

**THE LAW AND PRACTICE  
RELATING TO DISCOVERY BY  
INTERROGATORIES UNDER THE  
COMMON LAW PROCEDURE  
ACT, 1854**

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The Law and Practice Relating to Discovery by Interrogatories Under the Common Law  
Procedure Act, 1854 by William Comer Petheram

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**WILLIAM COMER PETHERAM**

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THE  
LAW AND PRACTICE

RELATING TO DISCOVERY BY

INTERROGATORIES

UNDER THE COMMON LAW PROCEDURE ACT, 1854;

TOGETHER WITH AN APPENDIX OF  
PRECEDENTS, AND FULL INDEX.



BY

WILLIAM COMER PETTIERAM, Esq.

OF THE MIDDLE TEMPLE.

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## P R E F A C E.

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THE great and increasing importance of interrogatories in actions at law has induced me to collect whatever of recognised authority exists on the subject, and to add a selection of forms of interrogatories which have been allowed by the Judges sitting at Chambers. A perusal of the following pages will show that considerable difference of opinion has existed among the judges as to the proper meaning to be put on the words of the section of the Common Law Procedure Act under which interrogatories are administered; and an attentive examination of the forms in the Appendix will show that individual judges have given to the section a wider meaning than has ever been given by the full courts. I think, however, that from the decisions quoted in the text, and from the examples in the Appendix, enough can

be gathered to enable the reader to judge, with some approach to certainty, what questions will be allowed; and I offer this little volume to the members of the profession, in the hope that it may be found not altogether useless to them in conducting this branch of their practice. I may here state that since the body of this work has been printed, I have been informed by Mr. Brandon, the registrar of the Lord Mayor's Court, that an application was lately made to him for leave to administer interrogatories to the garnishee under the custom of foreign attachment; it was opposed on several grounds, first, because, it was said that the garnishee was not a "defendant," properly so called, and also because it was objected that the registrar had no power to make the order under the section. He, however, made the order, and the Recorder afterwards affirmed it, which decision would appear to be entirely borne out by the cases of *Flitcroft v. Fletcher*, and *White v. Watts*.

5, Paper Buildings,  
May, 1864.

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