ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

C A P. LXVII.

An Act to amend an Act of the Second Year of His present Majesty, for the Uniformity of Process in Personal Actions in His Majesty's Courts of Law at *Westminster*. [28th *August* 1833.]

WHEREAS by an Act passed in the Second Year of His Majesty's Reign, intituled *An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at* Westminster, it is enacted, that the Process in certain Actions therein mentioned shall be according to the Form contained in a Schedule to the said Act annexed, and shall be called a Writ of Summons, and that 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 whereas since the Commencement of the said Act the Writ of Summons, and other Writs mentioned therein, issued into the County of *Middlesex*, have been issued, signed, and sealed by the Signer of the Bills of *Middlesex* in the King's Bench, whilst such Writs into all other Counties and Cities have been issued and signed by a different Officer, and have been sealed by the Sealer of the Writs, under and by virtue of an Order of the Judges of the said Court: And whereas it is expedient that all Writs issued into the County of *Middlesex* from the Court of King's Bench should be signed and sealed by the same Persons and in like Manner as all other Writs issued from the said Court into other Counties and Cities: Be it therefore enacted by the King's most Excellent Majesty, by and

2 W. 4. c. 39.

with

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 so much of the said Act passed in the Second Year of His Majesty's Reign as provides that the Writ of Summons therein mentioned 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in the County therein mentioned hath been heretofore issued from such Court, shall be and the same is hereby repealed; and that from and after the passing of this Act, all Writs of Summons, Distringas, Capias, and Detainer, issued into the County of *Middlesex* from the Court of King's Bench, shall be signed, sealed, and issued, and the Fees thereon shall be taken and accounted for, by the same Person or Persons and in like Manner as all other Writs of Summons, Distringas, Capias, or Detainer issued from the said Court of King's Bench under and by virtue of the said recited Act; any Law, Custom, or Usage to the contrary notwithstanding.

Part of recited Act repealed.

Writs of Summons, Distringas, &c. issued into Middlesex, to be signed, and Fees accounted for in like Manner as Writs under recited Act.

II. And whereas by the existing Law, and the Practice of the said Courts of Common Law, Actions may be brought and Issues proceed to Trial and final Judgment, in Vacation, notwithstanding the Cause of Action may have arisen subsequent to the then preceding Term, and Jury Process of Writs of Execution are now by Law tested in Term Time only; be it therefore enacted, That from and after the passing of this Act the Writ of Venire facias juratores may be tested on the Day on which the same shall be issued, and be made returnable forthwith, and that the Writ of Distringas juratores or Habeas corpora juratorum may be tested in Term or Vacation on a Day subsequent to the Teste of the Writ Venire facias juratores, and that all Writs of Execution may be tested on the Day which the same are issued, and be made returnable immediately after Execution thereof: Provided always, that when any Trial is to be had at Bar, the Writ of Venire facias juratores shall be made returnable as heretofore.

Teste and Return of certain Writs.

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