SCHEDULE to which Fifth Section of the foregoing Act refers.

Name of Gas Company.	Special Act or Instrument of Incorporation.	District.
The Crystal Palace District Gas Company.	The Crystal Palace District Gas Company's Act, 1858.	The District defined by their said Special Act.
The Woolwich, Plumstead, and Charlton Consumers Gas Company.	The Woolwich, Plumstead, and Charlton Consumers Gas Act, 1855.	The District defined by their said Special Act.
The Woolwich Equitable Gaslight and Coke Company.	The Woolwich Equitable Gas Company's Act, 1855.	The District defined by their said Special Act.
The Wandsworth and Putney Gaslight and Coke Company.	The Wandsworth and Putney Gas Act, 1856.	The District defined by their said Special Act.
The Brentford Gas Company.	The Brentford Gas Act, 1858.	The District now actually supplied by the Company.
The Victoria Docks Gas Company.	The Victoria Docks Gas Act, 1857.	The District defined by their said Special Act.
The Eltham Gaslight and Coke Company, Limited.	Articles of Association under the Joint Stock Company's Act, 1856.	The Parish of Eltham.
The West Ham Gas Company.	The West Ham Gas Company's Act, 1856.	The District defined by their said Special Act.
Mitcham, Merton, and Tooting Gas Company.	Articles of Association under 7 & 8 Victoria, Cap. 110.	The Parishes and Villages of and adjacent to Mitcham, Merton, and Tooting.

CAP. CXXVI.

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*. [28th *August* 1860.]

'WHEREAS it is desirable further to improve the Process, Practice, and Mode of Pleading in, and, in some respects, to enlarge the Jurisdiction of the Superior Courts of Common Law:' 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:

Relief against Forfeiture.

Relief against Forfeiture for Nonpayment of Rent.

I. In the Case of any Ejectment for a Forfeiture brought for Nonpayment of Rent, the Court or a Judge shall have Power, upon Rule or Summons, to give Relief in a summary Manner, but subject to Appeal as herein-after mentioned, up to and within the like Time after Execution executed, and subject to the same Terms and Conditions in all respects, as to Payment of Rent, Costs, and otherwise, as in the Court of Chancery; and if the Lessee, his Executors, Administrators, or Assigns, shall upon such Proceeding be relieved, he and they shall hold the demised Lands according to the Lease thereof made, without any new Lease.

Relief against Forfeiture for non-insuring.

II. In the Case of any Ejectment for a Forfeiture for Breach of a Covenant or Condition to insure against Loss or Damage by Fire, the Court or a Judge shall have Power, upon Rule or Summons, to give Relief in a summary Manner, but subject to Appeal as herein-after mentioned, in all Cases in which such Relief may now be obtained in the Court of Chancery under the Provisions of an Act passed in the Session of Parliament held in the Twenty-second and Twenty-third Years of the present Reign, intituled *An Act to further amend* 22 & 23 Vict. c. 35.

amend the Law of Property, and to relieve Trustees, and upon such Terms as would be imposed in such Court.

Minute of Relief granted.

III. Where such Relief shall be granted, the Court or a Judge shall direct a Minute thereof to be made by Indorsement on the Lease or otherwise.

Appeal.

Appeal to the Court from Order of Judge.

IV. Any Order made by a Judge upon an Application for Relief under the Provisions of this Act shall be subject to an Appeal to the Court, and may be discharged, varied, or set aside by the Court, upon such Terms as the Court shall think fit, on Application made thereto by any Party dissatisfied with such Order.

Power to appeal from Order of Court.

V. It shall be lawful for the Party against whom the Court makes any Rule or Order in respect of such Relief to appeal from such Rule or Order.

Courts of Appeal.

VI. The Courts of Error shall be Courts of Appeal for the Purposes of this Act.

Notice of Appeal.

VII. No Appeal shall be allowed unless Notice thereof be given in Writing to the opposite Party or his Attorney, and to One of the Masters of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or a Judge.

Bail.

VIII. Notice of Appeal shall be a Stay of Execution, provided Bail to pay the Sum demanded and Costs be given, in like Manner and to the same Amount as Bail in Error, within Eight Days after the Decision complained of, or before Execution delivered to the Sheriff.

Form of Appeal.

IX. The Appeal herein-before mentioned shall be upon a Case to be stated by the Parties (and in case of Difference to be settled by the Court, or a Judge of the Court appealed from), in which Case shall be set forth so much of the Pleadings, Facts, and the Order, Rule, or Judgment objected to as may be necessary to raise the Question for the Decision of the Court of Appeal.

Judgment of Court of Appeal, and Power to remit Proceedings.

X. The Court of Appeal shall give such Judgment or make such Rule as ought to have been given or made in the Court below, and shall have Power to remit the Cause, with such Directions as they shall think proper; and all such further Proceedings may be taken thereupon as if the Judgment or Rule had been given or made by the Court below.

Power of Court of Appeal as to Costs, &c.

XI. The Court of Appeal shall have Power to adjudge Payment of Costs, and to order Restitution.

Interpleader Proceedings.

Interpleader may be granted though Titles have not a common Origin.

1 & 2 W. 4. c. 58.

XII. Where an Action has been commenced in respect of a Common Law Claim for the Recovery of Money or Goods, or where Goods or Chattels have been taken or are intended to be taken in Execution under Process issued from any One of the Superior Courts, or from the Court of Common Pleas at *Lancaster* or the Court of Pleas at *Durham*, and the Defendant in such Action, or the Sheriff or other Officer, has applied for Relief under the Provisions of an Act made and passed in the Session of Parliament held in the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Courts of Law to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims*, it shall be lawful for the Court or a Judge to whom such Application is made to exercise all the Powers and Authorities given to them by this Act and the herein-before mentioned Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, though the Titles of the Claimants to the Money, Goods, or Chattels in question, or to the Proceeds or Value thereof, have not a common Origin, but are adverse to and independent of one another.

Court or Judge may direct Sale of Goods

XIII. When Goods or Chattels have been seized in Execution by a Sheriff or other Officer under Process of the above-mentioned Courts, and some Third Person claims to be entitled

entitled under a Bill of Sale or otherwise to such Goods or Chattels, by way of Security for a Debt, the Court or a Judge may order a Sale of the whole or Part thereof, upon such Terms as to Payment of the whole or Part of the secured Debt, or otherwise, as they or he shall think fit, and may direct the Application of the Proceeds of such Sale in such Manner and upon such Terms as to such Court or Judge may seem just. seized in Execution.

XIV. Upon the Hearing of any Rule or Order calling upon Persons to appear and state the Nature and Particulars of their Claims, it shall be lawful for the Court or Judge, wherever, from the Smallness of the Amount in dispute or of the Value of the Goods seized, it shall appear to them or him desirable and right so to do, at the Request of either Party, to dispose of the Merits of the respective Claims of such Parties, and to determine the same in a summary Manner, upon such Terms as they or he shall think fit to impose, and to make such other Rules and Orders therein as to Costs and all other Matters as may be just. Power to Court or Judge to decide summarily in certain Cases.

XV. In all Cases of Interpleader Proceedings, where the Question is one of Law, and the Facts are not in dispute, the Judge shall be at liberty, at his Discretion, to decide the Question without directing an Action or Issue, and, if he shall think it desirable, to order that a Special Case be stated for the Opinion of the Court. Special Case may be stated where Facts undisputed.

XVI. The Proceedings upon such Case shall, as nearly as may be, be the same as upon a Special Case stated under "The Common Law Procedure Act, 1852;" and Error may be brought upon a Judgment upon such Case; and the Provisions of "The Common Law Procedure Act, 1854," as to bringing Error upon a Special Case, shall apply to the Proceedings in Error upon a Special Case under this Act. Proceedings on Special Case in Court below and in Error.

XVII. The Judgment in any such Action or Issue as may be directed by the Court or Judge in any Interpleader Proceedings, and the Decision of the Court or Judge in a summary Manner, shall be final and conclusive against the Parties, and all Persons claiming by, from, or under them. Judgment and Decision when to be final.

XVIII. All Rules, Orders, Matters, and Decisions to be made and done in Interpleader Proceedings under this Act (excepting only any Affidavits) may, together with the Declaration in the Cause, if any, be entered of Record, with a Note in the Margin expressing the true Date of such Entry, to the end that the same may be Evidence in future Times, if required, and to secure and enforce the Payment of Costs directed by any such Rule or Order; and every such Rule or Order so entered shall have the Force and Effect of a Judgment in the Superior Courts of Common Law. Rules, Orders, &c. made in Interpleader Proceedings may be entered of Record and made Evidence.

Procedure and Practice.

XIX. The Joinder of too many Plaintiffs shall not be fatal, but every Action may be brought in the Name of all the Persons in whom the legal Right may be supposed to exist; and Judgment may be given in favour of the Plaintiffs by whom the Action is brought, or of One or more of them, or, in case of any Question of Misjoinder being raised, then in favour of such One or more of them as shall be adjudged by the Court to be entitled to recover: Provided always, that the Defendant, though unsuccessful, shall be entitled to his Costs occasioned by joining any Person or Persons in whose Favour Judgment is not given, unless otherwise ordered by the Court or a Judge. Joinder as Plaintiffs of all Persons supposed to be legally entitled.

XX. Upon the Trial of such Cause a Defendant who has therein pleaded a Set-off may obtain the Benefit of his Set-off by proving either that all the Parties named as Plaintiffs are indebted to him, notwithstanding that One or more of such Plaintiffs was or were improperly joined, or on proving that the Plaintiff or Plaintiffs who establish their Right to maintain the Cause is or are indebted to him. Defendant to have Benefit of Set-off, though some Plaintiffs improperly joined.

XXI. No other Action shall be brought against the Defendant by any Person so joined as Plaintiff in respect of the same Cause of Action. No other Action for same Claim to be brought.

XXII. The Provisions of an Act passed in the Session of Parliament held in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and Provisions of 19 & 20 Vict. c. 108. as to

Replevin extended to all Cases of Replevin.

and eight, which relate to Replevin, shall be deemed and taken to apply to all Cases of Replevin, in like Manner as to the Cases of Replevin of Goods distrained for Rent or Damage feasant.

Payment into Court in Replevin.

XXIII. The Plaintiff in Replevin may in answer to an Avowry pay Money into Court in satisfaction, in like Manner and subject to the same Proceedings as to Costs and otherwise as upon a Payment into Court by a Defendant in other Actions.

Effect of such Payment.

XXIV. Such Payment into Court in Replevin shall not, nor shall the Acceptance thereof by the Defendant in satisfaction, work a Forfeiture of the Replevin Bond.

Payment into Court in Action on Money Bonds, and for Detainer.

XXV. In any Action brought upon a Bond which has a Condition or Defeazance to make void the same upon Payment of a lesser Sum at a Day or Place certain, with a Penalty, and in any Action for detaining the Goods of the Plaintiff, it shall be lawful for the Defendant, by Leave of the Court or a Judge, and upon such Terms as they or he shall think fit, to pay into Court a Sum of Money to answer the Claim of the Plaintiff in respect of such Bond in the former Case, and in the latter Case to the Value of the Goods alleged to be detained; and such Payment into Court shall be made and pleaded in like Manner, and according to the Provisions of "The Common Law Procedure Act, 1852;" and the like Proceedings may be had and taken thereupon as to Costs and otherwise.

Dower, Writ of Right of Dower, and Quare impedit abolished as Real Actions, and to be commenced by Writ of Summons.

XXVI. No Writ of Right of Dower or Writ of Dower unde nihil habet, and no Plaint for Free Bench or Dower in the Nature of any such Writ, and no Quare impedit, shall be brought after the Commencement of this Act in any Court whatsoever; but where any such Writ, Action, or Plaint would now lie, either in a Superior or in any other Court, an Action may be commenced by Writ of Summons issuing out of the Court of Common Pleas in the same Manner and Form as the Writ of Summons in an ordinary Action; and upon such Writ shall be endorsed a Notice that the Plaintiff intends to declare in Dower, or for Free Bench, or in Quare impedit, as the Case may be.

Writ, and all Proceedings thereupon, to be same as in ordinary Actions.

XXVII. The Service of the Writ, Appearance of the Defendant, Proceedings in default of Appearance, Pleadings, Judgment, Execution, and all other Proceedings and Costs upon such Writ, shall be subject to the same Rules and Practice, as nearly as may be, as the Proceedings in an ordinary Action commenced by Writ of Summons; and the Provisions of "The Common Law Procedure Act, 1852," and of "The Common Law Procedure Act, 1854," shall apply to the Writ and Pleadings, and Proceedings thereupon.

Judge may refuse to interfere in Proceedings to attach Debts.

XXVIII. In Proceedings to obtain an Attachment of Debts under "The Common Law Procedure Act, 1854," the Judge may, in his Discretion, refuse to interfere, where, from the Smallness of the Amount to be recovered, or of the Debt sought to be attached, or otherwise, the Remedy sought would be worthless or vexatious.

Proceedings where Third Person has a Lien on the Debt.

XXIX. Whenever in Proceedings to obtain an Attachment of Debts under the Act above mentioned it is suggested by the Garnishee that the Debt sought to be attached belongs to some Third Person who has a Lien or Charge upon it, the Judge may order such Third Person to appear before him, and state the Nature and Particulars of his Claim upon such Debt.

Judge may bar Claim of Third Person, and make Orders.

XXX. After hearing the Allegations of such Third Person under such Order, and of any other Person whom by the same or any subsequent Order the Judge may think fit to call before him, or in case of such Third Person not appearing before him upon such Summons, the Judge may order Execution to issue to levy the Amount due from such Garnishee, or the Judgment Creditor to proceed against the Garnishee, according to the Provisions of "The Common Law Procedure Act, 1854," and he may bar the Claim of such Third Person, or make such other Order as he shall think fit, upon such Terms, in all Cases, with respect to the Lien or Charge (if any) of such Third Person, and to Costs, as he shall think just and reasonable.

Provisions of 17 & 18 Vict. c. 125. to apply to Orders.

XXXI. The Provisions of "The Common Law Procedure Act, 1854," so far as they are applicable, shall apply to any Order, and the Proceedings thereon, made and taken in pursuance of the herein next before mentioned Powers under this Act.

XXXII. In

XXXII. In all Cases in which a Writ of Mandamus or of Injunction is issued under the Provisions of "The Common Law Procedure Act, 1854," such Writ shall, unless otherwise ordered by the Court or a Judge, in addition to the Matter directed to be inserted therein, command the Defendant to pay to the Plaintiff the Costs of preparing, issuing, and serving such Writ; and Payment of such Costs may be enforced in the same Manner as Costs payable under a Rule of Court are now by Law enforceable. Costs of Writs of Mandamus and Injunction may be included in Writs.

XXXIII. Writs of Injunction against a Corporation may be enforced either by Attachment against the Directors or other Officers thereof, as in the Case of a Mandamus, or by Writ of Sequestration against their Property and Effects, to be issued in such Form and tested and returnable in like Manner as Writs of Execution, and to be proceeded upon and executed in like Manner as Writs of Sequestration issuing out of the Court of Chancery. Mode of enforcing Writs of Injunction against Corporations.

XXXIV. When the Plaintiff in any Action for an alleged Wrong in any of the Superior Courts recovers by the Verdict of a Jury less than Five Pounds, he shall not be entitled to recover or obtain from the Defendant any Costs whatever in respect of such Verdict, whether given upon any Issue or Issues tried, or Judgment passed by Default, in case the Judge or presiding Officer before whom such Verdict is obtained shall immediately afterwards certify on the Back of the Record, or on the Writ of Trial or Writ of Inquiry, that the Action was not really brought to try a Right besides the mere Right to recover Damages, and that the Trespass or Grievance in respect of which the Action was brought was not wilful and malicious, and that the Action was not fit to be brought. Costs not recoverable in Action for Injury, and Verdict less than 5*l.*, if Judge certifies.

XXXV. The Eighty-eighth Section of "The Common Law Procedure Act, 1854," shall be and is hereby repealed; and from and after the passing of this Act the Superior Courts or any Judge thereof may, upon summary Application, by Rule or Order, exercise such and the like Jurisdiction as may be exercised by the Court of Chancery under the Provisions of the Ninth Part of "The Merchant Shipping Act, 1854." Enactment in lieu of Sect. 88. of 17 & 18 Vict. c. 125.

XXXVI. It shall be lawful for the Superior Courts of Common Law, and every Judge thereof, and any Judge sitting in Nisi Prius, at all Times to amend all Defects and Errors in any Proceedings under the Provisions of this Act, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend or not; and all such Amendments may be made with or without Costs, and upon such Terms as to the Court or Judge may seem fit, and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made, if duly applied for. Amendments.

XXXVII. It shall be lawful for the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to make all such General Rules and Orders for the effectual Execution of this Act and of the Intention and Object thereof, and for fixing the Costs to be allowed for and in respect of the Matters herein contained, and the Performance thereof, as in their Judgment shall be necessary or proper, and for that Purpose to meet from Time to Time as Occasion may require; provided that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Courts or of the Judges thereof to make Rules or Orders, or otherwise to regulate and dispose of the Business therein. General Rules may be made by the Judges.

XXXVIII. Such new or altered Writs and Forms of Proceedings may be issued, entered, and taken as may by the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and such Writs and Proceedings shall be acted upon and enforced in such and the same Manner as Writs and Proceedings of the said Courts are now acted upon and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Writ or Proceeding the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same New Forms of Writs and other Proceedings.

same Force and Virtue as if no Alteration had been made therein, except as far as the Effect thereof may be varied by this Act.

Interpretation of Terms.

XXXIX. In the Construction of this Act the Word "Court" shall be understood to mean any One of the Superior Courts of Common Law at *Westminster;* and the Word "Judge" shall be understood to mean a Judge or Baron of any of the said Courts; and the Word "Master" shall be understood to mean a Master of any of the said Courts; and the Word "Action" shall be understood to mean any Action in any of the said Courts.

Provisions relating to Superior Courts to apply to Court of Common Pleas at Lancaster and Court of Pleas at Durham.

XL. All the Enactments and Provisions of this Act shall extend and apply to the Court of Common Pleas at *Lancaster* and the Court of Pleas at *Durham*, and Actions and Proceedings therein respectively, subject to the following Modifications: All the Powers given by this Act to the Judges of the said Superior Courts of Common Law at *Westminster* to make General Rules and Orders shall and may be exercised by the respective Judges of the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, being Judges of One of the said Common Law Courts at *Westminster*, or any Two of them respectively, with respect to the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, and Matters and Proceedings therein within the Jurisdiction of the same Courts respectively; and all Powers under this Act exercisable by any One Judge of the Superior Courts at *Westminster* shall and may be exercisable by One Judge of the said Superior Courts of the said Counties Palatine, being also a Judge of One of the said Courts at *Westminster*, as to Matters and Proceedings in the said Superior Courts of the said Counties Palatine.

Provisions as to Masters of Courts at Westminster to apply to Prothonotaries of Palatinate Courts.

XLI. Provided always, That all the Provisions of this Act applicable to Masters of the said Courts at *Westminster* shall apply to the respective Prothonotaries of the Court of Common Pleas at *Durham* and their respective Deputies, who may singly exercise, with reference to Matters and Proceedings in the last-mentioned Courts respectively, the Powers hereby given to any One or more of the Masters of the Superior Courts at *Westminster*.

As to Proceedings in Appeal.

XLII. Provided also, as to Proceedings in Appeal, that the Court of Queen's Bench, being the Court of Error from the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, shall also be the Court of Appeal from the said respective Courts for the Purposes of this Act.

Commencement of Act.

XLIII. The Provisions of this Act shall come into operation on the Tenth Day of *October* in the Year of our Lord One thousand eight hundred and sixty.

Her Majesty may direct all or Part of this Act to extend to any Court of Record.

XLIV. It shall be lawful for Her Majesty, from Time to Time, by any Order in Council, to direct that all or any Part of the Provisions of this Act, or of the Rules to be made in pursuance thereof, shall apply to all or any Court or Courts of Record in *England* and *Wales*, and within One Month after such Order shall have been made and published in the *London Gazette* such Provisions and Rules respectively shall extend and apply in manner directed by such Order, and any such Order may be in like Manner from Time to Time altered and annulled; and in and by any such Order Her Majesty may direct by whom any Powers or Duties incident to the Provisions applied under this Act shall and may be exercised with respect to Matters in such Court or Courts, and may make any Order or Regulations which may be deemed requisite for carrying into operation in such Court or Courts the Provisions so applied.

Short Title.

XLV. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Common Law Procedure Act, 1860."

Extent of Act.

XLVI. Nothing in this Act shall extend to *Ireland* or *Scotland*.