
Status: Point in time view as at 30/06/2011.

Changes to legislation: There are currently no known outstanding effects for the Judgments Act 1838. (See end of Document for details)

SCHEDULE TO WHICH
THIS ACT REFERS.

No. 1.—Writ of Capias.

VICTORIA, &c. To the Sheriff *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 that you omit not by reason of any Liberty in your Bailwick, but that you enter the same, and take C.D. if he shall be found in your Bailwick, and him safely keep until he shall have given you Bail, or made Deposit with you according to Law in an Action or Promises [*or of Debt, &c*] 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 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 the 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 so doing such Proceedings may be had and taken as are mentioned in the Warning written or endorsed hereon. And we do further command you, that immediately after the Execution hereof you do return this Writ to Our said Court of , together with the Manner in which you shall have executed the same, and the Day of the Execution thereof; or if the same shall remain unexecuted, then that you do so return the same at the Expiration of One Calendar Month 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, [*or as the case may be,*] the Day of .

Memorandum to be subscribed to the Writ

This Writ is to be executed within One Calendar Month from the Date thereof, including the Day of such Date, and not afterwards.

A Warning to the Defendant.

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.

Indorsements to be made on the Writ.

Bail for Pounds by Order of [naming the Judge making the Order], dated this 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.*]

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