

Business & Property Court News

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Open for business!

Sir Geoffrey Vos
Chancellor of the High
Court opens Newcastle
Judicial Super-Highway



The **Business and Property Courts of England & Wales** went live on 2nd October 2017, having been launched at a series of events across the country in July 2017. I am delighted now to be able to introduce the new **Business and Property Courts in Newcastle**.

The advantages of bringing together the Commercial Court, the Technology and Construction Court and the courts of the Chancery Division are, by now, clear. The Business and Property Courts will be an intelligible user-friendly name for UK plc's international dispute resolution jurisdictions. It will allow the specialist dispute resolution jurisdictions in London to be linked more closely with the

equivalent courts in the regions.

I am particularly pleased that we have been able to add Newcastle to the Business and Property Courts centres across the regions, and that we now have a specialist senior Circuit Judge, His Honour Judge Philip Kramer, operating full time in Newcastle.

Newcastle is a thriving commercial centre with a huge legal community supported by two excellent universities and business schools. The new Business and Property Courts in Newcastle will allow local and international businesses and lawyers to resolve their disputes locally and will open up a super-highway between Newcastle and the hub in the Rolls Building. Major cases will be tried in Newcastle, and High Court Judges will sit in Newcastle for that purpose whenever they are required.

The new Business and Property Courts in Newcastle will provide the joined-up thinking for business dispute resolution that has been long overdue. But the familiar procedures of the individual courts will not be lost to users. Instead, we will build on the reputation and standing of the Circuit Commercial Court, the Technology and Construction Court and the courts of the Chancery Division.

When issuing proceedings in
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The Moot Hall, home to the Business & Property Court in Newcastle

Great event in the Great Hall

The Great Hall of Northumbria University's Sutherland Building today plays host to the launch of the Business and Property Court in Newcastle. The event brings together not only the senior judiciary and legal profession but also those at the heart of the commercial, professional and academic life of Newcastle. It has been said that this is a unique occasion, for seldom is found such a mix of disciplines key to the success of the region and this may reflect the excitement generated by the arrival of this court.

Professor Michael Stockdale of Northumbria University's Law Department, assisted by Claudia Sanderson, Northumbria's Engagement and Development Coordina-

tor, have provided enormous assistance to the organisers together with Lucy Winskell, Pro-Vice Chancellor. The event has been generously sponsored by the local chambers and solicitors and organised by a committee made up of members of both branches of the legal profession, in no particular order, Simon Goldberg, Neil Harrold, District Judge Temple, HHJ Kramer, Dermot Winters, Stephanie Jarron, Stephen Fletcher, Terry Phillips, Rob Langely, as well as Mike Stubbs and Kate Goodings and her colleagues at the Newcastle upon Tyne Law Society. It is expected that there will be future collaboration between the professions and academia to develop the court and its work.

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Modern commerce deserves modern dispute resolution

"...whenever possible, cases requiring a High Court Judge will be heard in Newcastle rather than in Leeds or London."



**Vice Chancellor
Mr Justice Barling**

As a leading centre for ship building, coal mining, engineering, munitions and general manufacturing, Newcastle played a major role during the 19th century industrial revolution. The City has not been immune to the decline in heavy industries in the second half of the 20th century. But now, with office, service and retail employment as the City's staples, Newcastle is the commercial, educational and (in partnership with nearby Gateshead) the cultural focus for North East England. As part of Tyneside, its economy contributes around £15 billion per annum to the UK economy.

A major 21st century commercial centre such as Newcastle is entitled to a modern system of dispute resolution - one that reacts positively to the needs of the business community. 2017 saw the launch of the Business and Property Courts (B&PCs) in several commercial centres in England & Wales, including Leeds. This year, on 1st March 2018, it is Newcastle's turn. The introduc-

tion of B&PCs, encompassing the specialist work of the Chancery, Mercantile and Technology & Construction courts, is much more than a re-branding exercise. The aim is to encourage more effective deployment of the existing specialist skills of our judges, thus enabling the courts to provide an enhanced service to the business community within the region. A modern court system must seize opportunities to achieve greater efficiency in the resolution of business disputes. Thus, whenever possible, cases requiring a High Court judge will be heard in Newcastle rather than in Leeds or London. In addition, the new B&PC court lists, to which proceedings are allocated at the time of issue, will more accurately reflect the categories of case that come before the courts. Electronic filing will become the norm across all the B&PCs, and is expected to begin in Newcastle in the first half of this year.

The first major step has already been taken, with the appointment in November of His Honour Judge Philip Kramer as the first B&PC specialist Circuit Judge in Newcastle. Judge Kramer has the necessary experience and expertise to meet the challenge ahead, and he will be supported in this by other specialist Circuit judges from Leeds, by High Court judges, and by myself. There is every reason to expect that, in the future, business disputes of whatever kind originating in Newcastle, will be resolved in the B&PC court of this City.

NE Commercial Bar and Solicitors arise



Mr Justice Males

Newcastle is one of the great commercial and industrial centres of the United Kingdom. The opening of the new Business & Property Courts here, serving the business community of the North East, together with the appointment for the first time of a specialist business judge resident in Newcastle, is powerful recognition of that fact. It represents the fulfilment of a long held ambition for the administration of justice in this region. No business man or woman will want to end up in court, but I hope that it will be a reassurance that when disputes arise, as from time to time they will, the expertise is available here among judges and legal practitioners alike to ensure a prompt, efficient and local resolution of those disputes. No case which rightly belongs in Newcastle need go elsewhere.

The specialist business courts which together comprise the Business & Property Courts - the Circuit Commercial Court, the Technology & Construction Court and the various lists of the Chancery Division - cover the whole range of business litigation. They will each retain their own procedures and expertise, enabling clients to pick the court which is right for the case, while benefiting from shared administration and cross deployment of judges.

As a judge who sits regularly in the Commercial Court in London, I welcome particularly the enhanced role for the renamed Circuit Commercial Court. This will further strengthen the relationship between the Commercial Court in London and the Circuit Commercial Courts in Newcastle and elsewhere, ensuring that local cases are tried locally as they should be, with the flexibility to deploy the right level of judge for each case. I look forward to coming to Newcastle to try commercial cases here.

As a Presiding Judge of the Circuit, I know that the specialist local judges and the excellent commercial bar and solicitors in the North East will rise to the challenge of serving local business in these new courts. I look forward to playing my part in this initiative.

The Business and Property Courts of England & Wales

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Newcastle, which will be an electronic process by late Spring 2018, Business and Property Courts users will be able to choose between the following intuitive courts and lists: Admiralty Court (QBD), Business List (ChD), Commercial Court (QBD), Competition List (ChD),

Financial List (ChD/QBD), Intellectual Property List (ChD), Insolvency & Companies List (ChD), Property, Trusts & Probate List (ChD), Revenue List (ChD), and Technology & Construction Court (QBD).

I wish the Business and Property Courts in Newcastle every success.

Yes We Can!

(have speed and efficiency)

Before writing this article I made some investigation as to the most northerly fort of the Roman Empire in Britain to discover that this continues to be a matter of considerable debate. I made these enquiries as I had in mind the metaphor of the Business and Property Court in Newcastle being the northern extremity of the BPC empire. Of course, geographically, there is no such court to the north, but the more I have learned of the operation of the BPC I have realised how inapposite such a metaphor would be.

Far from being out on a limb, dependent on remote authority for resource and direction, the Newcastle Business and Property Court is a centre in its own right albeit forming part of the BPC as a whole. Indeed, the court can be seen as a number of hubs around the country able to draw on specialist judicial resources as appropriate. This new arrangement enables work to be retained in the region and fosters the development of local legal expertise.

On a practical level, it is so much more convenient being able to deal with cases at local hearings. Not only are the logistics of getting people to court so much easier but there is the hidden benefit that when cases are dealt with by local practitioners on both sides the chances of direct discussions between lawyers, as opposed to exchanges of antagonistic e-mails, are so much the greater and settlement often follows.

This is all a far cry from past experience where we depended upon occasional visits from a specialist judge and where cases had to follow the judge around. I recall, when in practice, starting an undue influence case in Newcastle, but as it went part heard and the judge would not be returning for some time, having to



His Honour Judge Kramer

go to the court at Leeds for the last 2 days of trial; not such a problem for my bank client but far more awkward for the Defendant co-owner wife picking up the pieces of trying to save the family home and look after the children on her own. Similarly, many of us had the experience of the trip to London or Leeds on the “red eye special” or travelling overnight and having to prepare on the train for some urgent interim application which could, and should, have been dealt with locally, and in greater comfort, if we had had the judge.

Others contributions to this newspaper deal with the “super-highway” feature of the BPC, the availability of specialist judges to come to the region. On a day to day basis, however, the most significant change is that we have a dedicated administration and a resident judge. My aim is to see that as far as possible there is a judge available in Newcastle to deal with cases whenever they arise and that the operation of the court is characterised by speed and efficiency. To this end, we have two specialist court clerks, the experienced Helen Tait and Caroline Brent, with the visionary and effective Donna Stafford in charge, all of whom work closely with the specialist judges. We are

looking at adding to the team as there has been an increase in work since the turn of the year.

We have introduced the listing of trials and further applications at the case management stage, where practical, so that the parties know the date they have to work to as early as possible. I am conscious that if we had a marketing department it would be whispering “don’t pitch more than you can deliver”. But I prefer to recall an article I saw in an old Eagle Annual from my childhood by Jack Kelsey, the Arsenal and Wales goalkeeper, which if you know your football will tell you that the Annual was already “old” during my child

hood. It was entitled “Reach for the moon, you will never get there but you will come back with a handful of moonbeams.” He was wrong, for 15 years later Neil Armstrong stepped onto the surface of the moon. Given the lesser technical difficulties associated with running an efficient court, I am sure we can secure our aims in a very much shorter period.

And finally, the most northerly roman fort in Britain, is it Cawdor near Inverness, Portmahomack in Easter Ross or Stracathro near Brechin or beyond? Who knows, but I am told that if you keep digging you are likely to widen the controversy.

Commercial Solicitors welcome BPC

The launch last year of The Business and Property Courts in London and a number of regional cities is a major initiative to modernise the Court system by putting the needs of its users to the forefront and ensure that, as the UK prepares to embrace the challenges of Brexit, international businesses and domestic enterprises are fully supported in the resolution of their disputes served by a top class, independent, specialist judiciary.

Here in the North East, the legal profession performs an essential role in supporting the economic activity of the region, ranging from meeting the needs of start-up enterprises to the legal expertise required by export focused multinationals, so that the business community can find the expertise that it requires right here, on our doorstep. This includes legal expertise in helping businesses to resolve the disputes that will inevitably arise from time to time.

Whilst our region is home to a dynamic and diverse legal profession that includes nearly 3,000 solicitors practising from more than 250 law firms, ranging from sole practitioners up to global law firms, until now many business-based disputes have been dealt with in the Rolls Building in London, necessitating additional travelling, expense and inconvenience for the parties, their witnesses and legal teams.

The extension of The Business and Property Courts to its new home in Newcastle and the appointment of His Honour Judge Kramer as its full time resident Judge is most welcome as it recognises the North East as being a major hub of business and commercial activity that demands to be supported by proper judicial resource. The Business and Property Courts will also be regularly served by High Court Judges who will be available to travel up from London and try cases in Newcastle whenever that is required.

The Business and Property Courts will lead to real benefits to the North East as it will facilitate the prompt, efficient and convenient local resolution of business disputes and thereby result in real benefits to all who live, work, employ, invest and do business in our wonderful region.



Neil Harrold

Partner, Hay & Kilner Law Firm
R3 North East Region Chair
2016-18

Litigating construction disputes in the North East's Business & Property Court

For two decades, since the Housing Grant, Construction & Regeneration Act, 1996 (the Construction Act), the law and practice of construction and engineering has gradually developed as a stand-alone specialist area, with its own statutory regime of implied terms and dispute resolution, and a growing body of complex case-law.

Learned societies have sprung up - the Technology and Construction Solicitors' Association ("TeCSA") and its Bar equivalent ("TechBar"), the Society of Construction Law, and the Adjudication Society. Many local law firms now have dedicated teams of construction lawyers, and chambers have also responded to this opportunity. In the London the venerable institution of High Court "Official Referees" has morphed into judges of the Technology and Construction Court (the TCC). In recognition of the importance in value and principle of the business done by that court, its judges in London are now of the High Court rather than circuit bench.

Despite the appointment of a number of excellent new High Court judges to the TCC bench last year, including Finola O'Farrell, Sue Carr and Nerys Jefford, the TCC in London has become the victim of its own success. It has been directed that cases for under £250,000 will be moved to the Inner London County Court or local court centre for management and trial. The principal exceptions are enforcement of adjudications, and points of genuine legal importance, or involving multiple claims.

At the same time the TCC's record in handling very complex technical and financial disputes has seen its ambit extend. Traditionally it covers construc-



Rob Langley, Muckle LLP

tion defects, delays, extensions of time, valuation and related professional negligence but nowadays it is often chosen for any really technical project, as well as public procurement problems and even large-scale group personal injury claims, claims against lawyers for professional negligence arising in connection with planning, property, construction and other technical disputes.

The work of the TCC often involves both complex legal argument and heavyweight technical issues, and as a result TCC judges try some of the most arduous and complex disputes that come before the civil courts.

There is therefore both a push and a pull to do more construction business in the North-East. For too long, business people from Tyne-side, Teesside or Wearside, and construction lawyers like myself with our witnesses, counsel and experts have journeyed up and down to London or Leeds for want of a dedicated forum in our own region. In London the TCC sits in the Rolls Building as part of the overall Business and Property Court. The new BPC in Newcastle will likewise include a TCC competence, ably led by HH Judge Kramer, and working with District Judge Temple. The court

will have the full facility to book a High Court judge for very large matters.

The BPC will prioritise the early, summary hearing of Adjudication enforcement applications, allocated to experienced local district and circuit judges in situ.

This is excellent news for all clients, witnesses and experts with technical, construction or engineering disputes, and also for their construction lawyers - perhaps not so good for the operators of the East Coast main line.



A judge's view - from Moot Hall chambers

Help for Litigants in Person in Newcastle

It is hard to imagine facing court on your own. Yet this is the reality for many people in Newcastle facing life-changing situations: loss of home, loss of contact with children, or loss of income. Many thousands of people who cannot afford a lawyer must represent themselves in court. Widespread cuts to legal aid, combined with the closure of many locally funded advice centres, mean thousands more people every day are being forced to undergo legal proceedings without lawyers.

At an automatic disadvantage, and under significant stress, most people are confused and frustrated by the court system. Attending court alone creates high anxiety levels. Litigants in person (LIPs) are usually unable to access any formal legal help, yet need to be able to present their own case clearly and without emotion - often facing professional barristers in court. For people who struggle with language and literacy issues, mental and physical health problems and low incomes, access to justice is even less likely.

The PSU is a charity that offers practical and emotional support to LIPs, helping them represent themselves better in civil and family cases. The PSU's free and independent service is provided by trained volunteers based in 19 courts across England and Wales, including Newcastle. Over 4,500 times a month, PSU volunteers support people going through some incredibly stressful situations,

enabling them to present their case to the best of their ability. Where more specialist support is needed, the PSU can signpost to other services.

PSU volunteers listen to people and give them the chance to order their thoughts and their paperwork, as well as helping them to fill in complex forms. They can talk people through the court process, so that they better understand what might happen in court. PSU volunteers also accompany volunteers to court hearings, talk through the outcomes with them, and help them think about next steps. Of those who come to the PSU feeling anxious, 93% feel calmer after receiving help.

Many people the PSU helps face multiple challenges as a result of their personal circumstances, adding to the disadvantage they face. 25% speak English as a second language; 18% have a serious health problem; 9% are disabled; and 41% are unemployed. The PSU enables LIPs to take control of their cases so they are better able to gain access to justice. Having a PSU volunteer at their side makes a real difference.

PSU Newcastle is based on the First Floor at Newcastle Combined Court Centre. They are open from 9.30am - 4.30pm, Monday to Friday.

To make an appointment, call 0191 261 8016. Drop-in appointments are also sometimes available.

A view from Tees Valley

**Dermot Winters, President
Tees Valley Law Society**

The Tees Valley boasts a long and proud heritage of manufacturing, innovation, trade and commerce. Birthplace of the world's first railway, the area benefits from excellent national and international transport links, including a regional airport and the UK's 3rd busiest sea port.

While the area has in recent years not been without economic setback, Tees Valley is resilient and accommodates some of the region's key manufacturing and service industries, boasting particular specialist expertise in the engineering, chemical, oil and gas, steel, and creative sectors. Home to 58% of the UK's chemical industry, the reputation of Tees Valley is enhanced by the presence in the region of global conglomerates, such as AMEC,

ConocoPhillips, SABIC, Hertel, Huntsman and Johnson Matthey. It is estimated that the Tees Valley contributes some £11.4bn to the national economy each year; in terms of trade (as part of the North East region) it is the only part of England to consistently record a trade in goods surplus, averaging £1bn each quarter.

In addition to larger commercial enterprises, on a more local scale entrepreneurial endeavour is evidenced by the area having one of the highest business start-up rates in the country. The availability of a highly educated, capable workforce is assisted by Teesside University, home to over 20,000 students. The University has been the recipient of the Queen's Anniversary Prize for work at world class level in the field of enterprise and business engagement, and has been described by former Secretary of

State for Business, Innovation and Skills Sir Vince Cable, as "one of the best universities for business in Britain".

Since 2011, it is estimated that capital investment within the region has exceeded £1.3bn. With a view to facilitating further economic development, it is indisputable that growth enablers, such as improvements in the general business environment and infrastructure, are to be welcomed.

The arrival of the Business and Property Court ("BPC") in the North East is undoubtedly a positive step, and one which recognises the value of this region's output to the UK economy. This means that business and property disputes, at the highest level of complexity and across a very wide range of business endeavour, can be resolved within our region and without the need to resort to travel afar or seek expertise from those who may not be entirely familiar with the unique needs of our region.

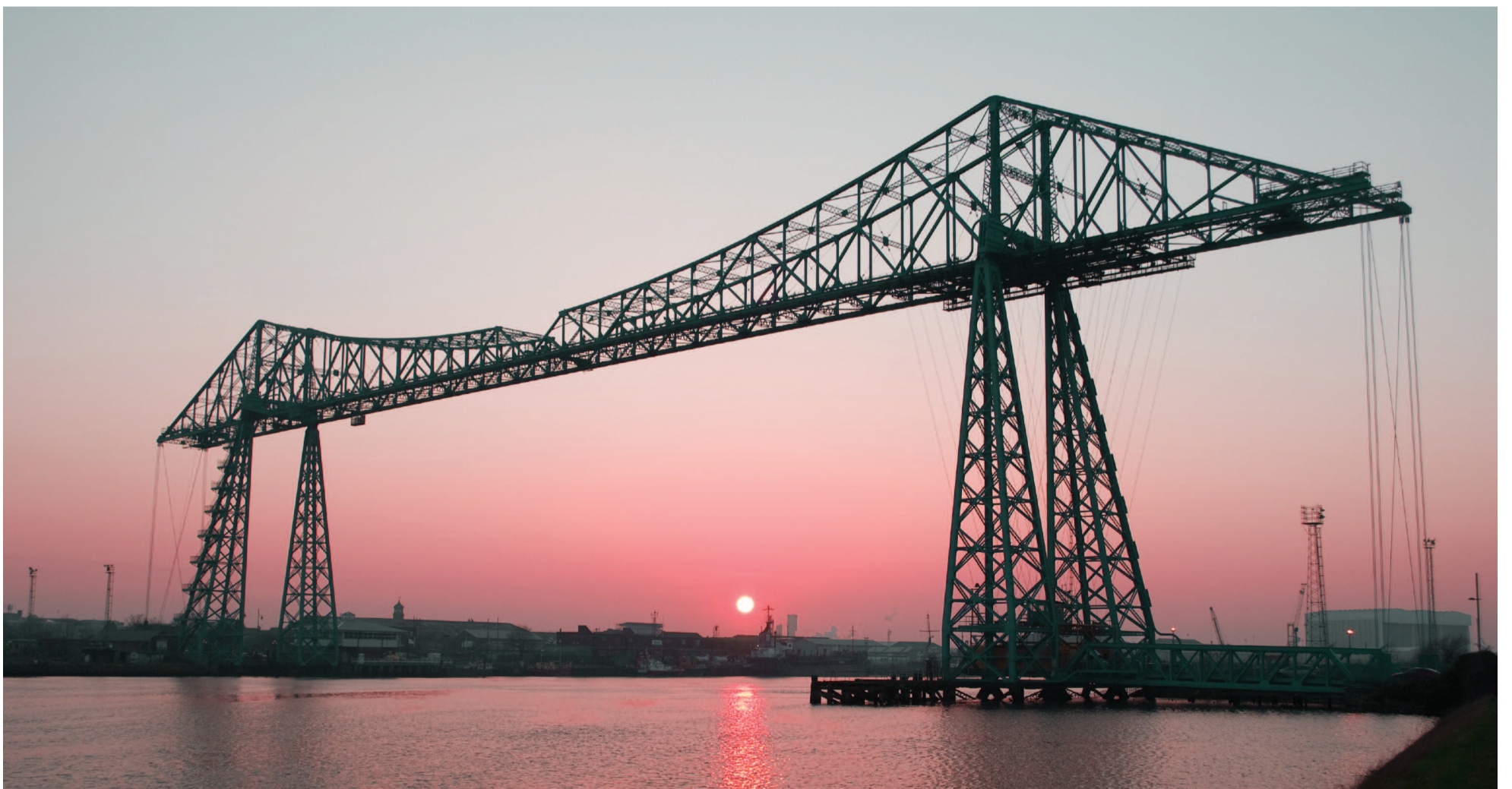
The BPC at Newcastle, which is to be headed by HH Judge Kramer, is made up of the Chancery Division of the High Court, the Circuit Commercial Court, and the Technology and Construction

Court. It will facilitate disputes across a range of highly technical legal specialisms including insolvency, intellectual property, trust and probate, competition and finance.

Given the UK's status as having one of the most revered legal systems in the world, the commitment to adjudicating upon the most complex business and property disputes directly within our region will indisputably bring considerable relief to litigants in terms of cost. There will also be substantial savings in terms of time, where the need to travel outside of the region is obviated and where the services of local practitioners can be utilised.

The reassurance of having access to the country's top judges, and the ability to resolve commercial disputes at the highest level on our doorstep will greatly benefit the business community and will assist the North East in its standing as a credible and desirable place to do business.

The establishment of the BPC is without doubt an exciting and positive development for the North East and one which earnestly deserves the unwavering support of the business and legal community.



STEPHEN FLETCHER'S BPC ROUNDUP

- The BPC became operative on 2nd October 2017.
- There is a Practice Direction ("PD") which came into force through the 92nd Update to the CPR.
- The PD can be regarded as applying to/operative in respect of Newcastle BPC cases from now.
- The courts and specialist lists which now comprise the BPC are: the Admiralty Court, the Business List, the Commercial Court, the Circuit Commercial Courts (previously known as the Mercantile Court), the Competition List, the Financial List, the Insolvency and Companies List, the Intellectual Property List, the Property, Trusts and Probate List, the Revenue List, and the Technology and Construction Court.
- With the exception of claims started under CPR Parts 58 (Commercial Court), 60 (Technology and Construction Court Claims), 61 (Admiralty) and 62 (Arbitration) any claim with a significant link to the Circuit must be issued in the District BPC for that Circuit. The PD sets out a checklist of links:
 - i One or more parties has its address or registered office in the circuit in question
 - ii At least one of the witnesses is located in the circuit;
 - iii The dispute occurred in a location within the circuit;
 - iv The dispute concerns land, goods or other assets located in the circuit, or;
 - v The parties' legal representatives are based in the circuit.Claims commenced in London may be transferred to the local BPC. Claims commenced in a local BPC can be transferred to London or other BPC or to a county court hearing centre. An application for transfer should be made to the BPC where the case is proceeding and must be consented to by the receiving court before the transfer can be made. On transfer the following checklist is given of factors the court shall have regard to:
 - i Significant links between the claim and the circuit in question;
 - ii Whether the courts resources, deployment constraints, or fairness require that the hearings (including the trial) be held in another court than the court into which it was issued;
 - iii The wishes of the parties, which bear special weight in the decision but may not be determinative;
 - iv The international nature of the case, with the understanding that international cases may be more suitable for trial in centres with international transport links;
 - v The availability of a judge specialising in the type of claim in question to sit in the court to which the claim is being transferred (when considering this issue the listing office of the court to which the claim is being transferred will be consulted before the transfer is made).County Court claims for the kind of work handled by the BPC should be marked "Business and Property work". The specialist work of the type undertaken in the Business and Property Courts includes all the work that falls under the jurisdiction of the courts and lists that make up the Business and Property Courts, except for:
 - a Claims for possession of domestic property and rent and mesne profits, or in respect of domestic mortgages;
 - b Claims for possession of commercial premises or disputes arising out of business tenancies that are routine in nature;
 - c Claims falling under the Trusts of Land and Appointment of Trustees Act 1996, unless combined with other specialist claims;
 - d Hearings of unopposed creditors' winding-up or bankruptcy petitions or applications

- to set aside statutory demands;
- e Building claims, other than adjudication claims, of a value under £75,000;
- f Invoice and other straightforward business claims of a value under £75,000;
- g Boundary and easement disputes involving no conveyancing issues;
- h Claims to enforce a charging order;
- i Applications under the Access to Neighbouring Land Act 1992;
- j Proceedings under the Inheritance (Provision for Family and Dependents) Act 1975.

In Newcastle, however, these claims will still be managed and tried by Chancery Circuit and District Judges.

Appeal slots are to be created in the BPC District Registries to accommodate blocks of applications for permission to appeal and appeals to be heard by a Group A judge.

There is also a BPC-Advisory Note which explains how the business of the BPC is allocated between individual courts, the lists and sub-lists operate and sets out how claims are now to be entitled.

As to the immediate future, at the moment electronic filing is only available in the Rolls Building. To issue claims on Circuit claim forms should continue to be issued as before.

Care should be taken to ensure that proceedings are brought in the correct court though there is no obligation to make extra enquiries to determine whether there are links outside the claimant's current knowledge.

Only cases which may properly be regarded as being suitable for management and trial in London will be retained there. All other claims will be transferred out.

The Shorter and Flexible Trials Lists are expected to be rolled out to the regions.

Useful links and information

BPC - Practice Direction

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/practice-direction-business-and-property-courts>

BPC - Advisory Note

<https://www.judiciary.gov.uk/wp-content/uploads/2017/09/bpc-advisory-note-13-oct2017.pdf>

Chancery Guide

<https://www.gov.uk/government/publications/chancery-guide>

CPR

Part 49 (Companies Court)

Part 57 (Probate, Inheritance and Presumption of Death)

Part 58 (Commercial Court)

Part 59 (Circuit Commercial Court)

Part 60 (Technology and Construction Court claims)

Part 61 (Admiralty claims)

Part 62 (Arbitration claims)

Part 63 (Intellectual Property Claims)

Part 63A (Financial List)

Part 64 (Estates, Trusts and Charities)

Practice Direction - Insolvency Proceedings

Practice Direction; Directors Disqualification

Practice Direction 51O (Electronic Working)

EU Competition Law Practice Direction

Useful Contacts

Newcastle Combined Court Centre -

Telephone: 0191 201 2000

Email:

civil@newcastlecounty.gsi.gov.uk

Email for skeleton arguments: newcastlechancery@hmcts.gsi.gov.uk

Contact

Chancery Clerks:

Helen Tait and Caroline Brent

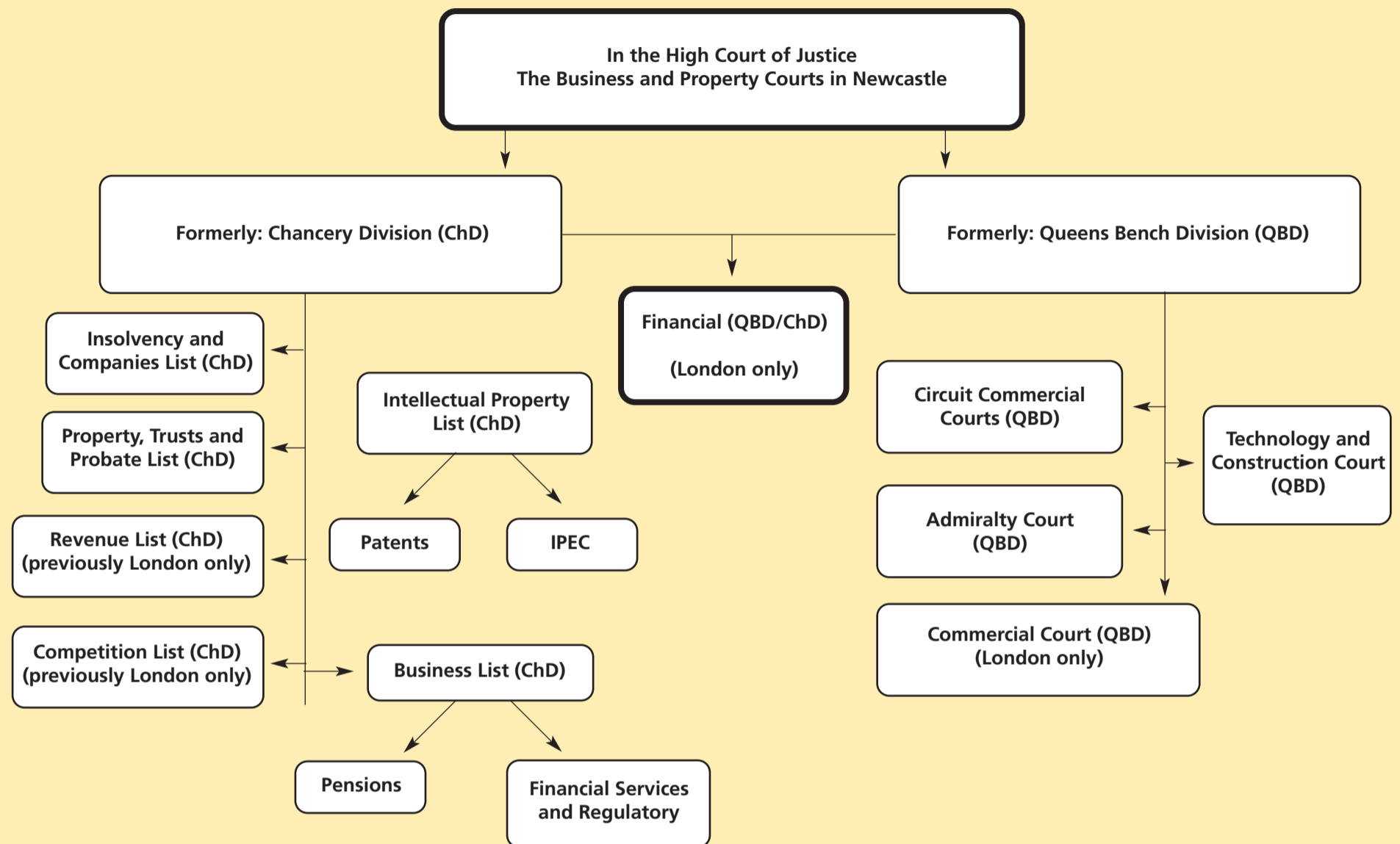
Delivery Manager - Civil:

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The Business and Property Courts in Newcastle



And how it used to be HH Judge Kramer reflects.

A copy of “**THE PRACTICE OF THE COURT OF CHANCERY OF THE COUNTY PALATINE OF DURHAM. BY A SOLICITOR OF THAT COURT. SUNDERLAND: 1807**” gives an insight into how work now undertaken by the BPC was transacted. The court, which can be dated back to 1293 when Parliament confirmed the Bishop of Durham’s claim to issue writs, survived until 1971. It boasted several distinguished Chancellor’s, our own Lord Eldon and in the 1950s Lord Cross, the Law Lord. In 1807 the Chancellor was Sir Samuel Romilly a noted legal reformer. He was appointed by the Bishop, a practice which continued until 1836 after which appointments were

made by the monarch.

The **PRACTICE** tells us that the officers of the court were the Register, who took down minutes of the decrees and orders, dealt with administration, including the receipt and investment of money paid into court. There was the Examiner, who examined witnesses for both sides on oath, on receipt of the parties’ interrogatories, took down depositions and filed them with the Register. The Cursitor was custodian of the Rolls of the Court and original Writs and Deeds, upon which it is noted the most valuable estates in the county were made out. The actions of the Tipstaff are described. “*He Walks with his Hat off and Staff in his Hand*

before the Chancellor, when he goes into Court; and the same when the Court is over;” He took persons committed into custody and observed good order during the sitting. By custom he handed a glove to counsel into which each counsel put a shilling and then handed it to the attornies who each put in sixpence. The solicitors were admitted to the Courts of the County Palatine by the Chancellor on Petition stating they had served clerkship for 5 years.

The process of a hearing is described thus: the Solicitor for the Plaintiff gave the Register instructions to enter in the paper of that sitting the cause to be heard. Solicitors for both sides having delivered their briefs and fully instructed counsel, the affidavit of service of the subpoena to hear

judgement was read. Junior counsel for the Plaintiff opened the bill, and junior counsel for the Defendant the answer; after which the Plaintiff’s senior counsel stated the case and matter in issues and the proofs followed by senior counsel for the Defendant. The solicitors for the Plaintiff read the proofs which he considered supported his client and the Defendant’s solicitor did likewise. Upon this the Chancellor made his decree. If, however there was a matter of fact to determine an issue or action at Law would be directed to be tried at the Court of Pleas at the next Durham assizes before the Chancellor and other justices there.

Who is to say that in 200 years plus the 92nd update to the Civil Procedure Rules will not look equally quaint.

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