'certain Time therein limited, and the said Act was amended by 'another Act passed in the Third Year of the same Reign, and 'both the said Acts were continued by another Act made in the 'Seventh and Eighth Years of the same Reign: And whereas ano- 'ther Act was made in the Tenth Year of the same Reign, whereby 'the said recited Acts of the First and Second and Third Years of 'the same Reign were amended and further continued, and the 'same so amended were by an Act made in the First Year of His 'present Majesty's Reign further continued until the End of this 'present Session of Parliament: And whereas by an Act made in 'the First and Second Years of the Reign of His present Majesty, 'intituled *An Act to improve the Administration of Justice in* Ireland, 1 & 2 W. 4. c. 31. 'certain Provisions of the said recited Act of the First and Second 'Years of the Reign of His late Majesty were repealed, and certain 'other Provisions were made, and certain Persons declared, in 'certain Cases therein specified, to be entitled to the Benefit of the 'Acts for the Relief of Insolvent Debtors in *Ireland:* And whereas 'it is expedient that the said Acts for the Relief of Insolvent Debtors 'should be further continued:' 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 the said recited Act of the First and Second Years of the Reign of His late Majesty, as the same is amended by the said recited Acts of the Third and Tenth Years of the same Reign, and save and except as any Provisions thereof may be repealed, or other Provisions substituted therefor, by the said recited Act of the First and Second Years of His present Majesty's Reign, shall be continued; and the said recited Acts of the First and Second, Third, and Tenth Years of the Reign of His late Majesty, and such Parts of the said recited Act of the First and Second Year of the Reign of His present Majesty as relates to the Law for Relief of Insolvent Debtors, shall be and the same are hereby continued accordingly for One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Recited Acts continued in force for One Year.

CAP. XXXIX.

An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at *Westminster*.

[23d *May* 1832.]

'WHEREAS the Process for the Commencement of Personal 'Actions in His Majesty's Superior Courts of Law at '*Westminster* is, by reason of its great Variety and Multiplicity, 'very inconvenient in Practice;' for Remedy thereof 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 the Process in all such Actions commenced in either of the said Courts, in Cases where it is not intended to hold the Defendant to Special Bail, or to proceed against a Member of Parliament according to the Provisions contained in the Statute passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to*

Serviceable Process for the Commencement of Personal Actions.

Bankrupts, shall, whether the Action be brought by or against any Person entitled to the Privilege of Peerage or of Parliament, or of the Court wherein such Action shall be brought, or of any other Court, or to any other Privilege, or by or against any other Person, be according to the Form contained in the Schedule to this Act annexed marked No. 1, and which Process may issue from either of the said Courts, and shall be called a Writ of Summons; and in every such Writ, and Copy thereof, the Place and County of the Residence or supposed Residence of the Party Defendant, or wherein the Defendant shall be or shall be supposed to be, shall be mentioned; and such Writ shall be issued by the Officer of the said Courts respectively by whom Process serviceable in the County therein mentioned hath been heretofore issued from such Court; and every such Writ may be served in the Manner heretofore used in the County therein mentioned, or within Two hundred Yards of the Border thereof, and not elsewhere, and the Person serving the same shall and is hereby required to indorse on the Writ the Day of the Month and Week of the Service thereof.

Mode of Appearance to serviceable Process.

II. And be it further enacted, That the Mode of Appearance to every such Writ, or under the Authority of this Act, shall be by delivering a Memorandum in Writing according to the Form contained in the said Schedule, and marked No. 2, such Memorandum to be delivered to such Officer or Person as the Court out of which the Process issued shall direct, and to be dated on the Day of the Delivery thereof.

Appearance may be enforced by Writ of Distringas in case a Defendant cannot be served with the Writ of Summons.

III. And be it further enacted, That in case it shall be made appear by Affidavit, to the Satisfaction of the Court out of which the Process issued, or, in Vacation, of any Judge of either of the said Courts, that any Defendant has not been personally served with any such Writ of Summons as herein-before mentioned, and has not, according to the Exigency thereof, appeared to the Action, and cannot be compelled so to do without some more efficacious Process, then and in any such Case it shall be lawful for such Court or Judge to order a Writ of Distringas to be issued, directed to the Sheriff of the County wherein the Dwelling House or Place of Abode of such Defendant shall be situate, or to the Sheriff of any other County, or to any other Officer to be named by such Court or Judge, in order to compel the Appearance of such Defendant; which Writ of Distringas shall be in the Form, and with the Notice subscribed thereto, mentioned in the Schedule to this Act, marked No. 3; which Writ of Distringas and Notice, or a Copy thereof, shall be served on such Defendant, if he can be met with, or, if not, shall be left at the Place where such Distringas shall be executed; and a true Copy of every such Writ and Notice shall be delivered together therewith to the Sheriff or other Officer to whom such Writ shall be directed; and every such Writ shall be made returnable on some Day in Term, not being less than Fifteen Days after the Teste thereof, and shall bear Teste on the Day of the issuing thereof, whether in Term or in Vacation; and if such Writ of Distringas shall be returned Non est inventus and Nulla bona, and the Party suing out such Writ shall not intend to proceed to Outlawry or Waiver, according to the Authority herein-after given, and any Defendant against whom such Writ of Distringas issued shall not appear at or within Eight Days inclusive after the Return thereof, and

and it shall be made appear by Affidavit to the Satisfaction of the Court out of which such Writ of Distringas issued, or, in Vacation, of any Judge of either of the said Courts, that due and proper Means were taken and used to serve and execute such Writ of Distringas, it shall be lawful for such Court or Judge to authorize the Party suing out such Writ to enter an Appearance for such Defendant, and to proceed thereon to Judgment and Execution.

Bailable Process for the Commencement of Personal Actions.

IV. And be it further enacted, That in all such Actions wherein it shall be intended to arrest and hold any Person to Special Bail who may not be in the Custody of the Marshal of the Marshalsea of the Court of King's Bench or of the Warden of the *Fleet* Prison, the Process shall be by Writ of Capias according to the Form contained in the said Schedule and marked No. 4; and so many Copies of such Process, together with every Memorandum or Notice subscribed thereto, and all Indorsements thereon, as there may be Persons intended to be arrested thereon or served therewith, shall be delivered therewith to the Sheriff or other Officer or Person to whom the same may be directed, or who may have the Execution and Return thereof, and who shall, upon or forthwith after the Execution of such Process, cause One such Copy to be delivered to every Person upon whom such Process shall be executed by him, whether by Service or Arrest, and shall indorse on such Writ the true Day of the Execution thereof, whether by Service or Arrest; and if any Defendant be taken or charged in Custody upon any such Process, and imprisoned for Want of Sureties for his Appearance thereto, the Plaintiff in such Process may, before the End of the next Term after the Detainer or Arrest of such Defendant, declare against such Defendant, and proceed thereon in the Manner and according to the Directions contained in a certain Act of Parliament made in the Fourth and Fifth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for delivering Declarations against Prisoners*: Provided always, that it shall be lawful for the Plaintiff or his Attorney to order the Sheriff, or other Officer or Person to whom such Writ shall be directed, to arrest One or more only of the Defendants therein named, and to serve a Copy thereof on One or more of the others, which Order shall be duly obeyed by such Sheriff or other Officer or Person; and such Service shall be of the same Force and Effect as the Service of the Writ of Summons herein-before mentioned, and no other.

4 & 5 W. & M. c. 21.

Proceedings to Outlawry.

V. And be it further enacted, That upon the Return of Non est inventus as to any Defendant against whom such Writ of Capias shall have been issued, and also upon the Return of Non est inventus and Nulla bona as to any Defendant against whom such Writ of Distringas as herein-before mentioned shall have issued, whether such Writ of Capias or Distringas shall have issued against such Defendant only, or against such Defendant and any other Person or Persons, it shall be lawful, until otherwise provided for, to proceed to outlaw or waive such Defendant by Writs of Exigi facias and Proclamation, and otherwise, in such and the same Manner as may now be lawfully done upon the Return of Non est inventus to a Pluries Writ of Capias ad respondendum issued after an Original Writ: Provided always, that every such Writ of Exigent Proclamation, and other Writ subsequent to the Writ of Capias or Distringas,

tringas, shall be made returnable on a Day certain in Term; and every such first Writ of Exigent and Proclamation shall bear Teste on the Day of the Return of the Writ of Capias or Distringas, whether such Writ be returned in Term or in Vacation; and every subsequent Writ of Exigent and Proclamation shall bear Teste on the Day of the Return of the next preceding Writ; and no such Writ of Capias or Distringas shall be sufficient for the Purpose of Outlawry or Waiver if the same be returned within less than Fifteen Days after the Delivery thereof to the Sheriff or other Officer to whom the same shall be directed.

Proceedings to Outlawry may be had after Judgment given under the Authority of this Act.

VI. And be it further enacted, That after Judgment given in any Action commenced by Writ of Summons or Capias under the Authority of this Act, Proceedings to Outlawry or Waiver may be had and taken, and Judgment of Outlawry or Waiver given, in such Manner and in such Cases as may now be lawfully done after Judgment in an Action commenced by Original Writ: Provided always, that every Outlawry or Waiver had under the Authority of this Act shall and may be vacated or set aside by Writ of Error or Motion, in like Manner as Outlawry or Waiver founded on an Original Writ may now be vacated or set aside.

Filazer to be appointed in the Court of Exchequer.

VII. And be it further enacted, That for the Purpose of proceeding to Outlawry and Waiver upon such Writs of Capias or Distringas returnable in the Court of Exchequer, it shall and may be lawful for the Lord Chief Baron of the said Court, and he is hereby required, to appoint from Time to Time a fit Person, holding some other Office in the said Court, to execute the Duties of a Filazer, Exigenter, and Clerk of the Outlawries in the same Court.

Mode of detaining a Prisoner in the Custody of the Marshal or of the Warden of the Fleet.

VIII. And be it further enacted, That when it shall be intended to detain in any such Action any Person being in the Custody of the Marshal of the Marshalsea of the Court of King's Bench or of the Warden of the *Fleet* Prison, the Process of Detainer shall be according to the Form of the Writ of Detainer contained in the said Schedule and marked No. 5; and a Copy of such Process, and of all Indorsements thereon, shall be delivered together with such Process to the said Marshal or Warden to whom the same shall be directed, and who shall forthwith serve such Copy upon the Defendant personally, or leave the same at his Room, Lodging, or other Place of Abode; and such Process may issue from either of the said Courts, and the Declaration thereupon shall and may allege the Prisoner to be in the Custody of the said Marshal or Warden, as the Fact may be, and the Proceedings shall be as against Prisoners in the Custody of the Sheriff, unless otherwise ordered by some Rule to be made by the Judges of the said Courts.

Mode of Proceeding against a Member of Parliament to enforce the Stat. 6 G. 4. c. 16. s. 10.

IX. And be it further enacted, That in all such Actions wherein it shall be intended to proceed against a Member of Parliament according to the Provisions of the said Statute made in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, the Process shall be according to the Form contained in the said Schedule marked No. 6, and which Process and a Copy thereof shall be in lieu of the Summons, or Original Bill and Summons, and Copy thereof, mentioned in the said Statute.

Duration of Writs.

X. And be it further enacted, That no Writ issued by Authority of this Act shall be in force for more than Four Calendar Months from

from the Day of the Date thereof, including the Day of such Date, but every Writ of Summons and Capias may be continued by Alias and Pluries, as the Case may require, if any Defendant therein named may not have been arrested thereon or served therewith: Provided always, that no first Writ shall be available to prevent the Operation of any Statute whereby the Time for the Commencement of the Action may be limited, unless the Defendant shall be arrested thereon or served therewith, or Proceedings to or toward Outlawry shall be had thereupon, or unless such Writ, and every Writ (if any) issued in continuation of a preceding Writ, shall be returned Non est inventus and entered of Record within One Calendar Month next after the Expiration thereof, including the Day of such Expiration, and unless every Writ issued in continuation of a preceding Writ shall be issued within One such Calendar Month after the Expiration of the preceding Writ, and shall contain a Memorandum indorsed thereon or subscribed thereto, specifying the Day of the Date of the first Writ; and Return to be made in Bailable Process by the Sheriff or other Officer to whom the Writ shall be directed, or his Successor in Office, and in Process not bailable, by the Plaintiff or his Attorney suing out the same, as the Case may be.

Proviso as to Statute of Limitations.

XI. 'And whereas, according to the present Practice, in certain 'Cases no Proceedings can be effectually had on any Writ return- 'able within Four Days of the End of any Term, until the Begin- 'ning of the ensuing Term, whereby an unnecessary Delay is 'sometimes created;' for Remedy thereof be it enacted, That if any Writ of Summons, Capias, or Detainer issued by Authority of this Act shall be served or executed on any Day, whether in Term or Vacation, all necessary Proceedings to Judgment and Execution may, except as herein-after provided, be had thereon, without Delay, at the Expiration of Eight Days from the Service or Execution thereof, on whatever Day the last of such Eight Days may happen to fall, whether in Term or Vacation: Provided always, that if the last of such Eight Days shall in any Case happen to fall on a *Sunday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, in either of such Cases the following Day shall be considered as the last of such Eight Days; and if the last of such Eight Days shall happen to fall on any Day between the *Thursday* before and the *Wednesday* after *Easter Day*, then in every such Case the *Wednesday* after *Easter Day* shall be considered as the last of such Eight Days: Provided also, that if such Writ shall be served or executed on any Day between the Tenth Day of *August* and the Twenty-fourth Day of *October* in any Year, Special Bail may be put in by the Defendant in Bailable Process, or Appearance entered, either by the Defendant or the Plaintiff, on Process not bailable, at the Expiration of such Eight Days: Provided also, that no Declaration, or Pleading after Declaration, shall be filed or delivered between the said Tenth Day of *August* and Twenty-fourth Day of *October*.

Proceedings on Writs served or executed at certain Times.

Proviso for Sunday, &c.

XII. And be it further enacted, That every Writ issued by Authority of this Act shall bear Date on the Day on which the same shall be issued, and shall be tested in the Name of the Lord Chief Justice or Lord Chief Baron of the Court from which the same shall issue, or in case of a Vacancy of such Office, then in the Name

Date and Teste of Writs.

Indorsement of the Name of the Attorney or Party suing.

of a senior Puisne Judge of the said Court, and shall be indorsed with the Name and Place of Abode of the Attorney actually suing out the same, and in case such Attorney shall not be an Attorney of the Court in which the same is sued out, then also with the Name and Place of Abode of the Attorney of such Court in whose Name such Writ shall be taken out; but in case no Attorney shall be employed for that Purpose, then with a Memorandum expressing that the same has been sued out by the Plaintiff in Person, mentioning the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of such Plaintiff's Residence, if any such there be.

Service of Writs of Summons on Corporations and on Inhabitants of Hundreds and Towns.

XIII. And be it further enacted, That every such Writ of Summons issued against a Corporation Aggregate may be served on the Mayor or other Head Officer, or on the Town Clerk, Clerk, Treasurer, or Secretary of such Corporation; and every such Writ issued against the Inhabitants of a Hundred or other like District may be served on the High Constable thereof, or any One of the High Constables thereof; and every such Writ issued against the Inhabitants of any County of any City or Town, or the Inhabitants of any Franchise, Liberty, City, Town, or Place not being Part of a Hundred or other like District, on some Peace Officer thereof.

General Rules to be made by the Judges.

XIV. And be it further enacted, That it shall and may be lawful to and for the Judges of the said Courts, and they are required, from Time to Time to make all such general Rules and Orders for the effectual Execution of this Act, and of the Intention and Object hereof, and for fixing the Costs to be allowed for and in respect of the Matters herein contained, and the Performance thereof, as in their Judgment shall be deemed necessary or proper, and for that Purpose to meet as soon as conveniently may be after the passing hereof.

Rules and Orders may be made for the Return of Writs.

XV. And be it further enacted, That it shall be lawful, in Term Time, for the Court out of which any Writ issued by Authority of this Act, or any Writ of Capias ad satisfaciendum, Fieri facias, or Elegit, shall have issued, to make Rules, and also for any Judge of either of the said Courts, in Vacation, to make Orders, for the Return of any such Writ; and every such Order shall be of the same Force and Effect as a Rule of Court made for the like Purpose; provided always, that no Attachment shall issue for Disobedience thereof until the same shall have been made a Rule of Court.

Proceedings in default of Appearance or Special Bail.

XVI. And be it further enacted, That all such Proceedings as are mentioned in any Writ, Notice, or Warning issued under this Act, shall and may be had and taken in default of a Defendant's Appearance or putting in Special Bail, as the Case may be.

Attorney to declare whether Writ issued by his Authority; and to declare Name and Place of Abode of his Client, if ordered.

XVII. And be it further enacted, That every Attorney whose Name shall be indorsed on any Writ issued by Authority of this Act shall, on Demand in Writing made by or on behalf of any Defendant, declare forthwith whether such Writ has been issued by him, or with his Authority or Privity; and if he shall answer in the Affirmative, then he shall also, in case the Court or any Judge of the same or of any other Court shall so order and direct, declare in Writing, within a Time to be allowed by such Court or Judge, the Profession, Occupation or Quality, and Place of Abode of the

Plaintiff, on pain of being guilty of a Contempt of the Court from which such Writ shall have appear to have been issued; and if such Attorney shall declare that the Writ was not issued by him, or with his Authority or Privity, the said Court, or any Judge of either of the said Courts, shall and may, if it shall appear reasonable so to do, make an Order for the immediate Discharge of any Defendant or Defendants who may have been arrested on any such Writ, on entering a Common Appearance.

If Writ not issued by Authority of the Attorney, the Defendant may be discharged.

XVIII. And be it further enacted, That it shall and may be lawful to and for the Judges of each of the said Courts from Time to Time to make such Rules and Orders for the Government and Conduct of the Ministers and Officers of their respective Courts, in and relating to the Distribution and Performance of the Duties and Business to be done and performed in the Execution of this Act, as such Judges may think fit and reasonable; provided always, that no additional Charge be thereby imposed on the Suitors.

Rules to be made by the Courts for the Government of their Ministers and Officers.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall subject any Person to Arrest, Outlawry, or Waiver, who, by reason of any Privilege, Usage, or otherwise, may now by Law be exempt therefrom, or shall extend to any Cause removed into either of the said Courts by Writ of Pone, Certiorari, Recordari facias loquelam, Habeas corpus, or otherwise.

Proviso for Persons privileged from Arrest, &c.

XX. 'And whereas there are in divers Parts of *England* certain 'Districts and Places, Parcel of some one County, but wholly 'situate within and surrounded by some other County, which 'is productive of Inconvenience and Delay in the Service and 'Execution of the Process of the said Courts;' for Remedy thereof be it enacted, That every such District and Place shall and may, for the Purpose of the Service and Execution of every Writ and Process, whether mesne or judicial, issued out of either of the said Courts, be deemed and taken to be Part as well of the County wherein such District or Place is so situate as aforesaid as of the County whereof the same is Parcel; and every such Writ and Process may be directed accordingly, and executed in either of such Counties.

Places, Parcel of one County and situate in another, to be deemed Part of each.

XXI. And be it further enacted, That from the Time when this Act shall commence and take effect, the Writs herein-before authorized shall be the only Writs for the Commencement of Personal Actions in any of the Courts aforesaid, in the Cases to which such Writs are applicable; and the Costs to be allowed and charged for such Writs shall be the same as for Writs of Latitat: Provided always, that nothing in this Act contained shall abridge, alter, or affect the Franchises and Jurisdictions of either of the Counties Palatine of *Lancaster* or *Durham*, or of any Officer or Minister thereof.

Writs herein-before authorized to be the only Writs for Commencement of Personal Actions.

XXII. And be it further enacted, That this Act shall commence and take effect on the First Day of *Michaelmas* Term next after the passing hereof.

Commencement of Act.

XXIII. And be it further enacted, That this Act may be amended, altered, or repealed during the present Session of Parliament.

Act may be altered this Session.

SCHEDULE to which this Act refers.

No. 1.

Writ of Summons.

WILLIAM the Fourth, *&c.*

To *C.D.* of, *&c.*, in the County of Greeting:

We command you, [*or* as before *or* often we have commanded you,] that within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of , in an Action on Promises [*or as the Case may be*], at the Suit of *A.B.* And take notice, that, in default of your so doing, the said *A.B.* may cause an Appearance to be entered for you, and proceed therein to Judgment and Execution.

Witness at Westminster the Day of .

Memorandum to be subscribed on the Writ.

N.B. This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

Indorsement to be made on the Writ before Service thereof.

This Writ was issued by *E.F.* of Attorney for the said *A.B.*

Or,

This Writ was issued in Person by *A.B.* who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such.*]

Indorsement to be made on the Writ after Service thereof.

This Writ was served by me *X.Y.* on on the Day of 18 .

X.Y.

No. 2.

Forms of entering an Appearance.

A. Plaintiff, against *C.D.*

or,

against *C.D.* and another,

or,

against *C.D.* and others.

The Defendant *C.D.* appears in Person.

E.F. Attorney for *C.D.* appears for him.

G. H. Attorney for the Plaintiff, appears for the Defendant, *C.D.* according to the Statute.

Entered the Day of 18 .

No. 3.

Writ of Distringas.

WILLIAM the Fourth, *etc.*

To the Sheriff of Greeting:

We command you, that you omit not by reason of any Liberty in your Bailiwick, but that you enter the same, and distrain upon the Goods and Chattels of *C.D.* for the Sum of Forty Shillings, in order to compel his Appearance in Our Court of to answer *A.B.* in a Plea of Trespass on the Case [*or* Debt, *or as the Case may be*]; and how you shall execute this Our Writ you make known to Us in Our said Court on the Day of now next ensuing.

Witness at Westminster the Day of in the Year of Our Reign.

Notice to be subscribed to the foregoing Writ.

In the Court of

Between { *A.B.* Plaintiff and *C.D.* Defendant.

Mr. *C.D.*

Take notice, that I have this Day distrained upon your Goods and Chattels in the Sum of Forty Shillings, in consequence of your not having appeared in the said Court to answer to the said *A.B.*, according to the Exigency of a Writ of Summons bearing Teste on the Day of ; and that in default of your Appearance to the present Writ within Eight Days inclusive after the Return hereof, the said *A.B.* will cause an Appearance to be entered for you and proceed thereon to Judgment and Execution, *or* [*if the Defendant be subject to Outlawry*] will cause Proceedings to be taken to outlaw you.

No. 4.

Writ of Capias.

WILLIAM the Fourth, *&c.*

To the Sheriff of

or,

To the Constable of Dover Castle,

or,

To the Mayor and Bailiffs of Berwick upon Tweed,

or,

[*as the Case may be,*] Greeting:

We command you, [*or* as before *or* often we have commanded you,] that you omit not by reason of any Liberty in your Bailiwick, but that you enter the same, and take *C.D.* of if he shall be found in your Bailiwick, and him safely keep until he shall have given you Bail or made Deposit with you according to Law in an Action on Promises [*or* of Debt, *etc.*], at the Suit of *A.B.*, or until the said *C.D.* shall by other lawful Means be discharged from your Custody. And We do further command you, that

that on Execution hereof you do deliver a Copy hereof to the said *C.D.* And We hereby require the said *C.D.* to take notice, that within Eight Days after Execution hereof on him, inclusive of the Day of such Execution, he should cause Special Bail to be put in for him in Our Court of to the said Action, and that in default of his so doing such Proceedings may be had and taken as are mentioned in the Warning hereunder written or indorsed hereon. And We do further command you the said Sheriff that immediately after the Execution hereof you do return this Writ to Our said Court, together with the Manner in which you shall have executed the same, and the Day of the Execution hereof; or that if the same shall remain unexecuted, then that you do so return the same at the Expiration of Four Calendar Months from the Date hereof, or sooner if you shall be thereto required by Order of the said Court or by any Judge thereof.

Witness at Westminster the Day of .

Memoranda to be subscribed to the Writ.

N.B. This Writ is to be executed within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

A Warning to the Defendant.

1. If a Defendant, being in Custody, shall be detained on this Writ, or if a Defendant, being arrested thereon, shall go to Prison for Want of Bail, the Plaintiff may declare against any such Defendant before the End of the Term next after such Detainer or Arrest, and proceed thereon to Judgment and Execution.

2. If a Defendant, being arrested on this Writ, shall have made a Deposit of Money according to the Statute 7 & 8 Geo. 4. c. 71., and shall omit to enter a Common Appearance to the Action, the Plaintiff will be at liberty to enter a Common Appearance for the Defendant, and proceed thereon to Judgment and Execution.

3. If a Defendant, having given Bail on the Arrest, shall omit to put in Special Bail as required, the Plaintiff may proceed against the Sheriff or on the Bail Bond.

4. If a Defendant, having been served only with this Writ, and not arrested thereon, shall not enter a Common Appearance within Eight Days after such Service, the Plaintiff may enter a Common Appearance for such Defendant, and proceed thereon to Judgment and Execution.

Indorsements to be made on the Writ of Capias.

Bail for £ by Affidavit.

Or,

Bail for £ by Order of [*naming the Judge making the Order*], dated the Day of .

This Writ was issued by *E.F.* of Attorney for the Plaintiff [*or* Plaintiffs] within named.

Or,

This Writ was issued in Person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be.*]

No. 5.

Writ of Detainer.

WILLIAM the Fourth, *etc.*

To the Marshal of the Marshalsea of Our Court before Us [*or* To the Warden of Our Prison of the Fleet].

We command you, that you detain *C.D.* if he shall be found in your Custody at the Delivery hereof to you, and him safely keep in an Action on Promises [*or* of Debt, *etc.*, *as the Case may be*], at the Suit of *A.B.*, until he shall be lawfully discharged from your Custody. And We do further command you, that on Receipt hereof you do warn the said *C.D.*, by serving a Copy hereof on him, that within Eight Days after Service of such Copy, inclusive of the Day of such Service, he do cause Special Bail to be put in for him in Our Court of to the said Action; and that in default of his so doing the said *A.B.* may declare against him before the End of the Term next after his Detainer, and proceed thereon to Judgment and Execution. And We do further command you the said [Marshal *or* Warden, *as the Case may be*], that immediately after the Service hereof you do return this Our Writ, or a Copy hereof, to Our said Court, together with the Day of the Service hereof.

Witness at Westminster the Day of .

N. B.—*This Writ is to be indorsed in the same Manner as the Writ of Capias, but not to contain the Warning on that Writ.*

No. 6.

Writ of Summons to be served on a Member of Parliament in order to enforce the Provisions of the Statute 6 *Geo.* 4. *c.* 16. *s.* 10.

WILLIAM the Fourth, *etc.*

To *C.D.* of, *etc.* Esquire, having Privilege of Parliament, Greeting:

We command you, that, within One Calendar Month next after personal Service hereof on you, you do cause an Appearance to be entered for you in Our Court of in an Action [on Promises, Debt, *etc. as the Case may be*], at the Suit of *A.B.*; and you are hereby informed, that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of a certain Act of Parliament made and passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled "An Act to amend the Laws relating to Bankrupts," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance to be entered for you, within One Calendar Month next after such Service hereof, you will be deemed

deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Westminster the Day of

N.B.—This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

Direction.—*This Summons is to be indorsed with the Name of the Plaintiff or his Attorney in like Manner as the Writ of Capias.*

CAP. XL.

An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments.

[1st *June* 1832.]

'WHEREAS His Majesty, by His Royal Letters Patent under the Great Seal, bearing Date the Second Day of *November* One thousand eight hundred and thirty-one, was pleased to constitute and appoint certain Persons therein named to be principal Officers and Commissioners of His Majesty's Navy, and by other Letters Patent under the Great Seal, bearing Date the Twenty-fifth Day of *February* One thousand eight hundred and thirty-one, was pleased to constitute and appoint certain other Persons therein named Commissioners for victualling His Majesty's Navy, and for the Care of sick and wounded Seamen: And whereas it has been deemed expedient that the Number of Offices in the Civil Departments of the Navy should be reduced, and to that End that the Offices or Departments of the principal Officers and Commissioners of His Majesty's Navy, and of the Commissioners for victualling His Majesty's Navy, and for the Care of sick and wounded Seamen, should be abolished: And whereas various Duties of the said Commissioners being established and regulated by divers Acts of Parliament, it is requisite that such Acts should in some Cases be altered, and new Provisions made for the due Execution of the said Duties:' 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 in case His Majesty shall be pleased to cancel and revoke the said Letters Patent by which the said several Persons were respectively constituted and appointed principal Officers and Commissioners of the Navy, and Commissioners for victualling His Majesty's Navy, and for the Care of sick and wounded Seamen, as aforesaid, all the Interests, Titles, Authorities, Powers, and Duties vested in the said respective Commissioners by any Act or Acts of Parliament, and every Matter relating to them and their respective Offices, shall from and after such Revocation be and the same are hereby declared to be transferred to the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and shall be vested in and exercised by them in as full and ample a Manner,

In case His Majesty shall revoke the Appointments of the Commissioners of the Navy and for Victualling, the Powers and Authorities vested in them by any Statutes shall be transferred to the Admiralty.