



# Common Law Procedure Act 1854

## CHAPTER 125

### COMMON LAW PROCEDURE ACT 1854

- I Judge may, by Consent, try Questions, of Fact.
- II Two Judges may sit at same Time for Trial of Causes pending in the same Court.
- III Power to Court or Judge to direct Arbitration before Trial.
- IV Special Case may be stated, and Question of Fact tried.
- V Arbitrator may state Special Case.
- VI Power to Judge to direct Arbitration at Time of Trial, when Issues of Fact left to his Decision.
- VII Proceedings before and Power of such Arbitrator.
- VIII Power to send back to Arbitrator.
- IX Application to set aside the Award.
- X Enforcing of Awards within Period for setting them aside.
- XI If Action commenced by One Party after all have agreed to Arbitration, Court or Judge may stay Proceedings.
- XII On Failure of Parties or Arbitrators, Judge may appoint single Arbitrator or Umpire.
- XIII When Reference is to Two Arbitrators and One Party fail to appoint, other Party may appoint Arbitrator to act alone.
- XIV Two Arbitrators may appoint Umpire.
- XV Award to be made in Three Months, unless Parties or Court enlarge Time.
- XVI Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment.
- XVII Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear.
- XVIII Speeches to the Jury.
- XIX Power to adjourn Trial.
- XX Affirmation instead of Oath in certain Cases.

- XXI Persons making a false Affirmation, be subject to the same Punishment as for Perjury.
- XXII How far a Party may accredit his own Witness.
- XXIII Proof of contradictory Statements of adverse Witness.
- XXIV Cross-examination as to previous Statements in Writing.
- XXV Proof of previous Conviction of a Witness may fee given.
- XXVI Attesting Witness need not be called, except in certain Cases.
- XXVII Comparison of disputed Writing.
- XXVIII Provision for stamping Documents at the Trial.
- XXIX Officer of the Court to receive the Duty and Penalty.
- XXX No Document under this Act to require a Stamp.
- XXXI No new Trial for ruling as to Stamp.
- XXXII Error may be brought on a Special Case.
- XXXIII Grounds to be stated in Rule Nisi for New Trial.
- XXXIV If Rule Nisi refused, Party may appeal.
- XXXV Appeal upon Rule discharged or absolute.
- XXXVI Courts of Error to be Courts of Appeal.
- XXXVII Notice of Appeal.
- XXXVIII Bail.
- XXXIX Form of Appeal.
- XL Rule Nisi granted on Appeal, how disposed of.
- XLI The Court of Appeal shall give such Judgment as ought...
- XLII Powers of Court of Appeal as to Costs and otherwise.
- XLIII Error upon Award of Trial de novo.
- XLIV Payment of Costs upon new Trial on Matter of Fact.
- XLV Affidavits on new Matter.
- XLVI Power to Court or Judge to direct oral Examinations of Witnesses.
- XLVII Proceedings before and upon such Examination.
- XLVIII Examination of Person who refuses to make an Affidavit.
- XLIX Proceedings upon Order for Examination.
- L Discovery of Documents.
- LI Power to deliver written Interrogatories to opposite Party.
- LII Affidavits by Party proposing to interrogate, and his Attorney.
- LIII Oral Examination of Parties, when to be allowed.
- LIV Proceedings upon such Rule or Order.
- LV Depositions upon such Examinations to be returned to Master's Office.
- LVI Examiner may make port to the Court.
- LVII Costs of Rule and Examination to be in the Discretion of the Court.
- LVIII Inspection by Jury, of Parties, or Witnesses.
- LIX Rule or Order for summoning Jury.
- LX Examination of Judgment Debtor as to Debts due to him.
- LXI Judge may order an Attachment of Debts.
- LXII Order for Attachment to bind Debts.
- LXIII Proceedings to levy Amount due from Garnishee to Judgment Debtor.
- LXIV Judge may allow Judgment Creditor to sue Garnishee.
- LXV Garnishee discharged.
- LXVI Attachment Book to be kept by the Masters of each Court.
- LXVII Costs of Application.
- LXVIII Action for Mandamus to enforce the Performance of Duties.
- LXIX Declaration in Action for Mandamus.
- LXX Proceedings upon Claim for Mandamus.
- LXXI Judgment and Execution.
- LXXII Form of peremptory Writ.

- LXXXIII Effect of Writ of Mandamus, and Proceedings to enforce it.
- LXXXIV The Court may order the Act to be done at the Expense of the Defendant.
- LXXXV Prerogative Writ of Mandamus preserved.
- LXXXVI Proceedings for Prerogative Writ of Mandamus accelerated.
- LXXXVII Proceedings on Prerogative Writ of Mandamus.
- LXXXVIII Specific Delivery of Chattels.
- LXXXIX Claim of Writ of Injunction.
- LXXX Form of Writ of Summons and Endorsement thereon.
- LXXXI Form of Proceedings and of Judgment.
- LXXXII Writ of Injunction may be applied for at any Stage of the Cause.
- LXXXIII Equitable Defence may be pleaded.
- LXXXIV Equitable Defence after Judgment.
- LXXXV Equitable Replication.
- LXXXVI Court or Judge may strike out equitable Plea or Replication.
- LXXXVII Actions on lost Instruments.
- LXXXVIII Jurisdiction under Shipowners Act.
- LXXXIX False Evidence.
- XC Execution to fix Bail.
- XCI Scire facias on Judgment of Assets in future
- XCII To compel Continuance or Abandonment of Action in case of Death.
- XCIII Claimant in Second Ejectment for same Premises against same Defendant may be ordered to give Security for Costs.
- XCIV As to Writs of Execution issued before 24th October 1852.
- XCV Courts may appoint Sitings.
- XCVI Amendments.
- XCVII General Rules may be made by the Judges.
- XCVIII New Forms of Writs and other Proceedings.
- XCIX Interpretation of Terms.
- C Provisions relating to Superior Courts to apply to Court of Common Pleas at Lancaster and Court of Pleas at Durham.
- CI Provisions as to Masters of Superior Courts to apply to Prothonotaries of Palatinate Courts.
- CII Court of Queen's Bench to be the Court of Appeal from Palatinate Courts.
- CIII Enactments in ss.19 to 32 to apply to every Civil Court of Judicature in England and Ireland.
- CIV Commencement of Act.
- CV Her Majesty may direct all or Part of this Act to extend to any Court of Record.
- CVI Short Title of Act.
- CVII Act not to extend to Ireland or Scotland.