

**THE PRACTICE AND
PROCEDURE OF THE
COURT OF COMMON
PLEAS AT LANCASTER**

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The Practice and Procedure of the Court of Common Pleas at Lancaster by J. Walton

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J. WALTON

**THE PRACTICE AND
PROCEDURE OF THE
COURT OF COMMON
PLEAS AT LANCASTER**

THE
PRACTICE AND PROCEDURE

OF THE COURT OF

Common Pleas at Lancaster,



UNDER THE

COMMON PLEAS AT LANCASTER AMENDMENT ACT, 1869,

AND THE

GENERAL RULES AND ORDERS, 1869.

BY

J. WALTON, ESQ., B.A.,

OF LINCOLN'S INN, BARRISTER AT LAW.

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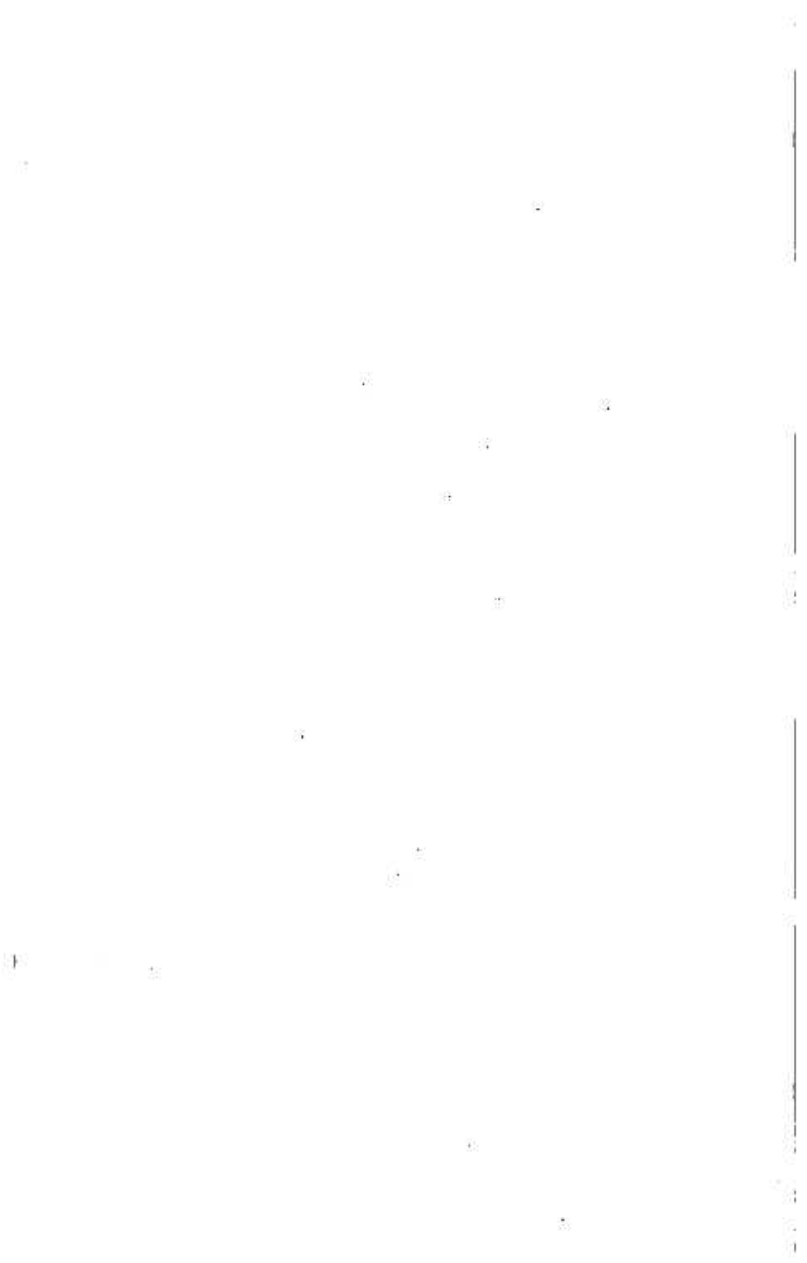
PREFACE.

THIS Volume is presented to the profession in Lancashire, and to all who are interested in the practice of the Common Pleas at Lancaster, as a supplement to the well-known treatises on the practice of the superior courts at Westminster.

The Editor takes this opportunity of acknowledging the assistance which he has received from many friends; he is specially indebted to the Liverpool Incorporated Law Society for the use of their Library, and to the late President of that Society, from whom, and through whom, he has received many valuable suggestions in the preparation of this Volume.

J. W.

TEMPLE, *March*, 1870.



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ERRATA.

Page 52, line 15 from bottom, for "concurrent," read "coextensive."

Page 59, marginal note, line 7 from bottom, for "shall have," read "shall not have."

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INTRODUCTION.

THE recent Act, 32 & 33 Vict., c. 37, and the General Rules and Orders which have been made in pursuance of that Act, have added greatly to the efficiency, and, therefore, to the importance, of the Court of Common Pleas at Lancaster.

The main features in the reorganization, which has been effected by and under the Common Pleas at Lancaster Amendment Act, 1869, are the institution of district Prothonotaries, and the extension to them of the powers exercised by the Masters of the Courts at Westminster. All personal actions, perhaps, certainly all in which the defendant can be served with a writ of summons within the County of Lancaster, may now be brought in a superior court, whose judges are the judges of the three superior Courts of Common Law at Westminster, which sits for the transaction of business during the Assizes at Lancaster, Manchester, and Liverpool, and which has offices and officers, invested with the authority of the Common Law Masters in London, in the three principal towns in Lancashire.

The improvement in the constitution of the Court has been accompanied by a simplification of its practice and procedure. Many of the rules and orders of the court were of great antiquity, and there seems to have been considerable difficulty in ascertaining clearly what they were. The practice of the court was, consequently, in a somewhat uncertain and ambiguous state. To remedy this inconvenience, all rules and orders existing at the date of the new general rules and orders (with the exception of certain orders of the Spring Assizes, 1868), have been abolished; and it has been ordered that, where there is no provision to the contrary, the practice of this court shall be as nearly conformable as may be to that of the superior Courts of Common Law at Westminster.