

**A MANUAL OF THE PRACTICE AND  
PROCEDURE OF THE MAYOR'S COURT,  
LONDON, IN ORDINARY ACTIONS AND  
FOREIGN ATTACHMENTS; STATUTES,  
FORMS AND COSTS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649045242

A Manual of the Practice and Procedure of the Mayor's Court, London, in Ordinary Actions and Foreign Attachments; Statutes, Forms and Costs by C. Manley Wetherfield

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**C. MANLEY WETHERFIELD**

**A MANUAL OF THE PRACTICE AND  
PROCEDURE OF THE MAYOR'S COURT,  
LONDON, IN ORDINARY ACTIONS AND  
FOREIGN ATTACHMENTS; STATUTES,  
FORMS AND COSTS**



THE  
PRACTICE AND PROCEDURE  
OF  
*The Mayor's Court, London,*  
IN  
ACTIONS AND ATTACHMENTS.

BY THE SAME AUTHOR,

*Second Edition, Fcap. 8vo., cloth, 2s. 6d.,*

**NOTES ON LIQUIDATIONS AND COMPOSITIONS IN BANKRUPTCY,** with the Cases decided to the present time on Injunctions, and Creditors' Rights under Executions, the necessary Sections of the Bankruptcy Act, 1869, Rules, Forms, and the authorised Scales of Costs.

N.B.—For convenience, the Chapter on Injunctions, &c. can be had separately, price 1s.

*Uniform, price 1s., cloth,*

**A CONCISE VIEW OF ALL PROCEEDINGS IN LIQUIDATIONS AND COMPOSITIONS,** with Marginal References, &c.

*Second Edition, Crown 8vo., pp. 480, 6s.,*

**THE COUNTY COURTS ACTS, 1867-8-9,** with the Equity Act, 1865, and all Rules, Forms, Fees, and Costs in Common Law, Equity, and Admiralty.

*Fcap. 8vo., Boards, 1s.,*

**THE DEBTORS ACT, 1869.** Rules, Forms, and Costs in the Superior and County Courts.

A MANUAL *Law*  
OF THE  
PRACTICE AND PROCEDURE  
OF THE  
MAYOR'S COURT, LONDON,  
IN  
Ordinary Actions  
AND  
FOREIGN ATTACHMENTS;

STATUTES, FORMS, AND COSTS.



G. MANLEY WETHERFIELD,  
SOLICITOR,

Author of "The County Courts Acts, 1867-8-9," "A Manual of Bankruptcy,"  
"Notes on Liquidations and Compositions," &c.

LONDON:  
LONGMANS, GREEN, READER, & DYER.

1872.

LONDON:  
PRINTED BY J. MOORE, 6A, NEWTON STREET, STRAND.



## PREFACE.

---

THE author having for many years practised in the Mayor's Court has necessarily acquired some knowledge of its peculiarities. Possibly by reason of this fact, and also from his having written upon other legal subjects, it has often been suggested by professional friends that a short Manual on the practice of the Mayor's Court might be of service to those solicitors whose experience has lain more in the tribunals at Westminster than in those of the City. The idea that his notes might thus be useful to, at least, some part of the profession must be the author's apology for publishing this little book. And it is an apology the more needed as there is a complete work in existence. For, Mr. Brandon's *Notes on the Practice and Procedure of the Mayor's Court, London*, and his book on *Foreign Attachments*, taken together, contain all that can possibly be known or required to be known affecting the Mayor's Court; and to these works the author refers such of his readers as wish for complete knowledge on the subject. But these

text-books are not within the reach of all, as it is hoped the present work will be.

The author acknowledges the great obligation he has been under to Mr. Brandon for the combined learning and judicial clearness of thought and style found together in his two works, though he has endeavoured, while taking much of his material from that mine of information upon all that affects the Mayor's Court, to rely as much as possible upon his own experience, upon the lessons of his own practice, and to keep as clear of imitation, as he certainly has of rivalry, in this Manual.

*I, Gresham Buildings, Guildhall,  
March 20, 1872.*

---

## TABLE OF CONTENTS.

	PAGE
<b>INTRODUCTORY.</b>	
1. The Court and Officers ... ..	9
2. General Powers of the Court ... ..	10
<b>PART I.—ORDINARY ACTIONS.</b>	
<i>Chapter I.</i>	
Plaintiff's Proceedings to Trial—Action—Service—Declaration—Record—Notice of Trial.	15
<i>Chapter II.</i>	
The Defendant's Proceedings to Trial—Appearance and Notice—Plea—To <i>Concessit Solvere</i> —Set-off—Payment into Court—Jurisdiction	21
<i>Chapter III.</i>	
Evidence—Trial—References ... ..	29
<i>Chapter IV.</i>	
Judgment — Execution — Discontinuance — Rules to Stay ... ..	33
<i>Chapter V.</i>	
Removal of Causes—Appeals—Error ... ..	38
<i>Chapter VI.</i>	
Debtor's Summons after Judgment ... ..	41
<i>Chapter VII.</i>	
Costs in Actions ... ..	44