the Costs of such Application be in the Discretion of the Court wherein such Application shall be made for such Certiorari.

Fees and King's Silver on Fines and Recoveries, to be the same as in the Common Pleas, at Westminster.

XXIV. And whereas the Sum or Sums of Money now demandable and payable for Fines and Recoveries levied and suffered at the several Courts of Great Sessions in *Wales*, is and are unequal and uncertain in the Amount; be it further enacted, That from and after the passing of this Act, the Fees to be paid on any Fine or Recovery so levied or suffered, and the Amount of King's Silver to be paid thereon, shall be in the same Proportion, and ascertained and calculated in the same Manner by the proper Officer, as the Fees and King's

King's Silver now usually payable on Fines and Recoveries levied and suffered in His Majesty's Courts of Common Pleas at *Westminster*, and shall not exceed the same.

The present Fees continued till the Termination of the Patents.

XXV. Provided always, and be it further enacted, That in all and every Case where such Fees and King's Silver are now payable to any Person or Persons duly authorized to receive and compound for the same, under and by virtue of any Patent or Patents for any Term or Terms now in Existence, within the respective Courts of Great Sessions in *Wales*, the same Sum or Sums as is or are now demandable and payable under and by virtue of such Patent or Patents, shall be hereafter paid during the Term or Terms granted by such Patent or Patents; but that when and as often as such Term or Terms shall respectively cease, expire, and determine, the said Sum or Sums of Money thereafter payable upon levying or suffering of any such Fines and Recoveries, as King's Silver or Fees thereon, within the Limits of the Jurisdiction of the Court or Courts of Great Sessions in such Patent or Patents named, and the Term or Terms whereof shall have so ceased, expired, and determined, shall immediately after any such Expiration and Determination, be thenceforth in the same Proportion, and be ascertained and calculated in the same Manner by the proper Officer, as the Fees and King's Silver now usually payable on Fines and Recoveries levied and suffered in the said Court of Common Pleas, and shall not exceed the same.

Regulations as to the levying of Fines in Wales.

XXVI. And whereas Fines can now be levied in the said Courts of Great Sessions within the Dominion of *Wales* Twice only in the Year, and it is expedient to give to His Majesty's Subjects possessing Lands, Tenements, and Hereditaments within *Wales*, the Power of levying such Fines Four Times in the Year, in like Manner as the Subjects of the Realm of *England* can now levy the same; be it therefore further enacted, That from and after the passing of this Act it shall and may be lawful for the Cursitor of each and every Court of Great Sessions in *Wales*, to issue any Writ or Writs of Covenants, for the Purpose of levying any Fine or Fines within the Jurisdiction of such Courts respectively, such Writs to be issued and be tested, and bear Date Fourteen Days at least before the First Day of *Hilary* Term, or Fourteen Days at least before the First Day of *Trinity* Term in each and every Year; and the several Cursitors, and each and every of them, are hereby required so to do as often as applied to for that Purpose, on Payment of the usual Fee or Fees now demandable on any Writ of Covenant; and that all and every Writ or Writs so tested or bearing Date as aforesaid be made returnable on the said First Day of *Hilary* Term, and the said First Day of *Trinity* Term respectively, in each and every such Year; and that upon an Acknowledgment of such Fine or Fines by the proper Parties to the same, taken before a Judge of such Court respectively, or by virtue of any *Dedimus Potestatem*, which the said Cursitor or Cursitors is and are hereby also required to grant, as often as the same be necessary, and on the *Allocatur* of a Judge of the Court of Great

Great Sessions within whose Jurisdiction the Fine may be so levied, in like Manner in which such *Allocatur* is given when a Fine is acknowledged on any *Dedimus Potestatem*, or otherwise during the Sitting of such Courts of Great Sessions, and on a Certificate made on the Back of any such Writ or Writs of Covenant by the proper Officer of such Court, of the actual Payment of King's Silver payable upon every such Fine or Fines, and which Certificate such proper Officer is hereby required to make upon Payment of such King's Silver, at the Costs and Charges of any Person or Persons paying the same, such Fine or Fines shall have full Force and Effect, and be deemed to be fully completed from the said First Day of *Hilary* Term, or the said First Day of *Trinity* Term, on which the said Writ or Writs shall be made returnable as aforesaid; and Proclamation, if necessary, shall be made of such Fine or Fines at the next ensuing Great Sessions, and at the Two following Great Sessions, according to Law; and all such Fine and Fines shall operate and enure, and shall be equally binding upon all Lands, Tenements, and Hereditaments, and upon all Parties privy thereto, from the said First Day of *Hilary* Term, and the said First Day of *Trinity* Term, in like Manner as if the same was or were levied during the Sitting of the Court of Great Sessions, within the Jurisdiction of which such Lands, Tenements, and Hereditaments are situated.

Fines to take Effect from Date of Caption.

XXVII. And be it further enacted, That all and every Fine and Fines hereafter levied in *Wales*, shall take effect and enure, and be deemed complete from the Date of the Caption of the Acknowledgment taken in such Fine or Fines, and on the Payment of King's Silver due thereon, notwithstanding the Death or Deaths of any Party or Parties to such Fine or Fines after such Acknowledgment.

Persons authorized to take Affidavits.

XXVIII. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, any Person authorized to take Affidavits as a Commissioner in the Courts of King's Bench, Common Pleas, and Exchequer, or a Master Extraordinary in the High Courts of Chancery in the United Kingdom, are hereby authorized to take any Affidavit of and concerning any Matter or Matters arising, or Fines or Recoveries levied or suffered within the said respective Courts of Great Sessions, in like Manner as any Affidavit is now taken in the said last-mentioned Courts of King's Bench, Common Pleas, Exchequer, or Chancery, of and concerning any Fines or Recoveries levied or suffered, or any Cause, Matter, or Thing depending or in anywise concerning any of the Proceedings arising or being within the last-mentioned Courts.

Qualification of Jurymen.

XXIX. And for the better Regulation of Persons hereafter serving as Petit Jurymen at any of the said Courts of Great Sessions; be it further enacted, That from and after the First Day of *July* which shall be in the Year One thousand eight hundred and twenty-four, no Person shall be compellable to serve on any Petit Jury at any such

Court of Great Sessions, unless he possess an Estate of Freehold or Copyhold of the clear yearly Value of Eight Pounds or upward, or any Estate for the Term of any Life or Lives, or for the Term of Ninety-nine Years from the Commencement of such Estate, of the clear yearly Value of Fifteen Pounds.

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