

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

SCHEDULE (A.)  
REFERRED TO IN THE  
FOREGOING ACT.

No. 1 Writ where the Defendant resides within the Jurisdiction

VICTORIA, by the Grace of God, &c.

To C.D. of                      in the County of

We command 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 at the Suit of A.B. ; and take notice, that in default of your so doing the said A.B. may proceed therein to Judgment and Execution. Witness, &c.

*Memorandum to be subscribed on the Writ.*

N.B.—This Writ is to be served within (*Six*) Calendar Months from the Date thereof, or, if renewed, from the Date of such Renewal, 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 Plaintiff, 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 X.Y. on L.M. [the Defendant or One of the Defendants], on Monday the                      Day of                      18 .  
(Signed)                      X.Y.

No. 2 Writ where the Defendant, being a British Subject, resides out of the Jurisdiction

VICTORIA, by the Grace of God, &c.

To C.D. of                      in the County of

We command you, That within [*here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from England*] 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

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Action at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, &c.

*Memorandum to be subscribed on the Writ.*

N.B.—This Writ is to be served within (*Six*) Calendar Months from the Date thereof, or, if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

*Indorsement to be made on the Writ before the Service thereof.*

This Writ is for Service out of the Jurisdiction of the Court, and was issued by *E.F.* of \_\_\_\_\_ Attorney for the said Plaintiff, 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*].

*The Indorsement required by the 8th Section should be made on this Writ, but should allow the Defendant the Time limited for Appearance to pay the Debt and Costs.*

No. 3 Writ where the Defendant, not being a British Subject, resides out of the Jurisdiction

VICTORIA, by the Grace of God, &c.

To *C.D.* late of \_\_\_\_\_ in the County of \_\_\_\_\_

We command you, That within [*here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from England*] Days after Notice of this Writ is served 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 at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, &c.

*Memorandum to be subscribed on the Writ.*

N.B.—Notice of this Writ is to be served within (*Six*) Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

*Indorsements as in other Cases.*

NOTICE of the foregoing Writ.

To *G.H.* late of [*Brighton in the County of Sussex*], or now residing at [*Paris in France*].

Take notice, That *A.B.* of \_\_\_\_\_ in the County of \_\_\_\_\_ England, has commenced an Action at Law against you *C.D.* in Her

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Majesty's Court of Queen's Bench, by a Writ of that Court, dated the \_\_\_\_\_ Day of \_\_\_\_\_ A.D. 18 \_\_\_\_; and you are required, within \_\_\_\_\_ Days after the Receipt of this Notice, inclusive of the Day of such Receipt, to defend the said Action, by causing an Appearance to be entered for you in the said Court to the said Action; and in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed thereon to Judgment and Execution.

*[Here state Amount of Claim as required by 8th Section, but allowing the Defendant the Time limited for Appearance to pay Debt and Costs.]*

(Signed) *A.B.* of \_\_\_\_\_ &c.  
or  
*E.F.* of \_\_\_\_\_ &c.  
Attorney for *A.B.*

No. 4 Special Indorsement

*[After the Indorsement required by the 8th Section of this Act, this special Indorsement may be inserted.]*

The following are the Particulars of Plaintiff's Claim :

1849.—June 20. Half Year's Rent to this Day	£	s.	d.
of House and Premises in _____			
Street, Westminster - - -	25	10	0
Sept. 12. Ten Sacks of Flour at 40s. -	20	0	0
Dec. 1. Money received by Defendant -	17	0	0
			-----
			62 10 0
Paid - - -	15	0	0
			-----
Balance due - - -	£47	10	0

*Or,*

To Butchers Meat supplied between the 1st of January 1849 and the 1st of January 1850 - - - - -	£52
Paid - - - - -	20
	-----
Balance - - - - -	£32

*[If any Account has been delivered, it may be referred to, with its Date, or the Plaintiff may give such a Description of his Claim as in a Particular of Demand, so as to prevent the Necessity of an Application for further Particulars.]*

*Or,*

£50 Principal and Interest due on a Bond dated the \_\_\_\_\_ Day of \_\_\_\_\_ conditioned for the Payment of 100*l.*

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*Or,*

£90 Principal and Interest due on a Covenant contained in a Deed dated the            Day of            to pay 100*l.* and Interest.

*Or,*

A Penalty of 100*l.* under the Statute 55 Geo. III. c. 137.

*Or,*

£85 on a Bill of Exchange for 100*l.*, dated the 2d February 1849, accepted *or* drawn, *or* indorsed by the Defendant.

*Or,*

£50 on a Guarantee dated the 1st of January 1850, whereby the Defendant guaranteed the due Payment by *E.F.* of Goods supplied or to be supplied to him.

[*To any of the above may be added, in Cases where Interest is payable, "the Plaintiff also claims Interest on £            of the " above Sum from the Date of the Writ until Judgment."*]

N. B.—Take notice, That if a Defendant served with this Writ within the Jurisdiction of the Court do not appear according to the Exigency thereof, the Plaintiff will be at liberty to sign final Judgment for any Sum not exceeding the Sum above claimed [with Interest at the Rate specified], and the Sum of £            for Costs, and issue Execution at the Expiration of Eight Days from the last Day for Appearance.

No. 5

In the Queen's Bench :

On the            Day of            A.D. 1850.

[*Day of signing the Judgment.*]

England } *A.B.* in his own Person [*or*, by            his Attorney]  
to wit. } sued out a Writ of Summons against *C.D.*, indorsed according to the "Common Law Procedure Act, 1852," as follows :

[*Here copy Special Indorsement.*]

And the said *C.D.* has not appeared : Therefore it is considered that the said *A.B.* recover against the said *C.D.* £            together with £            for Costs of Suit.

No. 6



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VICTORIA, by the Grace of God, &c., to *E. F.* of                      greeting.

We command you that, within Eight Days after the Service of this Writ upon you, inclusive of the Day of such Service, you appear in our Court of                      to show Cause why *A. B.* [*or C. D.*, as Executor of the last Will and Testament of the said *A. B.* deceased, *or as the Case may be,*] should not have Execution against you [*if against a Representative, here insert,* as Executor of the last Will and Testament of                      deceased, *or as the Case may be*] of a Judgment whereby the said *A. B.* [*or as the Case may be*] on the                      Day of                      in the said Court recovered against you [*or as the Case may be*] £                      ; and take notice, that in default of your so doing the said *A. B.* [*or as the Case may be*] may proceed to Execution.

Witness, &c.

No. 10

In the Queen's Bench :

The                      Day of                      in the Year of our Lord 18                      .  
[*The Day of lodging Note of Error.*]

*A. B.* and *C. D.*

The Plaintiff [*or Defendant*] says that there is Error in Law in the Record and Proceedings in this Action; and the Defendant [*or Plaintiff*] says that there is no Error therein.

(Signed)                      *A. B.*, Plaintiff.  
[*or C. D.*, Defendant.]  
[*or E. F.*, Attorney for Plaintiff *or Defendant.*]

No. 11

The                      Day of                      in the Year of our Lord 18                      .  
[*The Day of making the Entry on the Roll.*]

The Plaintiff [*or Defendant*] says that there is Error in the above Record and Proceedings, and the Defendant [*or Plaintiff*] says there is no Error therein.

No. 12

In the Queen's Bench :

The                      Day of                      in the Year of our Lord 18                      .  
[*The Day of lodging Note of Error.*]

*A. B.* and *C. D.* in Error.

The Plaintiff [*or Defendant*] says that there is Error in Fact in the Record and Proceedings in this Action, in the Particulars specified in the Affidavit hereunto annexed.

(Signed)                      *A. B.*, Plaintiff.  
[*or C. D.*, Defendant.]  
[*or E. F.*, Attorney for Plaintiff] [*or Defendant*].

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No. 13 EJECTMENT. Form of Writ

VICTORIA, &c., to X., Y., Z., and all Persons entitled to defend the Possession of [describe the Property with reasonable Certainty] in the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ to the Possession whereof A., B., and C., some or One of them, claim to be [or to have been on and since the \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_] entitled, and to eject all other Persons therefrom: These are to will and command you, or such of you as deny the alleged Title, within Sixteen Days after Service hereof, to appear in Our Court of \_\_\_\_\_ to defend the said Property, or such Part thereof as you may be advised; in default whereof Judgment may be signed, and you turned out of Possession.

Witness, &c.

No. 14 Judgment in Ejectment in case of Non-appearance

In the Queen's Bench:

The \_\_\_\_\_ Day of \_\_\_\_\_ 18 .  
[Date of Writ.]

Lancashire } On the Day and Year above written, a Writ of our Lady  
to wit. } the Queen issued forth of this Court in these Words;  
that is to say,

VICTORIA, by the Grace of God [here copy the Writ]; and no Appearance has been entered or Defence made to the said Writ: Therefore it is considered that the said [here insert the Names of the Persons in whom Title is alleged in the Writ] do recover Possession of the Land in the said Writ mentioned, with the Appurtenances.

No. 15

In the Queen's Bench:

On the \_\_\_\_\_ Day of \_\_\_\_\_ A.D. 18 .

Cumberland } On the Day and Year above written, a Writ of our Lady  
to wit. } the Queen issued forth of this Court, in these Words;  
that is to say,

VICTORIA, by the Grace of God [here copy the Writ]; and C.D. has, on the \_\_\_\_\_ Day of \_\_\_\_\_ appeared by his Attorney [or in Person] to the said Writ, and has defended for a Part of the Land in the Writ mentioned; that is to say [here state the Part], and no Appearance has been entered or Defence made to the said Writ, except as to the said Part: Therefore it is considered that the said A.B. [the Claimant] do recover Possession of the Land in the said Writ mentioned, except the said Part, with the Appurtenances, and that he have Execution thereof forthwith; and as to the rest, let a Jury come, &c.

No. 16

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In the Queen's Bench :

On the                      Day of                      A.D. 18 .

Cumberland } On the Day and Year above written, a Writ of our Lady  
to wit        } the Queen issued forth of this Court, in these Words ;  
that is to say,

VICTORIA, by the Grace of God [*here copy the Writ*] ; and C.D.  
has, on the                      Day of                      appeared by  
his Attorney [*or in Person*], to the said Writ, and defended for the  
whole of the Land therein mentioned : Therefore let a Jury come,  
&c.

No. 17

Afterwards on the                      Day of                      A.D.  
before                      and                      Justices of our Lady the Queen  
assigned to take the Assizes in and for the within County, come the  
Parties within mentioned ; and a Jury of the said County being  
sworn to try the Matters in question between the said Parties, upon  
their Oath say, that A.B. [*the Claimant*] within mentioned, on  
the                      Day of                      A.D.                      was.  
and still is, entitled to the Possession of the Land within mentioned,  
as in the Writ alleged : Therefore, &c.

No. 18

In the Queen's Bench :

On the                      Day of                      18 .

[*Date of Writ.*]

Lancashire } On the Day and Year above written, a Writ of our Lady  
to wit        } the Queen issued forth of this Court, in these Words ;  
that is to say,

VICTORIA, by the Grace of God [*here copy the Writ*] ; and C.D.  
has, on the                      Day of                      appeared by  
his Attorney [*or in Person*] to the said Writ, and A.B. has discon-  
tinued the Action : Therefore it is considered that the said C.D. be  
acquitted, and that he recover against the said A.B. £  
for his Cost of Defence.

No. 19



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In the Queen's Bench :

The                      Day of                      18 .

[*Date of Writ.*]

Lancashire } On the Day and Year above written, a Writ of our Lady  
to wit.     } the Queen issued forth of this Court, in these Words ;  
that is to say,

VICTORIA, by the Grace of God [*here copy the Writ*] ; and *C.D.*  
has, on the                      Day of                      appeared by  
his Attorney [*or in Person*] to the said Writ, and *A.B.* has failed to  
proceed to Trial, although duly required so to do : Therefore it is  
considered that the said *C.D.* be acquitted, and that he recover  
against the said *A.B.* £    for his Costs of Defence.

No. 20

In the Queen's Bench :

The                      Day of                      18 .

[*Date of Writ.*]

Lancashire } On the Day and Year above written, a Writ of our Lady  
to wit.     } the Queen issued forth of this Court, in these Words ;  
that is to say,

VICTORIA, by the Grace of God [*here copy the Writ*] ; and *C.D.*  
has, on the                      Day of                      appeared by  
his Attorney [*or in Person*] to the said Writ, and the said *C.D.* has  
confessed the said Action [*or has confessed the said Action as to  
Part of the said Land, that is to say, here state the Part*] : Therefore  
it is considered that the said *A.B.* do recover Possession of the Land  
in the said Writ mentioned [*or of the said Part of the said Land*],  
with the Appurtenances, and £    for Costs.

No. 21

