



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. clvii.*

An Act for abolishing certain Jurisdiction of the Sheriffs Courts of the City of *London*, and for amending the Process, Practice, and Mode of Pleading in the Mayor's Court, and for extending the Jurisdiction thereof. [17th *August* 1857.]

**W**HEREAS there exist in the City of *London* certain Courts of Law called respectively the Sheriffs Court of the *Poultry Compter*, and the Sheriffs Court of the *Giltspur Street Compter*: And whereas it is expedient that certain Functions and Jurisdiction of the said Sheriffs Courts should be abolished: And whereas it is expedient to make the Mayor's Court more efficient, by extending its Powers and simplifying its Practice and Mode of Procedure: 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, as follows; (that is to say,)

I. This Act shall commence and come into operation on the First Day of *October* One thousand eight hundred and fifty-seven. Commence-  
ment of Act.

[*Local.*]

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II. In

*The Mayor's Court of London Procedure Act, 1857.*

Short Title.

II. In citing this Act in other Acts of Parliament and in legal Instruments and other Proceedings it shall be sufficient to use the Expression "The Mayor's Court of *London Procedure Act, 1857.*"

No Action or Suit to be brought in Sheriffs Court, except in certain Cases.

III. From and after the Commencement of this Act no Action or Suit for the Recovery of any Debt or Demand shall be commenced in the Sheriffs Court either of the *Poultry Compter* or of the *Giltspur Street Compter*, save only and except Pleas of Personal Actions under the Provisions of the *London (City) Small Debts Act, 1852*, which may continue to be brought as heretofore in the Sheriffs Court without being entitled as of either Compter: Provided always, that nothing in this Act contained shall be deemed or construed to take away or diminish the Power or Authority of the Sheriffs of *London* or either of them to execute any Writ of Inquiry or other Writ or Mandate which may be directed to them by any Court of competent Authority, or by any Judge or Officer thereof, or by any Person lawfully authorized to issue the same, or any Writ of Trial which may be directed to them or either of them under or by virtue of the Provisions of the Act of Third and Fourth *William the Fourth*, Chapter Forty-two, nor to take away or diminish any other Power or Authority which the Sheriffs of *London* or either of them can have or hath or can or may lawfully exercise by Act of Parliament, Charter, Act of Common Council, Custom, Prescription, or otherwise howsoever.

In Error from the Mayor's Court, the Exchequer Chamber, and not the Court of St. Martin's-le-Grand, to be the Court of Error.

IV. And whereas it is expedient to facilitate the Proceedings in Error on Matters arising in the Mayor's Court: Therefore, from and after the Commencement of this Act, no Petition shall be presented to or be received by the Lord High Chancellor for any Writ of Error to review any Proceeding in the Mayor's Court, nor shall any Writ of Error be issued thereout to review any such Proceeding, nor shall any Writ or other Proceeding be issued to the Court of *Saint Martin's-le-Grand* for any Purpose as a Court of Error to review any Proceeding of the Mayor's Court, but in all Cases of Error arising on Proceedings in the Mayor's Court the Exchequer Chamber shall be the Court of Error for the Purposes of this Act, and all Matters in Error shall be proceeded with according to the Rules to be framed for that Purpose as is herein-after expressed.

Special Case may be stated for Opinion of Court, or of Courts of Common Law.

V. The Parties in any Action or Foreign Attachment may, after Issue joined, by Consent, and by the Order of the Court, state the Facts of the Case in the Form of a Special Case for the Opinion of the Court, or of any One of the Superior Courts, and may agree that Judgment shall be entered thereon for the Plaintiff, Garnishee, or Defendant as the Court or such Superior Court may think fit.

VI. When

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VI. When the Opinion of such Superior Court shall be required the Registrar of the Mayor's Court shall transmit such Special Case, under the Seal of the Court, to the Rule Department of the Master's Office of the Superior Court in which the Case is to be argued, and thereupon all such Proceedings shall be taken and Rules and Regulations observed in the said Superior Court as are usual with reference to Cases stated for the Opinion of such Superior Court in Actions therein pending.

Special Cases to be transmitted by the Registrar to Rule Department of the Master's Office of Superior Court.

VII. The Registrar of the Court, upon the Production of an Office Copy of the Rule of the Superior Court made upon hearing the said Special Case, shall enter Judgment in the Court in conformity with the Decision of the Superior Court.

Registrar to enter Judgment upon Production of Office Copy Rule.

VIII. If either Party appearing on the Trial of any Cause in which the Sum sought to be recovered shall exceed the Sum of Twenty Pounds shall be dissatisfied with the Determination or Direction of the Court in point of Law, or upon the Admission or Rejection of any Evidence, such Party may appeal from the same to any One of the Superior Courts (Two or more of the Puisne Judges or Barons thereof shall sit out of Term as a Court of Appeal for that Purpose); provided, that such Party shall, within Two Days after such Determination or Direction, give Notice of Appeal to the other Party or his Attorney, and also give Security within such Time or Times as the Court shall direct, to be approved of by the Registrar of the Court (if the Judge shall so direct), for the Costs of the Appeal, whatever be the Event of the Appeal, and for the Amount of the Judgment, if he be the Defendant and the Appeal be dismissed: Provided nevertheless, that such Security, so far as regards the Amount of the Judgment, shall not be required in any Case where the Judge of the Court shall have ordered the Party appealing to pay the Amount of such Judgment into the Hands of the Registrar, and the same shall have been paid accordingly; and the said Court of Appeal may either order a new Trial on such Terms as it shall think fit, or may order Judgment to be entered for either Party, as the Case may be, and may make such Order with respect to the Costs of the said Appeal as such Court may think proper, and such Orders shall be final.

Appeal from Mayor's Court to Superior Courts at Westmister.

Security to be given, if Court so direct.

IX. Such Appeal shall be in the Form of a Case agreed on by both Parties or their Attornies, and, if they cannot agree, the Judge of the Court, upon being applied to by them or their Attornies, shall settle the Case and sign it, and such Case shall be transmitted by the Registrar to the Rule Department of the Master's Office of the Court in which the Appeal is to be brought.

Appeal to be in Form of Case

X. If

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Rules to set aside or enter Verdict, &c. may be moved before any of the Courts at Westminster if Mayor's Court shall grant Leave.

X. If upon the Trial of any Issue the Judge shall grant Leave to the Plaintiff or Defendant to move in any of the Superior Courts to set aside a Verdict or a Nonsuit, and to enter a Verdict for the Plaintiff or Defendant, or to enter a Nonsuit, as the Case may be, or for a new Trial, the Party to whom such Leave may have been given may apply by Motion to such Superior Court, within such Period of Time after the Trial as Motions of the like Kind shall from Time to Time be permitted to be made in such Superior Court, for a Rule to show Cause why such Verdict or Nonsuit should not be set aside, and a Verdict entered for the Plaintiff or Defendant, or a Nonsuit entered, or why a new Trial should not be had, as the Case may be, in such Action, which Court is hereby authorized and empowered to grant or refuse such Rule (which Rule, when granted, shall operate as a Stay of Proceedings until the Determination thereof), and afterwards to proceed to hear and determine the Merits thereof, and to make such Orders thereupon, and as to Costs, as the same Court shall think proper; and in case such Court shall order a new Trial to be had in any such Action, the Party obtaining such Order shall deliver the same or any Office Copy thereof to the Registrar of the said Court, and thereupon all the Proceedings on the former Verdict or Nonsuit shall cease, and the Action shall proceed to Trial, according to the Practice of the Court, in like Manner as if no Trial had been had therein; or in case the Court before whom such Rule shall be heard shall order the same to be discharged, the Party obtaining any such Order may, upon delivering the same or an Office Copy thereof to the Registrar, be at liberty to proceed in any such Action as if no such Rule Nisi had been obtained; and if a Verdict be ordered to be entered for the Plaintiff or Defendant, or a Nonsuit be ordered to be entered, as the Case may be, Judgment shall be entered accordingly.

Plaintiff recovering not exceeding 5*l.* in Action of Contract and 40*s.* in Action for a Wrong, to have no Costs, unless Judge at Trial certify to entitle Plaintiff to Costs, or the Court make an Order for Plaintiff to have Costs.

XI. If in any Action in Covenant, Debt, Detinue, or Assumpsit, not being an Action for Breach of Promise of Marriage, the Plaintiff shall recover a Sum not exceeding Five Pounds, or if in any Action in Trespass, Trover, or Case, not being an Action for Malicious Prosecution, or for Libel, or for Slander, or for Criminal Conversation, or for Seduction, the Plaintiff shall recover a Sum not exceeding Forty Shillings, the Plaintiff shall have Judgment to recover such Sum only, and no Costs, unless the Judge before whom such Verdict shall be obtained shall certify on the Back of the Record that it appeared to him that there was a sufficient Reason for bringing the said Action in the Court, and in such Case the Plaintiff shall have Judgment to recover his Costs of Suit; or if when there is no Verdict the Plaintiff shall make it appear to the Satisfaction of the Court, on Summons, that there was a sufficient Reason for bringing the said Action in the Court, in such Case the Court may

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by Rule or Order direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have Judgment to recover his Costs accordingly.

XII. Where the Debt or Damage claimed in any Action shall not exceed the Sum of Fifty Pounds, no Plea to the Jurisdiction shall be allowed, provided the Defendant or One of the Defendants shall dwell or carry on Business within the City of *London* or the Liberties thereof at the Time of the Action brought, or provided the Defendant or One of the Defendants shall have dwelt or carried on Business at some Time within Six Months next before the Time of the Action brought, or if the Cause of Action, either wholly or in part, arose therein.

Where Debt does not exceed 50*l.* no Plea to Jurisdiction allowed in certain Cases herein stated.

XIII. The Court may, if it shall think fit, in any Case when it shall satisfactorily appear by Affidavit that the Cause of Action arises within the Jurisdiction of the Court, order that the Plaintiff may be served in any Part of *England* or *Wales*; and the Service of any Plaintiff in pursuance of such Order shall be as valid and effectual as if the same had been served within the Jurisdiction of the Court, provided that a Copy of such Order shall be served at the Time of the Service of the Plaintiff.

Court may order that the Plaintiff may be served in any Part of *England* or *Wales*.

XIV. In all Cases where an Order of the Court shall be made under the last preceding Section, all the Proceedings in the Cause shall be had and taken as if the Defendant had been duly served with the Plaintiff within the Jurisdiction.

All further Proceedings to be had as usual.

XV. No Defendant shall be permitted to object to the Jurisdiction of the Court in or by any Proceeding whatsoever, except by Plea.

Objection to Jurisdiction to be by Plea.

XVI. No Cause depending in the Mayor's Court in which the Debt or Damages sought to be recovered shall not exceed Fifty Pounds shall be removed by any Defendant before Judgment therein into any Superior Court, except in pursuance of a Judge's Order, as herein-after mentioned, unless the Defendant, with Two sufficient Sureties, such as the Mayor's Court shall allow, shall first be bound to the Plaintiff in the Cause by Recognizance, to be acknowledged in the Mayor's Court, in a sufficient Sum for the Payment of the Debt or Damages and Costs in case Judgment shall pass against the Defendant in the Superior Court, or in case the Cause shall be brought back by *Procedendo* in the Mayor's Court: Provided always, that any Judge of any of the Superior Courts may in the Exercise of his Discretion order a Writ of *Certiorari* to issue to remove any such Cause depending in the Mayor's Court into any Superior Court

Causes under 50*l.* not to be removed except by Judge's Order or on Security.

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without such Recognizance as aforesaid, and such Cause may be removed into such Superior Court accordingly.

Writ to remove Causes to be lodged within One Month after Service of Plaintiff.

XVII. No Cause depending in the Mayor's Court shall be removed before Judgment therein into any Superior Court, unless the Writ removing such Cause shall have been lodged with the proper Officer of the Court within One Month after the Service of the Plaintiff, or unless such Writ shall have been lodged with such Officer before such Action shall have been entered for Trial according to the Practice of the Mayor's Court.

Foreign Attachment not to be removed after set down for Trial, except by express Directions of Judge upon Terms.

XVIII. No Foreign Attachment shall be removed from the Mayor's Court at any Time after the same shall be set down for Trial except by the express Order of One of the Judges of the Superior Courts, and then upon such Terms as to Costs, Bail, or Payment of Money into Court as such Judge on Summons shall think fit; provided that a Summons only, without any Order of the Judge thereon, shall not stay the Trial of the Attachment in the Mayor's Court.

No Cause to be removed into Superior Court except by Leave of Judge, and upon certain Terms.

XIX. No Cause depending in the Court shall, before Judgment be recovered, be removable into any of the Superior Courts (after Plea pleaded), unless by Leave of a Judge of One of the said Superior Courts in Cases which shall appear to such Judge fit to be tried in One of the Superior Courts, and upon such Terms, if any, as to Payment of Costs, giving Security for Debt and Costs, or Damages and Costs, or such other Terms as he shall think fit, upon Summons.

No Suit on Equity Side of Court to be removed unless by special Direction of Judge.

XX. No Suit commenced on the Equity Side of the Mayor's Court shall be removed from out of the said Court into Chancery without the special Order of the Lord High Chancellor, the Master of the Rolls, or One of the Vice Chancellors, upon Application for that Purpose made; and no Cause shall be so removed from out of the said Equity Side of the Mayor's Court if the Judge to whom such Application shall be made shall consider that the Matter in question in the said Suit is fit to be tried in the Mayor's Court; and the said Master of the Rolls shall have Power from Time to Time to make Rules and Regulations respecting the Removal of such Suits as aforesaid.

Power of Court to compel Parties to allow Inspection of Documents, and also Copies to be taken.

XXI. In any Action or other legal Proceeding in the Court the Court may, on Application made for such Purpose by either Party, compel the opposite Party to allow the Party making the Application to inspect all Documents in the Custody or Power or under the Control of such opposite Party relating to such Action or other legal Proceeding, and if necessary to take examined Copies of the same, or to procure the same to be duly stamped in all Cases in which;  
previous

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previous to the passing of this Act, a Discovery might have been obtained by filing a Bill, or by any other Proceeding in a Court of Equity at the Instance of the Party so making Application as aforesaid to the Court.

XXII. The Judge of the Court may at any Time, within the Jurisdiction of the Court, hear and grant Applications for Rules to show Cause in Arrest of Judgment, or for Judgment *non obstante veredicto*, or for a Repleader, or for granting new Trials, and for entering Nonsuits and Verdicts in Causes pending in the Court.

Power to the Judge, within the Jurisdiction, to hear and determine Motions, &c.

XXIII. It shall be lawful for the Court at all Times to amend all Defects and Errors in any Proceeding, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend or not; and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made; and all such Amendments may be made with or without Costs, or upon such Terms as to the Court may seem fit.

Power to Court to amend Errors.

XXIV. The Court may in any Action, upon the Application of any of the Parties thereto, order the Examination on Oath, upon Interrogatories or otherwise, before the Registrar or other Person or Persons to be named in such Order, of any Witness or Witnesses in any Part of *England* and *Wales*, and by the same or any subsequent Order or Orders may give all such Directions touching the Time, Place, and Manner of Examination, and all other Matters and Circumstances connected with such Examination as may appear reasonable and just.

Depositions of Witnesses may be taken.

XXV. When any such Order shall be made the Court may, in and by the First or any subsequent Order, command the Attendance of any Person to be named in such Order for the Purpose of being examined, or the Production of any Writing or other Document to be mentioned in such Order, and may direct the Attendance of any such Person to be at his own Place of Abode or elsewhere, if necessary or convenient so to do; and the Party at whose Instance such Order may have been made and issued shall have all the same Remedies against such Person, in case of Nonattendance, as he would have against any Person for Nonattendance in obedience to any Writ of Subpœna ad testificandum duly served according to the Practice of the Court: Provided that, in addition to the Service of the Order, an Appointment of the Time and Place of Attendance in obedience thereto, signed by the Person or Persons appointed to take the Examination, or by One or more of such Persons, shall be so served, together with or after the Service of such Order: Provided also, that every

As to compelling Attendances of Witnesses, Production of Documents, &c.

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every Person whose Attendance shall be so required shall be entitled to the like Conduct Money, and Payment for Expenses and Loss of Time, as upon Attendance at a Trial: Provided also, that no Person shall be compelled to produce under any such Order any Writing or other Document that he would not be compellable to produce at a Trial of the Cause.

Commission may be issued by Judge of the Court to examine Witnesses abroad.

XXVI. Upon the Application of any of the Parties to any Action depending in the Court, the Court may order a Commission to issue for the Examination of Witnesses upon Oath at any Place or Places beyond the Limits of *England* and *Wales*, by Interrogatories or otherwise, and by the same or any subsequent Order or Orders may give all such Directions touching the Time, Place, and Manner of such Examination, and all other Matters and Circumstances connected with such Examination, as may appear reasonable and just.

Examination of Prisoners.

XXVII. Any Sheriff, Gaoler, or other Officer having the Custody of any Prisoner may take such Prisoner for Examination at the Place or Places named in any such Order by virtue of a Writ of Habeas corpus to be issued for that Purpose, which Writ shall and may be issued by any Judge under such Circumstances and in such Manner as such Judge may now by Law issue the Writ commonly called a Writ of Habeas corpus ad testificandum.

Examination of Witnesses to be taken upon Oath.

XXVIII. The Person or Persons authorized to take the Examination of Witnesses by any such Rule, Order, Writ, or Commission as herein mentioned shall and may take all such Examinations upon the Oath of the Witnesses, to be administered by the Person so authorized; and if upon such Oath any Person making the same shall wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall and may be indicted and prosecuted for such Offence in the County where such Evidence shall be given, or in the County of *Middlesex* if the Evidence be given out of *England*.

The Person appointed for taking Examinations may report to the Court.

XXIX. The Registrar or any other Person named in any such Rule or Order to take any Examination in pursuance thereof may and he is hereby required to make, if need be, a special Report to the Court touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require, and as may be instituted and made in any Case of Contempt of Court.

Costs of Order and Proceedings.

XXX. The Costs of every Rule or Order to be made for the Examination of Witnesses by virtue of the Provisions herein contained,



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tained, and of the Proceedings thereupon, shall be Costs in the Cause, unless otherwise directed either by the Judge of the Superior Court making such Order or by the Court.

XXXI. No Examination or Deposition to be taken by virtue of the Provisions herein contained shall be read in Evidence without the Consent of the Party against whom the same may be offered, unless it shall appear to the Satisfaction of the Court that the Examinant or Deponent is not in *England* or *Wales*, or is dead, or unable from permanent Sickness or other permanent Infirmary to attend the Trial, in all or any of which Cases the Examinations and Depositions, certified under the Hand of the Commissioner, Registrar, or other Person taking the same, shall and may, without Proof of the Signature to such Certificate, be received and read in Evidence, saving all just Exceptions.

Restrictions  
as to reading  
Depositions.

XXXII. Upon Application made by or on behalf of any Defendant in any Action in the Court, such Application being made after Declaration and before Plea, by Affidavit or otherwise, showing that such Defendant does not claim any Interest in the Subject Matter of the Suit, but that the Right thereto is claimed or supposed to belong to some Third Party who has sued or is expected to sue for the same, and that such Defendant does not in any Manner collude with such Third Party, but is ready to bring into Court or to pay or dispose of the Subject Matter of the Action in such a Manner as the Court may order or direct, it shall be lawful for the Registrar to issue a Summons calling upon such Third Party to appear in Court, and to state the Nature and Particulars of his Claim, and to maintain or relinquish his Claim, which Summons may be served upon such Third Party in any Part of *England* or *Wales*; and upon such Summons the Court may hear the Allegations as well of such Third Party as of the Plaintiff, and in the meantime stay the Proceedings in such Action, and finally order such Third Party to make himself Defendant in the same or some other Action, or to proceed to Trial on One or more Issue or Issues, and also direct which of the Parties shall be Plaintiff or Defendant on such Trial, or, with the Consent of the Plaintiff and such Third Party, their Counsel or Attornies, dispose of the Merits of their Claims, and determine the same in a summary Manner, and make such Rules and Orders therein as to Costs and all other Matters as may appear to be just and reasonable.

Interpleader  
by Defen-  
dant in  
Action.

XXXIII. The Judgment in any such Action or Issue as may be decreed by the Court, and the Decision of the Court in a summary Manner, shall be final and conclusive against the Parties, and all Persons claiming by, from, or under them.

Judgment  
and Decision  
final.

[*Local.*]

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XXXIV. If

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Claim of  
Party not  
appearing  
barred.

XXXIV. If such Third Party shall not appear upon such Summons to maintain or relinquish the Claim, being duly served therewith, or shall neglect or refuse to comply with any Rule or Order to be made after Appearance, it shall be lawful for the Court to declare such Third Party, and all Persons claiming by, from, or under him, to be for ever barred from prosecuting his Claim against the original Defendant, his Executors or Administrators, saving nevertheless the Right or Claim of such Third Party against the Plaintiff, and thereupon to make such Order between such Defendant and the Plaintiff as to Costs and other Matters as may appear just and reasonable.

For Relief  
of Serjeant-  
at-Mace in  
Execution  
of Process  
against  
Goods.

XXXV. When any Claim shall be made to or in respect of any Goods or Chattels taken or intended to be taken in Execution under the Process of the Court, or to or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful to and for the Registrar, upon Application of the Serjeant-at-Mace or any of his Officers, made before or after the Return of such Process, and as well before as after any Action brought against such Serjeant-at-Mace or any of his Officers, to issue a Summons calling before the Court as well the Party issuing such Process as the Party making such Claim, and thereupon any Action which shall have been brought in any of the Superior Courts, or in any Local or Inferior Court of Record, in respect of such Claim, shall be stayed; and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons; and the said Court shall thereupon exercise, for the Adjustments of such Claim, and the Relief and Protection of the said Serjeant-at-Mace or any of his Officers, all or any of the Powers and Authorities herein-before contained, and make such Rules and Decisions as shall appear to be just, according to the Circumstances of the Case; and the Costs of all such Proceedings shall be in the Discretion of the Court.

Creditor  
obtaining  
Judgment or  
Order in re-  
spect of Debt  
not exceed-  
ing 20*l.* may  
summon the  
Debtor be-  
fore the  
Court.

XXXVI. In every Case where Judgment shall have been signed in the Court against any Person for any Debt not exceeding Twenty Pounds, exclusive of Costs, or where any Person shall be indebted to any other in a Sum not exceeding Twenty Pounds, by virtue of any Judgment or Order for the Payment thereof, or by virtue of any Order for the Payment of any Costs, the Court shall, upon the Application of the Creditor by any Petition or Note in Writing, according to the Form in Schedule (A.) to this Act annexed, grant a Summons, according to the Form in Schedule (B.) to this Act annexed, which said Summons may be served upon the said Debtor  
where

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where he may reside or be ; and if the Debtor appear according to such Summons, or at any Adjournment thereof, he shall be interrogated, if the Creditor think fit, touching the Manner and Time of his contracting his Debt, the Means or Prospect of Payment he then had, the Property or Means of Payment he still hath or may have, and the Disposal he may have made of any Property since contracting such Debt ; and such Creditor shall also be examined, if the Court or Debtor shall think fit, touching his Claim against such Debtor ; and it shall be lawful for the Court, then or at any future Sitting of the Court, to make an Order on the said Debtor for the Payment of his Debt by Instalments or otherwise ; and in case the Debtor shall not attend as required by the said Summons or at any Adjournment thereof, and shall not allege a sufficient Excuse for not attending, or shall if attending refuse to disclose his Property or his Transactions respecting the same, or respecting the contracting of the Debt, or shall not make Answer thereof to the Satisfaction of the Court, or shall appear to the Court to have been guilty of Fraud in contracting the Debt, or of having wilfully contracted it without reasonable Prospect of being able to pay it, or of having concealed or made away with his Property in order to defeat his Creditors, or having made any vexatious Defence to any Action for the Recovery of the Debt, or if he appear to have the Means of paying the same at the Time of hearing, and shall not pay the same if the Court shall so order, or shall not pay the same by Instalments at such Time as the Court shall order, or as the Court shall have ordered, and without any further Summons thereon, it shall be lawful for the Court to order such Debtor to be committed for any Time not exceeding Forty Days to the Debtors Prison within the City of *London*, which Order of Committal shall be according to One of the Forms in Schedule (C.) to this Act annexed.

Debtor or  
Creditor  
may be ex-  
amined.

XXXVII. It shall be lawful for every Person who shall be entitled to sign Judgment in the Court where the Amount of the Debt recovered shall not exceed Twenty Pounds, exclusive of Costs, to give, previously to signing such Judgment, Notice in the Form in Schedule (D.) to this Act annexed to the Person against whom such Judgment may be signed ; and in case such Notice shall be given, the Court shall, upon Judgment being signed, have the like Powers of hearing the Parties and making such Order for Payment on Committal as in the Cases herein-before mentioned.

Power to  
issue Order  
for Payment  
on Committal  
or signing  
Judgment.

XXXVIII. When an Order for Commitment shall have been made under this Act, and the Person against whom such Order of Commitment shall have issued shall be out of the Jurisdiction of the Court, it shall be lawful for the Officer charged with the Execution of such Order of Commitment to take the Person against whom such

Power for  
Officer to  
take Person  
on Order of  
Committal,  
though out  
of Jurisdic-  
tion of Court.

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such Order shall have issued wherever such Person shall reside or be.

Registrar to have Power to grant Orders for Payment or Committal.

XXXIX. In every Case in which Judgment shall have been obtained in the Court, or Order made, for a Sum not exceeding Twenty Pounds exclusive of Costs, it shall be lawful for the Registrar of the Court, either during the Sitting of the Court or out of Court, to hear the Parties, and to grant an Order for Payment of the Amount of the Judgment or Order and Costs by Instalments or otherwise, or to issue an Order of Committal as in the Cases herein-before mentioned.

Court to frame Table of Fees and Costs.

XL. The Court may from Time to Time frame a Table of Fees upon the Proceedings in the before-mentioned Cases, and make an Order for the Payment thereof, in addition to the Debt and Costs already recovered.

Registrar of Mayor's Court may hold Courts.

XLI. The Registrar of the Court may, in the Absence of the Judge, hold the Court and transact all the Business of the Court, except the Trial of Issues in Law or in Fact.

Debtors Prison of City of London to be the Prison of the Court.

XLII. The Debtors Prison for the City of *London* shall be the Prison wherein all Persons committed into Custody under any Process or Proceeding of the Mayor's Court shall be confined; and the Keeper for the Time being of the said Debtors Prison shall and he is hereby required to receive and take into his Custody every Person who shall be committed or ordered to stand committed by the Court; and in case the Keeper of the said Prison shall neglect or refuse to receive or take into his Custody any Person committed by the Court, or shall before the Expiration of the Time for which any Person shall be committed to his Custody discharge such Person out of his Custody, and wilfully suffer such Person to go at large, without a Warrant or Order for that Purpose in Writing, signed by the Plaintiff or by the Court (or by some other Court of competent Authority), such Keeper so offending in either of the said Cases shall pay to the Plaintiff at whose Suit such Person was in Custody respectively the Debt or Debt and Costs for which such Person shall have been committed to the Custody of such Keeper, and also any Sum not exceeding Twenty Pounds at the Discretion of the Court.

If Recorder is absent Common Serjeant may preside.

XLIII. In the Absence of the Recorder the Common Serjeant for the Time being of the City of *London* may preside as Judge in the Mayor's Court, and in case of Illness or unavoidable Absence of either the said Recorder or Common Serjeant it shall be lawful for them or either of them, or, in case of their Inability to make such Appointment, for the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, to appoint some other Person

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Person who shall have practised as a Barrister at Law for at least Seven Years to act as a Deputy of such Judge in the said Court during such Illness or unavoidable Absence; and it shall also be lawful for the said Recorder or Common Serjeant, or either of them, to appoint a Deputy who shall have practised as a Barrister for at least Seven Years, to act for either of them in the said Court for any Time or Times not exceeding in the whole Two Months in any consecutive Period of Twelve Months, and every Deputy so appointed during the Time for which he shall be so appointed shall have all the Powers and Privileges and perform all the Duties of a Judge of the said Court.

XLIV. It shall be lawful for any Judge of the Mayor's Court, either in or out of Court, to administer Oaths and take Declarations for the Purpose of authenticating any Documents which may be required to be produced in any Foreign Country or in any Place out of the Jurisdiction of the Court.

Judge to administer Oath to authenticate Documents.

XLV. It shall be lawful for the Court from Time to Time to make, alter, and revoke Rules, Orders, and Regulations required for and in respect of the Offices of the Mayor's Court, and the Nature, Duties, Fees, and Emoluments attaching to the respective Officers, and from Time to Time to make, alter, and revoke Rules for regulating the Practice and Pleading, and the taking of oral Evidence in the Court, and the Fees to be taken on the Proceedings in the said Court, and the Forms relating thereto, both in Law and Equity, as shall from Time to Time to it seem necessary and proper: Provided always, that such Rules and Forms and any Order for revoking or altering the same, shall be signed by the Judge of the said Court, and that no such Rules, Orders, or Forms shall be of any Force until they shall have been allowed and confirmed by Three of the Judges of the Superior Courts; and it shall be lawful for the Judges of the Superior Courts from Time to Time to make such Rules, Orders, and Regulations as they may think fit for carrying into execution the Provisions of this Act relative to the Removal of Causes from the Mayor's Court to the Superior Courts.

Judge may make and alter Rules, to be confirmed by Judges of Superior Court.

XLVI. It shall be lawful for Her Majesty from Time to Time, by an Order in Council, to direct that all or any Part of the Provisions of any Act for the Amendment of the Law now passed or hereafter to be passed, and also all or any of the Rules and Regulations made in pursuance thereof, shall extend to and apply to the Mayor's Court, and within One Month after such Order shall have been made and published in the *London Gazette* such Provisions and Rules respectively, or Parts thereof (and the Forms necessary in respect thereof), shall extend and apply in manner directed by such Order;

Power to Her Majesty to direct Provisions of any Act for Amendment of the Law, and Rules framed in pursuance thereof to apply to the Mayor's Court.

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and

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and any such Order may be in like Manner altered and annulled; and in and by any such Order Her Majesty may direct by whom any such Powers or Duties incident to the said Provisions, applied under the said several Acts and Rules in respect thereof, shall and may be exercised with respect to the Matters in such Court, and may make any Order, Regulation, or Form which may be deemed requisite for carrying into operation in such Court the Provisions so applied.

Power to Judge to direct Attachment to be tried, in Mayor's Court.

XLVII. In any Case where a Garnishee may appear before a Judge under the "Common Law Procedure Act, 1854," and dispute his Liability, the Judge may order that an Issue shall be tried in the said Mayor's Court in such Manner and Form as the Judge shall direct, and such Proceedings shall be had therein as if the same Question had been tried in the Superior Courts.

For Removal of Judgments into Superior Court.

XLVIII. In every Case where final Judgment shall have been obtained in the Mayor's Court, and also in every Case where any Rule or Order shall have been made by the Court, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, any Writ of Execution upon such Judgment, or any Rule or Order so made by the Court, shall be sealed by the Sealer of Writs of any of the Superior Courts, upon a Precipe of the same being lodged with him, together with an Affidavit verifying the Judgment or Order, and that the same remains unreversed and unsatisfied, and immediately thereupon such Writ of Execution and such Judgment, Rule, or Order shall become and be of the same Force, Charge, and Effect as a Writ of Execution or Judgment recovered in or a Rule or Order made by such Superior Court, and all the reasonable Costs and Charges attendant upon such sealing shall be recovered in like Manner as if the same were Part of such Judgment or Rule or Order: Provided always, that no such Judgment or Rule or Order when so removed as aforesaid shall affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, any further than the same would have done if the same had remained a Judgment, Rule, or Order of the Mayor's Court, unless and until a Writ of Execution thereon shall be actually put into the Hands of the Sheriff or other Officer appointed to execute the same.

Fines on Jurors for Nonattendance.

XLIX. If any Juror having been duly summoned shall not attend in pursuance of such Summons, or after his Appearance shall wilfully withdraw himself from the Presence of the Court, the Court shall impose such Fine upon every Juror so making Default, unless some reasonable Excuse shall be proved to the Satisfaction of the Court, as the Court shall think meet, not exceeding Five Pounds; and in

case

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case of Nonpayment of such Fine according to the Directions of the Court, the same may be levied in such Manner as is provided for the levying of Fines imposed upon Common Jurors for any similar Default under the Provisions of 5 and 6 *Will.* IV. *Cap.* 76. *Sec.* 121.

L. If in any Action or Suit now or at any Time hereafter depending in the Court it shall appear to the Court, or, if the Court is not sitting, to the Judge thereof, that it is proper to compel the personal Attendance at any Trial of any Witness who may not be within the Jurisdiction of the Court, it shall be lawful for the Court or Judge, if in their or his Discretion it shall so seem fit, to order that a Writ called a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, or Warrant of Citation, shall issue in Special Form, commanding such Witness to attend such Trial or Process wherever he shall be within the United Kingdom, and the Service of any such Writ or Process in any Part of the United Kingdom shall be valid and effectual.

Court may issue Process to compel the Attendance of Witnesses, although not within its Jurisdiction.

LI. The Parties in any Cause may, by Consent in Writing signed by them or by their respective Attornies, leave the Decision of any Issue of Fact to the Court, provided that the Court shall in their or his Discretion think fit to allow such Trial, or provided the Judges of the Superior Courts shall, in pursuance of the Power vested in them by Law for such Purpose, make any General Rule or Order dispensing with such Allowance, either in all Cases or in any particular Class or Classes of Cases to be defined by such Rule or Order; and such Issue of Fact may thereupon be tried and determined, and Damages awarded where necessary, in open Court by the Judge who might otherwise have presided at the Trial thereof by Jury; and the Verdict of such Judge shall be of the same Effect as the Verdict of a Jury, save that it shall not be questioned upon the Ground of being against the Weight of Evidence; and the Proceedings upon and after such Trial as to the Power of the Court or Judge, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury.

Judge may by Consent try Questions of Fact.

LII. No Cause shall be removable from the Court otherwise than by a Writ of Certiorari, or by the Order of a Judge of One of the Superior Courts, or by the Special Order of the Lord High Chancellor, the Master of the Rolls, or One of the Vice Chancellors, and every Writ of Certiorari shall be made returnable immediately, whether in or out of Term.

No Cause to be removed except by Certiorari or Judge's Order.

LIII. Every Person who is legally entitled to any Franchise or Office in either of the Sheriffs Courts whose Office shall be abolished, or whose Office shall be deprived of any Emolument by this Act,

shall Compensation to Officers of abolished Court, &c.

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shall be entitled to make a Claim for Compensation to the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled within Six Months after the Commencement of this Act; and it shall be lawful for the said Mayor, Aldermen, and Commons, in such Manner as they shall see fit, to inquire what was the Nature of the Office, and what was the Tenure thereof, and what were the lawful Fees and Emoluments in respect of which such Compensation shall be claimed; and the said Mayor, Aldermen, and Commons shall in each Case award such gross or yearly Sum, and for such Time, as they shall think just under the Circumstances of each Case, subject to the Approval of the Lords Commissioners of Her Majesty's Treasury; and all Compensation when so awarded shall be paid by the said Mayor, Aldermen, and Commons out of the Funds of the said City.

Interpreta-  
tion of  
Terms.

LIV. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them (unless there be something in the Subject or Context repugnant to such Construction); that is to say,

The Word "Person" shall include Corporations, whether aggregate or sole:

The Words "the Mayor's Court," or "the Court," shall mean the Court of our Lady the Queen holden before the Lord Mayor and Aldermen in the Chamber of the Guildhall of the City of *London*:

The Words "the Judge" shall mean the Judge of the Mayor's Court, or the Person authorized to sit or sitting as Judge therein:

The Words "the Superior Courts" shall mean Her Majesty's Superior Courts of Common Law at *Westminster*:

The Words "the Registrar" shall mean the Registrar of the Mayor's Court, and shall include the Deputy of such Registrar, or the Person appointed to perform or performing the Duties of Registrar.

Expenses of  
Act.

LV. The Costs of and relating to the passing of this Act shall be paid out of the Fees of the Court.



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SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

To the Judges of the Mayor's Court of the City of London.

BE pleased to summon  
of to answer touching the  
Debt, £ Debt due to by the  
Costs - of the Court of Mayor and Aldermen of the said City  
\_\_\_\_\_ on Behalf.  
£ Dated this Day of in the Year  
\_\_\_\_\_ of our Lord One thousand eight hundred and  
of  
in the of

\*Judgments signed  
or Order dated. Day of the\*  
eight hundred and One thousand }  
.

Attorney for the said .

SCHEDULE (B.)

In the Mayor's Court, London.

You are hereby required to appear before the Court  
of our Lady the Queen holden before the Mayor and  
Aldermen of the City of London at the Guildhall of  
the said City on the Day of  
Debt, £ at of the Clock in the Forenoon of  
Costs - the same Day precisely, touching the not having paid  
\_\_\_\_\_ to of in the  
£ of the Sum of recovered  
\_\_\_\_\_ in a certain of the said Court.

Dated this Day of in the Year  
of our Lord One thousand eight hundred and .

By Order of the Court.

To of }  
in the City of London,  
(or County of)

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## SCHEDULE (C.)

In the Mayor's Court, London.

At a Court holden the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year  
of our Lord One thousand eight hundred and \_\_\_\_\_

Debt, £ \_\_\_\_\_ WHEREAS \_\_\_\_\_ at the Time of the granting  
Costs - \_\_\_\_\_ the Summons herein-after mentioned was and now is  
\_\_\_\_\_ indebted to \_\_\_\_\_ in the Sum of \_\_\_\_\_  
£ \_\_\_\_\_ Pounds \_\_\_\_\_ Shillings and \_\_\_\_\_ Pence, and no  
\_\_\_\_\_ more, besides Costs of Suit amounting to \_\_\_\_\_  
\_\_\_\_\_ Pounds \_\_\_\_\_ Shillings and \_\_\_\_\_ Pence, by virtue  
of a \_\_\_\_\_ of this Court on the  
Day of \_\_\_\_\_ in the Year of our Lord One  
thousand eight hundred and \_\_\_\_\_ : And whereas  
the said \_\_\_\_\_ to enforce the Payment of  
such Debt did on the \_\_\_\_\_ Day of \_\_\_\_\_ in  
this present Year obtain a Summons from this Court,  
by which Summons the said \_\_\_\_\_ was  
required to appear before this Court at the Guildhall  
aforesaid this Day: And whereas the said  
hath been duly served with the said Summons, but  
he hath not attended as required by the said Sum-  
mons, and hath not alleged a sufficient Excuse for not  
attending:

Now it is ordered, that the said \_\_\_\_\_ shall  
be committed for the Term of \_\_\_\_\_ Days  
to the Debtors Prison for the City of London.

By the Court.

To  
One of the Serjeants-at-Mace of this Court,  
his Deputy, and to the Keeper of the  
Debtors Prison (above mentioned) for the  
City of London.



SCHEDULE (D.)

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In the Mayor's Court, London.

against

Sir,

TAKE notice, that I shall attend at the Offices of the Court, situate  
on at o'Clock, to  
sign Judgment against you herein. And further take notice, I shall  
at the same Time apply for an Order for the Payment by you of the  
said Debt by Instalments, or such other Order as the Court may  
think fit to make herein.

Yours, &amp;c.

Plaintiff's Attorney.

To Mr.

the above-named Defendant.

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