2. The provision by the said managers of wharves or landing places and approaches thereto, and the provision and erection of piers, floating dummies, and other necessary and proper erections, adjuncts, or conveniences in connexion with the said wharves or landing places which have been or at any time hereafter may be provided or erected, and the provision of vessels or boats for use in connexion with the said wharves or landing places and the asylums and hospital ships of the said managers which have been or at any time hereafter may be provided shall be deemed to have been and to be and shall be purposes for which the said managers have been and are authorised to borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts altering or amending the same. 30 Vict. c. 6.

CHAPTER 61.

An Act to amend the Supreme Court of Judicature Acts; and for other purposes. [14th August 1884.]

WHEREAS it is expedient to make further provision concerning the Supreme Court of Judicature, and the officers thereof, and such other matters as are herein-after mentioned:

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:

1. This Act may be cited as the Supreme Court of Judicature Act, 1884; and this Act, together with the Supreme Court of Judicature Acts, 1873 to 1879, and the Supreme Court of Judicature Act, 1881, may be cited as the Supreme Court of Judicature Acts, 1873 to 1884. Short title.

2. This Act shall come into operation on the twenty-fourth day of October one thousand eight hundred and eighty-four, which day is in this Act referred to as the commencement of this Act Commencement of Act.

3. The President for the time being of the Probate Divorce and Admiralty Division of the High Court of Justice shall have rank and precedence in the Court of Appeal next after all ordinary Judges of that Court appointed before the time at which he shall have become an ex-officio member thereof. Precedence of President of Probate, &c., Division.

4. A Divisional Court of the Queen's Bench Division of the High Court of Justice may at any time be constituted of more than two Judges if the President of the said Division, with the concurrence of not less than two other Judges thereof, shall be of opinion that it is expedient so to constitute the same. Amendment of 39 & 40 Vict. c. 39. s. 17.

5. Upon the request of the Lord Chancellor it shall be lawful for any Judge of any Division of the High Court, who may consent so to do, to sit and act for or on behalf of any other Judge of the High Court absent from illness or any other cause, or in the place of any Judge whose office has become vacant, or as an additional Judge of any Division for the purpose of hearing any causes or matters which may be assigned to him by the Lord Chancellor, or any applications therein; and while so sitting and acting any such Judge shall have all the power and authority which such other Absence, vacancies, and insufficiency in number of Judges.

Judge would have had, or which ordinarily belong to a Judge of such Division, as the case may be. Provided that no such additional Judge shall sit and act in any Division, except with the concurrence of the respective Presidents of the Division to which such Judge belongs, and of the Division in which he may have been requested to sit and act as additional Judge; and the assignment to such Judge of any causes or matters, depending in the Division in which he shall so sit and act, shall likewise not be made except with the concurrence of the President of such last-mentioned Division.

Power of one Judge to sit for another.

6. Any proceeding in any cause or matter assigned to any Judge of the High Court of Justice, may at any time, upon the request and on behalf of such Judge, be heard and disposed of by any other Judge of the same Division, who may be willing to hear and dispose of the same, without any transfer: Provided that, if any party to such proceeding shall object to the same being so heard and disposed of, the same shall not be so heard and disposed of without the concurrence of the Lord Chancellor, to be signified by an order in writing under his hand.

13 & 14 Vict. c. 25. extended to county court judges.

7. Judges of county courts shall have every qualification conferred on Her Majesty's Counsel learned in the law by the Act of the thirteenth and fourteenth Victoria, chapter twenty-five.

Appeals from referees. 36 & 37 Vict. c. 66.

8. The provisions of section forty-five of the Supreme Court of Judicature Act, 1873, as to certain appeals therein mentioned, shall extend and apply to all appeals brought after the commencement of this Act from any award or certificate of a referee or arbitrator when there has been a compulsory reference to arbitration in any cause or matter in the Queen's Bench Division of the High Court of Justice.

Judge may order trial by an Official Referee in certain cases.

9. In any cause or matter (other than a criminal proceeding by the Crown) now pending or hereafter commenced before the High Court of Justice or Court of Appeal, in which all parties who are under no disability consent thereto, the Court or a Judge may at any time, on such terms as may be thought proper, order the whole cause or matter to be tried before an Official Referee, who shall have power to direct in what manner the judgment of the Court shall be entered, and to exercise the same discretion as to costs as the Court or Judge could have exercised.

Causes which may be referred to arbitrator may be referred to Official Referee.

10. In all cases in which the Court or a Judge may, under sections three, six, or twelve of the Common Law Procedure Act, 1854, direct any matter to be ascertained by a Master or referred to an arbitrator, or to an officer of the Court, or appoint an arbitrator, such Court or Judge may direct such matter to be ascertained by or referred to an Official Referee, who shall in that case perform all such duties and exercise all such powers as would have been performed or could have been exercised by such Master, arbitrator, or officer.

Parties under agreement of reference may refer to Official Referee.

11. Whenever the parties to any deed or instrument in writing, made or executed after the commencement of this Act, or any of them, shall agree that any existing or future difference between them, or any of them, shall be referred to an Official Referee, it shall be the duty of any one of the Official Referees to whom application shall be made for the purpose, subject to any order which may be made by the Court or a Judge for the transfer of the matter to

any other Official Referee, or otherwise, to hear and determine any difference so agreed to be referred, and every such agreement shall be deemed to be an agreement to refer to arbitration within the meaning of sections eleven and seventeen of the Common Law Procedure Act, 1854.

Saving as to district registrars.

12. Nothing in this Act shall interfere with any existing provisions as to any proceedings before district registrars.

Summary applications under statutes. 18 & 19 Vict. c. 134. s. 16.

13. The provisions of section sixteen of the Act eighteen and nineteen Victoria, chapter one hundred and thirty-four, shall extend to all applications under any Act of Parliament heretofore passed, or hereafter to be passed, under or by virtue of which the High Court of Justice, or any Judge thereof, is empowered to make orders in respect of trust funds, or any other matters, upon petition presented, or motion made, in a summary way.

Execution of instruments by order of the court.

14. Where any person neglects or refuses to comply with a judgment or order directing him to execute any conveyance, contract, or other document, or to indorse any negotiable instrument, the court may, on such terms and conditions (if any) as may be just, order that such conveyance, contract, or other document shall be executed, or that such negotiable instrument shall be indorsed by such person as the Court may nominate for that purpose; and in such case the conveyance, contract, document, or instrument so executed or indorsed shall operate and be for all purposes available as if it had been executed or indorsed by the person originally directed to execute or indorse it.

Quo warranto.

15. Proceedings in quo warranto shall be deemed to be civil proceedings whether for purposes of appeal or otherwise.

Amendment of 17 & 18 Vict. c. 34. s. 1.

16. Section one of the Act seventeen and eighteen Victoria chapter thirty-four entitled, "An Act to enable Courts of Law in "England, Ireland, and Scotland to issue process to compel the "attendance of witnesses out of their jurisdiction, and to give effect "to the service of such process in any part of the United Kingdom," is hereby amended so as to authorise and empower a Judge of the High Court to make orders as therein mentioned as well when the Court is sitting as at any other time.

Power to transfer interpleader proceedings to County Court. 28 & 29 Vict. c. 99. 30 & 31 Vict. c. 142.

17. If it shall appear to the Court or a Judge that any proceeding now pending or hereafter commenced in the High Court of Justice by way of interpleader, in which the amount or value of the matter in dispute does not exceed the sum of five hundred pounds, (being the limit of the equitable jurisdiction given to County Courts by the County Courts Act, 1865,) may be more conveniently tried and determined in a County Court, the Court or Judge may at any time order the transfer thereof to any County Court, in which an action or proceeding might have been brought by any one or more of the parties to such interpleader against the others or other of them, if there had been a trust to be executed concerning the matter in question; and every such order shall have the same effect as if it had been for the transfer of a suit or proceeding under section eight of the County Courts Act, 1867; and the County Court shall have jurisdiction and authority to proceed therein, as may be prescribed by any county court rules for the time being in force.

Jurisdiction of Inferior Courts in counter-claims. 36 & 37 Vict. c. 66.

18. The jurisdiction of an Inferior Court in cases of counterclaim under sections eighty-nine and ninety of the Supreme Court of Judicature Act, 1873, shall not be excluded by reason (1) that any such counterclaim involves matter not within the local jurisdiction of such Inferior Court, but within the jurisdiction of any other Inferior Court in England; or (2) that, where the counterclaim involves more than one cause of action, as to each of which the defendant might have maintained a separate action, each such cause of action being within the jurisdiction of the Court, the aggregate amount of the counterclaim exceeds the jurisdiction of the Court; or (3) that the counterclaim is for an amount of money exceeding the jurisdiction of the Court, provided that the plaintiff does not object in writing, within such time as may be prescribed by any rules, to the Court giving relief exceeding that which the Court would have had jurisdiction to administer prior to the commencement of this Act. In any case where the counterclaim involves matter beyond the jurisdiction of the Court, notwithstanding the provisions of this section, the Court may, on such terms (if any) as the Court may think just, either adjourn the hearing of the case, or stay execution on the judgment, for such time as may be necessary to enable any party to apply to remove the proceedings into the High Court of Justice or to enable the defendant to prosecute in a Court of competent jurisdiction an action for the purpose of establishing his counterclaim; and in default of any such application being made, or action brought, the Court shall, after the expiration of the time limited, have jurisdiction to hear and determine the whole matter in controversy, to the same extent as if all parties had consented thereto.

Patronage under 42 & 43 Vict. c. 78.

19. The power and right of filling any vacancy in the office of Master of the Supreme Court, or in any clerkship in the Central Office, by section nine of the Supreme Court of Judicature (Officers) Act, 1879, vested, subject as therein mentioned, in the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, in rotation and in such order as they by agreement among themselves might determine, shall after the commencement of this Act be vested, subject as in the same Act mentioned, in the Lord Chancellor, the Lord Chief Justice of England, and the Master of the Rolls, in rotation or in such order or manner as they by agreement among themselves may determine.

Civil Service certificates for officers of Supreme Court. 42 & 43 Vict. c. 78.

20. The provisions of section twenty of "The Supreme Court of Judicature (Officers) Act, 1879," with respect to pensions under that Act, shall, as regards appointments made after the commencement of this Act, extend to salaries under that Act.

Circuit officers. 36 & 37 Vict. c. 66.

21. The power of appointment to such offices connected with the circuits of the Judges under Commissions of Assize, Oyer and Terminer, and Gaol Delivery, or otherwise, as, before the Supreme Court of Judicature Act, 1873, came into operation, were in the appointment of the senior Judge going on any circuit, and also the power of appointment to all subordinate offices, the salaries of which are paid out of moneys provided by Parliament, and which may be held under any such circuit officers as aforesaid who may be appointed after the commencement of this Act, shall henceforth be vested in

the senior Judge going on such circuit for the Winter and Summer Assizes, respectively: Provided that the power of appointment to any such subordinate offices, which before the Supreme Court of Judicature Act, 1873, came into operation were in the appointment of any such circuit officer as aforesaid, shall be deemed to be and be in the appointment of the person holding such circuit office at the time of the commencement of this Act, so long as he shall continue to hold the same office: Provided also that all such offices, whether principal or subordinate, as are in this section mentioned, shall be and remain subject to the provisions in the Supreme Court of Judicature Act, 1873, or any other Act contained, as to the abolition, reduction of salary, or alteration of the designation or duties of any such office, and to the provisions of section twenty-one of the Supreme Court of Judicature Act, 1881, in case of any vacancy in any such office; and that nothing in this Act shall take away or affect any power of appointment now vested by law in any Judge appointed before the Supreme Court of Judicature Act, 1873, came into operation.

44 & 45 Vict. c. 68.

22. The offices of the sworn clerks formerly attached to the office of the Chancery Examiners (which has ceased to exist) are hereby abolished, and the Treasury may, on the petition of any person affected by this section, award to him out of moneys provided by Parliament such compensation as, under the circumstances of the case, they think just and reasonable, regard being had to the conditions on which he was appointed to his office and the duration of his service: Provided that any compensation so granted shall be subject to the provisions of the twentieth section of the Act fourth and fifth William the Fourth, chapter twenty-four, and of the eleventh section of the Act twenty-second Victoria, chapter twenty-six.

Abolition of offices of sworn clerks to examiners in Chancery.

23. The power to make rules conferred by section seventeen of the Supreme Court of Judicature Act, 1875, and enactments amending the same, shall be deemed to include the power to make rules for regulating the procedure on appeals from Inferior Courts to the High Court.

Power to make rules.

24. Where by virtue of any Statute or Charter or otherwise powers of making rules and orders for regulating the procedure or practice of or the costs or fees in any Inferior Court of civil jurisdiction are given to or have been exercised by the Judge of any such Court or any other person, either solely or jointly with any other person, and either with or without the concurrence of any Judge of Her Majesty's Supreme Court of Judicature or any other person, any rules or orders made after the commencement of this Act by virtue of any such powers as aforesaid shall be subject to the concurrence of the authority for the time being empowered to make rules for the Supreme Court: Provided that the same authority may alter or annul any existing rule or order as to the matters aforesaid in any such court, if after communication with the judge or other person by whom such rule or order was made it shall think fit to do so, subject, where such rule has been made with the concurrence of any judge of the Supreme Court existing at the commencement of this Act, to the consent of such judge.

Rules for Inferior Courts.