'Copy thereof, filed in the said Office, should be searched and 'viewed by all Persons at all seasonable Times, paying to the 'Officer for every Search against One Person the Sum of Six-'pence, and no more: And whereas it is expedient that greater 'Facilities should be given to Persons in searching such Book 'or Books and obtaining the Information contained therein, 'and that the Provisions of the said Act should be enlarged:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 immediately after the passing of this Act the said Officer of the said Court of Queen's Bench shall, in addition to the Book in and by the above-recited Act directed to be kept by him, keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Warrants of Attorney or Cognovits Actionem are filed in manner as directed by the said Act, the Names, Additions, and Descriptions of the respective Defendants or Persons giving such Warrants of Attorney or Cognovits Actionem, but containing no farther Particulars thereof; which Book or Index all Persons shall be permitted to search for themselves, paying to the Officer for such Search the Sum of One Shilling, such Payment being in addition to the Payment of Sixpence provided by the said Act to be paid for every Search against One Person in the Book or Books provided to be kept under the Authority of the said Act.

In addition to the Book directed to be kept by the recited Act, another Book or Index shall be kept of Names, &c. of Persons by whom Warrants of Attorney are given; which shall be open to Inspection.

CAP. LXVII.

An Act to enable Parties to sue out and prosecute Writs of Error in certain Cases upon the Proceedings on Writs of Mandamus. [22d *August* 1843.]

'WHEREAS Writs of Mandamus are issued by Her Ma-'jesty's Court of Queen's Bench and the Courts of the 'Counties Palatine, and the Application for the same must now 'be made in those Courts respectively alone: And whereas 'Writs of Mandamus are frequently awarded, and often in 'Cases of considerable Importance, and the Practice of issuing 'such Writs hath of late very much increased: And whereas 'it is expedient that Parties interested in the issuing of or 'in the Proceedings upon such Writs respectively shall be 'enabled in certain Cases to have the Judgments and Decisions 'of the said Court of Queen's Bench, and Courts of the Coun-'ties Palatine respectively, in respect of the said Writs and of 'the Proceedings thereon, reviewed by a Court of Error, if 'they shall so think fit, and that a certain Mode of effecting 'the same shall be ordained and established: And whereas by 'a certain Act made and passed in the Ninth Year of the Reign 'of Queen *Anne*, intituled *An Act for rendering the Proceedings* 9 Ann. c. 20.

'*upon Writs of Mandamus and Informations in the Nature of a* '*Quo warranto more speedy and effectual, and for the more easy* '*trying and determining the Rights of Offices and Franchises in* '*Corporations and Boroughs*, it was enacted, amongst other 'things, that in certain Cases therein mentioned, when a Writ 'of Mandamus should issue and a Return should be made 'thereunto, it should be lawful for the Person suing or pro- 'secuting such Writ to plead to or traverse all or any of the 'material Facts contained within the said Return to which the 'Person making such Return should reply, take issue, or de- 'mur, and such further Proceedings in such Manner should 'be had therein for the Determination thereof as might have 'been had if the Person suing such Writ had brought his Action
1 W. 4. c. 21. 'on the Case for a false Return: And whereas by an Act 'passed in the First Year of the Reign of the late King *Wil-* '*liam* the Fourth the said Provision herein-before mentioned 'of the said herein first-recited Act was extended to Writs of 'Mandamus in all other Cases, and to the Proceedings thereon: 'And whereas in neither of the said recited Acts, nor in any 'other Act, is any Power or Authority given to the Person 'prosecuting such Writ of Mandamus to demur to the Return 'made to any such Writ, so that the Decision of the said 'Courts respectively as to the Validity of such Return could 'be reviewed by a Court of Error;' for Remedy whereof, therefore, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

In order to object to a Return to a Mandamus the Prosecutor must demur.

assembled, and by the Authority of the same, That in all Cases in which the Person prosecuting any such Writ heretofore issued or hereafter to be issued shall wish or intend to object to the Validity of any Return already made or hereafter to be made to the same, he shall do so by way of Demurrer to the same, in such and the like Manner as is now practised and used in the Courts herein-before mentioned respectively in personal

Proceedings thereupon.

Actions; and thereupon the said Writ and Return and the said Demurrer shall be entered upon Record in the said Courts respectively, and such and the like further Proceedings shall be thereupon had and taken as upon a Demurrer to Pleadings in personal Actions in the said Courts respectively; and the said Courts respectively shall thereupon adjudge either that the said Return is valid in Law, or that it is not valid in Law, or that the Writ of Mandamus is not valid in Law; and if they adjudge that the said Writ is valid in Law, but that the Return thereto is not valid in Law, then and in every such Case they shall also by their said Judgment award that a peremptory Mandamus shall issue in that Behalf, and thereupon such peremptory Writ of Mandamus may be sued out and issued accordingly, at any Time after Four Days from the signing of the said Judgment; and it shall be lawful for the said Courts respectively, and they are hereby required, in and by their said Judgment to award Costs to be paid to the Party in

in whose Favour they shall thereby decide by the other Party or Parties.

Writ of Error upon the Judgment.

II. And be it enacted, That whenever any such Judgment as is herein-before mentioned shall be given, or whenever Issue in Fact or in Law shall be joined upon any Pleadings in pursuance of the said recited Acts or either of them, and Judgment shall be given thereon by any of the Courts aforesaid, it shall be lawful for any Party to the Record in any of such Cases, who shall think himself aggrieved by such Judgment, to sue out and prosecute a Writ of Error for the Purpose of reversing the same, in such Manner and to such Court or Courts as a Party to any personal Action in the said Court may now sue out and prosecute a Writ of Error upon the Judgment in such Action; and such and the like Proceedings shall thereupon be had and taken, and such Costs awarded, as in ordinary Cases of Writs of Error upon Judgments of the said Courts respectively in personal Actions; and if the Judgment of such Court be reversed by the Court of Error, the said Court of Error shall thereupon by their Judgment not only reverse the same, but shall also in addition thereto give the same Judgment which the Court whose Judgment is so reversed ought to have given in that Behalf; and if by their said Judgment they shall award that a peremptory Writ of Mandamus shall issue, the same shall and may accordingly be issued by the proper Officer in the Office from which such Writs issue, as the Case may be, upon Production to him of an Office Copy of the said Judgment of the Court of Error, which shall be his Authority and Warrant for so doing: Provided always, that Bail in Error to the Amount of Fifty Pounds, or such other Sum as may by any Rule of Practice be appointed as herein-after provided, shall be duly put in within Four Days after the Allowance of the said Writ of Error, and the same shall afterwards be duly perfected according to the Practice of the Court wherein the said original Judgment was given, otherwise the Plaintiff in Error shall be deemed to have abandoned his Writ of Error, and the same shall not be further prosecuted.

Peremptory Writ of Mandamus.

III. And be it enacted, That no Action, Suit, or any other Proceeding shall be commenced or prosecuted against any Person or Persons whatsoever for or by reason of any thing done in obedience to any peremptory Writ of Mandamus issued by any Court having Authority to issue Writs of Mandamus.

Court of Error may make Rules.

IV. And be it enacted, That the said Courts of Error who are hereby empowered to take cognizance of the Matters aforesaid may make, and they are hereby directed to make, from Time to Time and as often as they shall see Occasion, such Rules of Practice in reference to the said Application and the Proceedings thereon, and in reference to the Writs of Error herein-before mentioned and the Proceedings thereon, and the Amount of Bail to be taken, as the said Courts respectively may deem necessary to effectuate the Intention of this Act in relation to the same respectively.