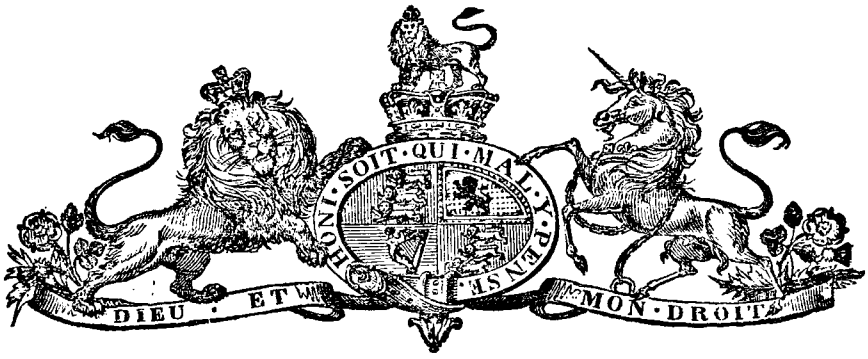


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. CXLII.

An Act to amend the Acts relating to the Jurisdiction of the County Courts.

[20th *August* 1867.]

WHEREAS it is desirable to amend the Acts relating to the Jurisdiction of the County Courts:

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:

Where Summons may issue.

1. A Plaint may be entered in the County Court within the District of which the Defendant or One of the Defendants shall dwell or carry on his Business at the Time of bringing the Action or Suit, or it may be entered, by Leave of the Judge or Registrar, in the County Court within the District of which the Defendant or One of the Defendants dwelt or carried on Business, at any Time within Six Calendar Months next before the Time of Action or Suit brought, or, with the like Leave, in the County Court in the District of which the Cause of Action or Suit wholly or in part arose.

In certain Actions in County Courts Plaintiff may issue Summons, and if De-

2. In any Action brought in a County Court for the Price or Value of Goods or Chattels which or some Part of which were sold and delivered to the Defendant to be dealt with in the way of his Trade, Profession, or Calling, the Plaintiff may, at his Option, cause

fendant shall not give Notice of Intention to defend, Judgment may be entered up.

cause to be issued a Summons in the ordinary Form, or (upon filing an Affidavit to the Effect set forth in the Form given in Schedule (A.) to this Act) in the Form contained in the Schedule (B.) to this Act, and if such last-mentioned Summons be issued it shall be personally served on the Defendant by the Bailiff of the Court, or, at the Option of the Plaintiff, by the Plaintiff, his Attorney, or by some Clerk or Servant in the permanent Employ of the Plaintiff or his Attorney, Twelve clear Days at the least before the Return Day thereof, and then if the Defendant shall not, at least Six clear Days before such Return Day, give Notice in Writing, signed by himself, his Attorney or Agent, to the Registrar of the Court from which the Summons issued, of his Intention to defend, the Plaintiff may, within Two Months after such Return Day, without giving any Proof of his Claim, have, upon Proof by Affidavit of the Service of the Summons, Judgment entered up against the Defendant for the Amount of his Claim and Costs, such Costs to be taxed by the Registrar; and the Order upon such Judgment shall be for Payment forthwith, or at such Time or Times, and by such Instalments, if any, as the Plaintiff or his Attorney or Agent shall in Writing have consented to take at the Time of the Entry of the Plaint: Provided that where the Defendant shall give such Notice as above specified, the Action shall be heard in the ordinary Course; but in any Event the Registrar shall, immediately after the last Day for giving such Notice, send a Letter to the Plaintiff by Post, stating therein whether the Defendant has or has not given Notice of his Intention to defend.

Proceedings commenced in a Metropolitan County Court to be continued therein if Defendant resides in the Districts of One of such Courts.

3. Where an Action is brought in any of the County Courts mentioned in the Section numbered Eighteen of the Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter One hundred and eight, all subsequent Proceedings in such Action shall be taken and had in such Court if the Party against whom the Proceeding is taken or had shall reside or carry on Business within the District of any of such Courts or within the City of *London*. An Action may be commenced, and all subsequent Proceedings taken and had, in the Court held under the Provisions of "The *London* (City) Small Debts Extension Act, 1852," by a Plaintiff residing or carrying on Business within the City of *London*, against a Defendant who resides or carries on Business within the District of any of such Courts; and an Action may be commenced, and all subsequent Proceedings taken and had, in any of such County Courts by a Plaintiff residing or carrying on Business within the District of any such County Court, against a Defendant who resides or carries on Business within the City of *London*.

4. No

No Action for Beer, &c. consumed on the Premises to be brought.

4. No Action shall henceforth be brought or be maintainable in any Court to recover any Debt or Sum of Money alleged to be due in respect of the Sale of any Ale, Porter, Beer, Cider, or Perry which after the Commencement of this Act was consumed on the Premises where sold or supplied, or in respect of any Money or Goods lent or supplied, or of any Security given, for, in, or towards the obtaining of any such Ale, Porter, Beer, Cider, or Perry.

Costs not recoverable in Superior Courts where less than 20*l.* on Contract or 10*l.* on Tort.

5. If in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record the Plaintiff shall recover a Sum not exceeding Twenty Pounds if the Action is founded on Contract, or Ten Pounds if founded on Tort, whether by Verdict, Judgment by Default, or on Demurrer, or otherwise, he shall not be entitled to any Costs of Suit unless the Judge certify on the Record that there was sufficient Reason for bringing such Action in such Superior Court, or unless the Court or a Judge at Chambers shall by Rule or Order allow such Costs.

Repeal of s. 17. of 3 & 4 W. 4. c. 42. authorizing the Trial of Issues before a Sheriff where Sum claimed does not exceed 20*l.*

6. The Section numbered Seventeen of the Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Forty-two, which enables a Superior Court, or a Judge thereof, to direct Issues to be tried before a Sheriff or a Judge of an inferior Court of Record where the Sum sought to be recovered does not exceed Twenty Pounds, and the Court or Judge is satisfied that the Trial will not involve any difficult Question of Fact or Law, shall be and the same is hereby repealed.

In certain Cases Judge of Superior Courts may order Cause to be tried in County Court.

7. Where in any Action of Contract brought or commenced in any of Her Majesty's Superior Courts of Common Law the Claim endorsed on the Writ does not exceed Fifty Pounds, or where such Claim, though it originally exceeded Fifty Pounds, is reduced by Payment, an admitted Set-off, or otherwise, to a Sum not exceeding Fifty Pounds, it shall be lawful for the Defendant in the Action, within Eight Days from the Day upon which the Writ shall have been served upon him, if the whole or Part of the Demand of the Plaintiff be contested, to apply to a Judge at Chambers for a Summons to the Plaintiff to show Cause why such Action should not be tried in the County Court or One of the County Courts in which the Action might have been commenced; and on the Hearing of such Summons the Judge shall, unless there be good Cause to the contrary, order such Action to be tried accordingly, and thereupon the Plaintiff shall lodge the original Writ and the Order with the Registrar of the County Court mentioned in the Order, who shall appoint a Day for the Hearing of the Cause, Notice whereof shall

shall be sent by Post or otherwise by the Registrar to both Parties or their Attorneys, and the Cause and all Proceedings therein shall be heard and taken in such County Court as if the Action had been originally commenced in such County Court; and the Costs of the Parties in respect of Proceedings subsequent to the Order of the Judge of the Superior Court shall be allowed according to the Scale of Costs in use in the County Courts, and the Costs of the Proceedings previously had in the Superior Court shall be allowed according to the Scale in use in such latter Court.

Proceedings in Equity may be transferred to County Courts which might have commenced therein.

8. Where any Suit or Proceeding shall be pending in the High Court of Chancery, which Suit or Proceeding might have been commenced in a County Court, it shall be lawful for any of the Parties thereto to apply at Chambers to the Judge to whose Court the said Suit or Proceeding shall be attached to have the same transferred to the County Court or One of the County Courts in which the same might have been commenced, and such Judge shall have Power upon such Application, or without such Application, if he shall see fit, to make an Order for such Transfer, and thereupon such Suit or Proceeding shall be carried on in the County Court to which the same shall be ordered to be transferred, and the Parties thereto shall have the same Right of Appeal that they would have had had the Suit or Proceeding been commenced in the County Court.

Suits in which Jurisdiction under 28 & 29 Vict. c. 99. may be exercised.

9. The Jurisdiction which is given by the Act passed in the Session holden in the Twenty-eighth and Twenty-ninth Years of the Reign of Her Majesty, intituled *An Act to confer on the County Courts a limited Jurisdiction in Equity*, so far as relates to Cases coming within the Fourth Head of the First Section of the said Act, may, from and after the passing of this Act, be exercised in all Suits for specific Performance of or for the reforming, delivering up, or cancelling of any Agreement for the Sale, Purchase, or Lease of any Property where, in the Case of a Sale or Purchase, the Purchase Money, or in case of a Lease the Value of the Property, shall not exceed Five hundred Pounds.

Actions for Malicious Prosecution, &c. brought in Superior Courts may be remitted to County Court by Judge.

10. It shall be lawful for any Person against whom an Action for malicious Prosecution, illegal Arrest, illegal Distress, Assault, false Imprisonment, Libel, Slander, Seduction, or other Action of Tort may be brought in a Superior Court to make an Affidavit that the Plaintiff has no visible Means of paying the Costs of the Defendant should a Verdict be not found for the Plaintiff, and thereupon a Judge of the Court in which the Action is brought shall have Power to make an Order that unless the Plaintiff shall, within a Time to be therein mentioned,

mentioned, give full Security for the Defendant's Costs to the Satisfaction of One of the Masters of the said Court, or satisfy the Judge that he has a Cause of Action fit to be prosecuted in the Superior Court, all Proceedings in the Action shall be stayed, or in the event of the Plaintiff being unable or unwilling to give such Security, or failing to satisfy the Judge as aforesaid, that the Cause be remitted for Trial before a County Court to be therein named; and thereupon the Plaintiff shall lodge the original Writ and the Order with the Registrar of such County Court, who shall appoint a Day for the Hearing of the Cause, Notice whereof shall be sent by Post or otherwise by the Registrar to both Parties or their Attorneys; and the County Court so named shall have all the same Powers and Jurisdiction with respect to the Cause as if both Parties had agreed, by a Memorandum signed by them, that the said County Court should have Power to try the said Action, and the same had been commenced by Plaint in the said County Court; and the Costs of the Parties in respect of the Proceedings subsequent to the Order of the Judge of the Superior Court shall be allowed according to the Scale of Costs in use in the County Courts, and the Costs of the Proceedings in the Superior Court shall be allowed according to the Scale in use in such latter Court.

Action of Ejectment may be brought where annual Value of Property does not exceed 20*l.*

11. All Actions of Ejectment where neither the Value of the Lands, Tenements, or Hereditaments, nor the Rent payable in respect thereof, shall exceed the Sum of Twenty Pounds by the Year, may be brought and prosecuted in the County Court of the District in which the Lands, Tenements, or Hereditaments are situate.

Court may try Cases where Title comes in question where neither Value nor Rent of Property exceeds 20*l.*

12. The County Courts shall have Jurisdiction to try any Action in which the Title to any corporeal or incorporeal Hereditaments shall come in question where neither the Value of the Lands, Tenements, or Hereditaments in dispute, nor the Rent payable in respect thereof, shall exceed the Sum of Twenty Pounds by the Year, or in case of an Easement or Licence where neither the Value nor reserved Rent of the Lands, Tenements, or Hereditaments in respect of which the Easement or Licence is claimed, or on, through, over, or under which such Easement or Licence is claimed, shall exceed the Sum of Twenty Pounds by the Year: Provided that the Defendant in any such Action of Ejectment, or his Landlord, may, within One Month from the Day of Service of the Writ, apply to a Judge at Chambers for a Summons to the Plaintiff to show Cause why such Action should not be tried in One of the Superior Courts on the Ground that the Title to Lands or Hereditaments of greater annual Value than Twenty Pounds would be affected by the Decision in

such Action; and on the Hearing of such Summons the Judge, if satisfied that the Title to other Lands would be so affected, may order such Action to be tried in One of the Superior Courts, and thereupon all Proceedings in the County Court in such Action shall be discontinued.

Appeal in Actions of Ejectment and in Actions where Title comes in question, and by Leave of the Judge, allowed in all Actions in which it is not now allowed.

13. An Appeal from the Decision of a County Court on the same Grounds and subject to the same Conditions as are provided by Section Fourteen of the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-one, shall be allowed in all Actions of Ejectment, and in all Actions in which the Title to any corporeal or incorporeal Hereditament shall have come in question, and, with the Leave of the Judge, an Appeal shall be allowed in Actions in which an Appeal is not now allowed, if the Judge shall think it reasonable and proper that such Appeal should be allowed.

Court may award Costs where Cause is struck out for Want of Jurisdiction.

14. Whenever an Action or Suit is brought in a County Court which the Court has no Jurisdiction to try, the Judge shall order the Cause to be struck out, and shall, unless the Parties consent to the Court having Jurisdiction to try the same, have Power to award Costs in the same Manner, to the same Extent, and recoverable in the same Manner, as if the Court had Jurisdiction in the Matter of such Plaint, and the Plaintiff had not appeared, or had appeared and failed to prove his Demand.

Scale of Costs to be framed by the Judges.

15. The Judges of County Courts appointed or to be appointed by the Lord Chancellor from Time to Time to frame Rules and Orders for regulating the Practice of the Courts and Forms of Proceeding therein under the Thirty-second Section of "The County Courts Act, 1856," shall be empowered to frame a Scale of Costs and Charges to be paid to Counsel and Attorneys with respect to all Proceedings which are herein authorized to be taken, or with respect to Proceedings in Plaints for the Recovery of Tenements, or in Actions of Replevin, and from Time to Time to amend such Scale; and such Scale or amended Scale, certified under the Hands of such Judges, or any Three or more of them, shall be submitted to the Lord Chancellor, who from Time to Time may allow or disallow or alter the same, and the Scale or amended Scale so allowed or altered shall, from a Day to be named by the Lord Chancellor, be in force in every County Court.

Proceedings where Defendant does not appear.

16. If in any Action founded on Contract a Defendant shall not appear at the Hearing, either in Person or by some Person duly authorized on his Behalf, and no sufficient Excuse for the Defendant's Absence

Absence shall be shown, the Registrar may, by Leave of the Judge, upon due Proof of the Service of the Summons and of the Debt being due and owing, enter up Judgment for the Plaintiff, and have the same Power to make an Order for Payment by Instalments, or to enter up Judgment of Nonsuit, or to strike out or adjourn the Cause, as the Judge of the County Court has; and such Judgment shall be as valid as if both Parties had attended the Court; but the Judgment, and any Execution thereon, may be set aside, and a new Trial granted, upon such Terms, if any, as the Judge may think fit to require.

Where Defendant appears and admits the Claim.

17. Where a Defendant appearing at the Hearing either in Person or by some Person duly authorized to appear for him admits the Claim, the Registrar may, by Leave of the Judge, settle the Terms and Conditions upon which it is to be paid, and enter up Judgment accordingly as a Judgment of the Court.

Approval of Commissioners of the Treasury substituted for Approval of a Secretary of State in Sections 48 and 50 of 9 & 10 Vict. c. 95.

18. Wherever in Sections Forty-eight and Fifty of an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, the Words "One of Her Majesty's Principal Secretaries of State" occur, the Words "the Commissioners of Her Majesty's Treasury" shall be read in lieu thereof; and all the Powers therein given to One of Her Majesty's Principal Secretaries of State shall hereafter be in the Commissioners of Her Majesty's Treasury, and shall be exercised by them; and all Papers and Documents relating to the County Courts in the Custody of any such Secretary of State shall be transferred into the Custody of the said Commissioners.

Lord Chancellor to exercise Power given to a Secretary of State by s. 56 of 9 & 10 Vict. c. 95.

19. Wherever in Section Fifty-six of an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, the Words "One of Her Majesty's Principal Secretaries of State" occur, the Words "the Lord Chancellor" shall be read in lieu thereof, and the Power to be therein exercised by One of Her Majesty's Principal Secretaries of State shall hereafter be in the Lord Chancellor, and shall be exercised by him.

Judges to be auxiliary to one another, and Deputy of Judge or Registrar to have all the Powers of his Principal.

20. Any Judge of County Courts shall be capable of acting for any other Judge of County Courts in or without the Districts presided over by such Judge, and the Deputy of a Judge of County Courts or Registrar, duly appointed, shall have all the Powers and Privileges and perform all the Duties of the Judge or Registrar for whom he shall have been so appointed which have been given or shall be given to such Judge or Registrar by any Act passed or to be

be passed, anything to the contrary notwithstanding; and where, in the Absence of a Judge, a Deputy of such Judge shall, from Illness or otherwise, be incapable of performing his Duties as such Deputy, it shall be lawful for the Lord Chancellor to appoint another Person, duly qualified, to be the Deputy of such Judge.

Registrars who may act as High Bailiffs under 29 & 30 Vict. c. 14. to have the Powers of the Officer whom they succeed.

21. Every Registrar who may be invested with the Powers and Authorities of a High Bailiff under the Provisions of "The County Courts Act, 1866," shall also be invested with the Powers and Authorities possessed by the High Bailiff to the Performance of whose Duties he may succeed.

Bailiffs to serve any Process directed to be served by High Bailiff.

22. Every Bailiff duly appointed by a High Bailiff or a Registrar may serve or execute any Process which by any Act passed or to be passed is directed to be served or executed by a High Bailiff, unless otherwise specially provided against therein.

On Death of a joint Registrar Survivor to be sole Registrar.

23. Upon the Death, Resignation, or Removal of any Person being joint Registrar with another of a County Court, no other Person shall be appointed to such Office of Registrar, jointly or otherwise, until both the Persons holding the joint Office shall have died, been removed, or resigned, unless the Lord Chancellor shall otherwise order.

Trustees may pay Trust Monies or transfer Stock and Securities into the Court.

24. Any Monies, Annuities, Stocks, or Securities vested in any Persons as Trustees, Executors, Administrators, or otherwise, upon Trusts within the Meaning of an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Ninety-six, "for better securing "Trust Funds, and for the Relief of Trustees," where the same does not exceed in Amount or Value the Sum of Five hundred Pounds, upon the filing by such Trustees or other Persons, or the major Part of them, to or with the Registrar of the County Court within the District of which such Persons or any of them shall reside, an Affidavit shortly describing the Instrument creating the Trust according to the best of their Knowledge, may in the Case of Money be paid into a Post Office Savings Bank established in the Town in which the County Court is held in the Name of the Registrar of such Court, in trust to attend the Orders of the Court, and upon such Persons filing with the Registrar the Receipt or other Document given to them by the Officer of the said Bank the Registrar shall record the same, and give to them an Acknowledgment in such Form as may be directed by any Rule of Practice, which Acknowledgment shall be a sufficient Discharge to such Persons for the Money so paid, and in the Case of Stocks

or

or Securities may be transferred or deposited into or in the Names of the Treasurer and Registrars of such Court, in trust to attend the Orders of the Court, and the Certificate of the proper Officer of the Transfer or Deposit of such Stocks or Securities shall be a sufficient Discharge to such Persons for the Stocks or Securities so transferred or deposited; provided that where there is not a Treasurer a Person shall be nominated by Rule of Practice to whom the Transfer or Deposit in conjunction with the Registrar may be made.

Extension of Powers given by 12 & 13 Vict. c. 74. to Court of Chancery to County Courts.

25. For the Purposes of the last Section all the Powers and Authorities given to the Court of Chancery by the Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Seventy-four, "for the further Relief of Trustees," shall be possessed and exercised by the County Courts, and any Order made by virtue of such Powers and Authorities shall fully protect and indemnify all Persons acting under or in pursuance of such Order.

Monies paid into a County Court in Equitable Proceedings may be invested in a Post Office Savings Bank.

26. Any Money paid into a County Court in Equitable Proceedings shall, unless otherwise ordered by the Court, be invested by the Registrar of the Court in his Name as Registrar, within Forty-eight Hours of its Payment into Court, in a Post Office Savings Bank established in the Town in which the Court is held, without Restriction as to Amount, and without the Declaration required of a Depositor in a Savings Bank; and no Part of any Money invested in a Post Office Savings Bank under this Act shall be paid out to any Registrar, except upon an Authority addressed to the Postmaster General by the Commissioners of Her Majesty's Treasury.

Proceedings in Equity may be commenced by Summons.

27. Any Proceeding taken in the County Courts under "The County Courts Act, 1865," conferring an equitable Jurisdiction on such Courts, may, if so directed by Rules and Orders to be made under such Act, be commenced by Summons.

No Action or Suit to be commenced in any Hundred or other inferior Court.

Power to certain Persons to make Claim to Compensation.

28. From and after the passing of this Act no Action or Suit which can now be brought in any County Court shall henceforth be commenced or be maintainable in any Hundred or other inferior Court not being a Court of Record; and every Person who is legally entitled to any Franchise or Office in or in respect of any of the said Courts, the Value of which shall be diminished or taken away by the Operation of this Act, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Twelve Months after the passing of this Act; and

the said Commissioners, in such Manner as they shall think fit, may inquire what was the Nature of the Franchise or Office, and what was the Tenure thereof, and what were the lawful Fees and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners in each Case shall award such Compensation as they shall think just, upon consideration of the special Circumstances of each Case: Provided that if any Person so compensated accepts any public Employment, he shall, during the Continuance of such Employment, receive only so much (if any) of Compensation as, with the Remuneration for that Employment, will equal such Compensation; and the several Compensations herein-before granted shall be paid out of Monies to be voted by Parliament, and the Commissioners of Her Majesty's Treasury of the said United Kingdom are hereby authorized to pay the same accordingly.

Where Action unnecessarily brought in an inferior Court, only County Court Costs to be allowed.

29. Where any Action or Suit shall be brought in any other Court than the Superior Courts of Law which could have been brought in a County Court, and the Verdict recovered is for a less Sum than Ten Pounds, the Plaintiff shall not recover from the Defendant a greater Amount of Costs than he would have been allowed if the Action or Suit had been brought in such County Court, unless the Judge shall certify that the Action or Suit was a fit one to be brought in such other Court.

Remuneration of Registrars and High Bailiffs in Matters under this Act.

30. The Registrars and High Bailiffs of the County Courts shall be remunerated for the Duties to be performed by them under the Jurisdiction given to the Courts by this Act, by receiving for their own Use such Fees as may be from Time to Time authorized to be taken by any Orders to be made by the Commissioners of the Treasury, with the Consent of the Lord Chancellor; and the Commissioners of the Treasury are hereby authorized and empowered, with such Consent as aforesaid, from Time to Time to make such Orders: Provided that it shall be lawful for the said Commissioners, with the like Consent as aforesaid, to order that the Registrars and High Bailiffs shall, in lieu of receiving such Fees, be paid such fixed or fluctuating Allowances as may in each Case be thought just; and from and after a Day to be named in the Order the said Fees shall be accounted for and paid over by such Officers in such Manner as may be therein directed.

High Bailiff may interplead where Claims as to Goods taken in Execution are made.

31. If any Claim shall be made to or in respect of any Goods or Chattels taken in Execution under the Process of a County Court, or in respect of the Proceeds or Value thereof, by any Person, it shall be lawful for the Registrar of the Court, upon Application of the High Bailiff, as well before as after any Action brought against him,

him, to issue a Summons calling before the said Court as well the Party issuing such Process as the Party making such Claim, and the Judge of the Court shall adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit, and shall also adjudicate between such Parties, or either of them, and the High Bailiff, with respect to any Damage or Claim of or to Damages arising or capable of arising out of the Execution of such Process by the High Bailiff, and make such Order in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Orders shall be enforced in like Manner as any Order in any Suit brought in such Court, and shall be final and conclusive as between the Parties, and as between them, or either of them, and the High Bailiff, unless the Decision of the Court shall be in either Case appealed from, and upon the Issue of the Summons any Action which shall have been brought in any Court in respect of such Claim, or of any Damage arising out of the Execution of such Process, shall be stayed.

City of London Court.

32. The Section numbered Twenty-six in "The County Courts Act, 1856," shall extend and apply to the City of *London* Court.

Enactments in Schedule (C.) repealed.

33. The several Enactments specified in Schedule (C.) to this Act are hereby repealed.

This Act and other County Courts Acts to be construed together.

34. This Act, and the several Acts specified in Schedule (D.) to this Act, shall, except such Provisions of the same Acts respectively as are hereby repealed, be construed together as One Act, and may be respectively cited for all Purposes by the Short Titles respectively given to them in such Schedule, and this Act may be cited for all Purposes as "The County Courts Act, 1867."

Meaning of the Words "County Court" in this and future Acts, and shall include the City of London Court.

35. The Words "County Court," when used in this Act or in any future Act, shall mean a Court holden by virtue of the Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, "for the more easy Recovery of Small Debts and Demands in "*England*," and shall mean and include the Courts held by virtue of "The *London* (City) Small Debts Extension Act, 1852," unless otherwise provided, and such Courts shall be holden by the Name of "The City of *London* Court," and shall be a Court of Record, and its Decisions shall be subject to Appeal in the same Way and on the same Conditions as the Decisions of a County Court are subject for the Time being. The Rules and Orders in force for the Time being for regulating the Practice of and Costs in the County Courts, and Forms of Proceedings therein, shall be in force in "The City of *London* Court," to the Exclusion of any Rules and Orders now in

in force in that Court; and the same Fees shall be taken for Proceedings in which Jurisdiction is hereby given to the Court as upon similar Proceedings in the County Courts, and such Fees shall be applied in the same Manner as the Fees taken under the Provisions of the said Act of 1852: Provided that nothing in this Act, or in any of the Acts specified in Schedule (D.) to this Act, shall take away, lessen, or diminish any of the Powers, Rights, or Privileges of the Judge of the said Court, or the Authority of the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled in relation to such Court, or to the Judge or Officers thereof, or to the Fees taken therein, as such Powers or Authority existed previously to the passing of this Act.

Commencement of Act.

36. This Act shall come into operation on the First Day of *January* next after the passing hereof.

SCHE-

SCHEDULES.

SCHEDULE (A.)

I, *A.B.*, of, *&c.* [*or* Agent for *C.D.*] make oath and say, that *E.F.* is indebted to me [*or* to the said *C.D.*] in the Sum of for

And I further say, that the were sold and delivered to the said *E.F.* to be dealt with in the way of his Trade of a

A.B.

Sworn at, *&c.*

SCHEDULE (B.)

Summons to obtain Judgment by Default on Personal Service.

No. [*of Plaint*].

In the [*Title of Court issuing Summons*].

[*Seal.*]

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

[*Name, Description, and Address of Defendant.*]

TAKE NOTICE, That, unless at least Six clear Days before the [*Day of Appearance to Summons*] you return to the Registrar of this Court at [*Place of Office*] the Notice given below, dated and signed by yourself, or your Attorney or your Agent, you will not afterwards be allowed to make any Defence to the Claim which [*Name, Description, and Address of Plaintiff*] makes on you, as per Margin, the Particulars of which are hereunto annexed; but the Plaintiff may, without giving any Proof in support of such Claim, proceed to Judgment and Execution. If you return such Notice to the Registrar within the Time specified, you must appear at a County Court to be holden at on the Day of 186 , at the Hour of

	£	s.	d.
Claim - -	...	...	...
Fee for Plaint -	...	...	...
Attorney's Costs (where payable) -	...	...	...
Total Amount of Debts and Costs	...	...	...

of in the noon, to answer the above Claim, which will be heard on that Day.

Dated this Day of 186 .

Registrar of the Court.

See below.

Notice of Intention to defend or to object to the Jurisdiction of the Court.

No. [*of Plaint*].

In the [*Title of Court*].

A.B. v. *C.D.*

I intend to defend this Cause [*or* to object to the Jurisdiction of the Court] on the Ground or Grounds [*here state the Ground or Grounds*].

Dated this Day of 186 .

(a) Defendant.

[*To be endorsed on the Summons.*]

If you pay the Debt and Costs, as per Margin on the other Side, into the Registrar's Office, before the Day of Hearing, and without returning the Notice of Intention to defend, you will avoid further Costs.

If you do not return the Notice of Intention to defend, but allow Judgment against you by Default, you will *save Half the Hearing Fee,* and the Order upon such Judgment will be to pay the Debt and Costs forthwith [*or* by Instalments, *to be specified as in Plaintiff's written Consent*].

If you admit a Part only of the Claim, you must return the Notice of Intention to defend within the specified Time; and you may, by paying into the Registrar's Office the Amount so admitted, together with Costs proportionate to the Amount you pay in, Six clear Days before the Day of Hearing, avoid further Costs, unless the Plaintiff at the Hearing shall prove a Claim against you exceeding the Sum so paid.

If you intend to rely on a Set-off, Infancy, Coverture, a Statute of Limitations, or a Discharge under a Bankrupt or Insolvent Act, as a Defence, you must, in addition to the Notice of Intention to defend, give to the Registrar Notice of such special Defence Six clear Days before the Day of Hearing; and such last-mentioned Notice must contain the Particulars required by the Rules of the Court; and you must deliver to the Registrar as many Copies of such Notice as there are Plaintiffs, and an additional Copy for the Use of the Court. If your Defence be a Set-off, you must, with the Notice thereof, also deliver to the Registrar a Statement of the Particulars thereof. If your Defence be a Tender, you must pay into Court, before or at the Hearing, the Amount tendered.

If you give such Notice of Intention to defend within the Time specified, you may have the Case tried by a Jury, on giving Notice in Writing at the Registrar's Office, Three clear Days before the Hearing, and on Payment of Five Shillings for the Use of such Jury.

(a) Here must be signed the Name of Defendant, or of his Attorney or Agent, and in either of the last Two Cases the Words "Attorney for," or "Agent for," must be added.

Summonses for Witnesses and the Production of Documents may be obtained at the Office of the Registrar of this Court.

Hours of Attendance at the Office of the Registrar of this Court at [*Place of Office*] from Ten till Four.

This Summons must be served *personally* on the Defendant Twelve clear Days before the Day appointed for the Hearing.

SCHEDULE (C.)

Reference to Act.	Title of Act.	Extent of Repeal.
9 & 10 Vict. c. 95. -	An Act for the more easy Recovery of Small Debts and Demands in England.	The whole of the Sections numbered respectively Sixty, One hundred and eighteen, One hundred and twenty-eight, and One hundred and twenty-nine.
13 & 14 Vict. c. 61. -	An Act to extend the Act for the more easy Recovery of Small Debts and Demands in England, and to amend the same.	The whole of the Sections numbered respectively Eleven and Twelve.
15 & 16 Vict. c. 54. -	An Act further to facilitate and arrange Proceedings in the County Courts.	The whole of Section Four.
15 & 16 Vict. c. lxxvii.	An Act for the more easy Recovery of Small Debts and Demands in the City of London and Liberties thereof.	The whole of the Sections numbered respectively One hundred and eighteen, One hundred and nineteen, One hundred and twenty, One hundred and twenty-one, and One hundred and twenty-two.
19 & 20 Vict. c. 108. -	An Act to amend the Acts relating to County Courts.	The whole of the Sections numbered respectively Fifteen and Thirty.
23 & 24 Vict. c. 126. -	An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster.	The whole of Section Thirty-four.
28 & 29 Vict. c. 99. -	An Act to confer on the County Courts a limited Jurisdiction in Equity.	The Fourth Head of Suits and Matters mentioned in the First Section.

SCHEDULE (D.)

Acts.	Short Title.
9 & 10 Vict. c. 95. An Act for the more easy Recovery of Small Debts and Demands in England.	"The County Courts Act, 1846."
12 & 13 Vict. c. 101. An Act to amend the Act for the more easy Recovery of Small Debts and Demands in England, and to abolish certain inferior Courts of Record.	"The County Courts Act, 1849."
13 & 14 Vict. c. 61. An Act to extend the Act for the more easy Recovery of Small Debts and Demands in England.	"The County Courts Act, 1850."
15 & 16 Vict. c. 54. An Act further to facilitate and arrange Proceedings in the County Courts.	"The County Courts Act, 1852."
19 & 20 Vict. c. 108. An Act to amend the Acts relating to the County Courts.	"The County Courts Act, 1856."
21 & 22 Vict. c. 74. An Act for the Re-arrangement of the Districts of the County Courts among the Judges thereof.	"The County Courts Act, 1858."
22 & 23 Vict. c. 57. An Act limiting the Power of Imprisonment for Small Debts exercised by the County Court Judges.	"The County Courts Act, 1859."
28 & 29 Vict. c. 99. An Act to confer on the County Courts a limited Jurisdiction in Equity.	"The County Courts Act, 1865."
29 & 30 Vict. c. 14. An Act for the Abolition of the Offices of Treasurer and of High Bailiffs of County Courts as Vacancies shall occur, and to provide for the Payment of future Registrars of County Courts.	"The County Courts Act, 1866."

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