



Common Law Procedure Act 1852

1852 CHAPTER 76

Judgment by Default, and ascertaining Amount to be recovered

And with respect to Judgment by Default, and the Mode of ascertaining the Amount to be recovered thereupon, be it enacted as follows:
Rule to compute abolished.

XCII No Rule to compute shall be necessary or used; but nothing in this Act contained shall invalidate any Proceedings already taken or to be taken by reason of any Rule to compute made, or applied for, before the Commencement of this Act.

Judgment by Default for liquidated Demands final.

XCIII In Actions where the Plaintiff seeks to recover a Debt or liquidated Demand in Money, Judgment by Default shall be final.

Inquiry of Damages may be directed to take place before the Master.

XCIV In Actions in which it shall appear to the Court or a Judge that the Amount of Damages sought to be recovered by the Plaintiff is substantially a Matter of Calculation, it shall not be necessary to issue a Writ of Inquiry, but the Court or a Judge may direct that the Amount, for which final Judgment is to be signed, shall be ascertained by One of the Masters of the said Court; and the Attendance of Witnesses and the Production of Documents before such Master may be compelled by Subpoena, in the same Manner as before a Jury upon a Writ of Inquiry; and it shall be lawful for such Master to adjourn the Inquiry from Time to Time, as Occasion may require; and the Master shall indorse upon the Rule or Order for referring the Amount of Damages to him, the Amount found by him, and shall deliver the Rule or Order, with such Indorsement, to the Plaintiff; and such and the like Proceedings may thereupon be had as to Taxation of Costs, signing Judgment, and otherwise, as upon the Finding of a Jury upon a Writ of Inquiry.

Judgment for Money Demands without Distinction between Debt and Damages.

XCV In all Actions where the Plaintiff recovers a Sum of Money, the Amount to which he is entitled may be awarded to him by the Judgment generally, without any Distinction being therein made as to whether such Sum is recovered by way of a Debt or Damages.

Saving as to certain Provisions of 8 & 9 W.3 c.11.

XCVI Nothing in this Act contained shall in any way affect the Provisions of a certain Act of Parliament passed in the Session of Parliament holden in the Eighth and Ninth

Status: This is the original version (as it was originally enacted).

Years of the Reign of His Majesty King William the Third, intituled An Act for the better preventing frivolous and vexatious Suits, as to the Assignment or Suggestion of Breaches, or as to Judgment for a Penalty as a Security for Damages in respect of further Breaches.