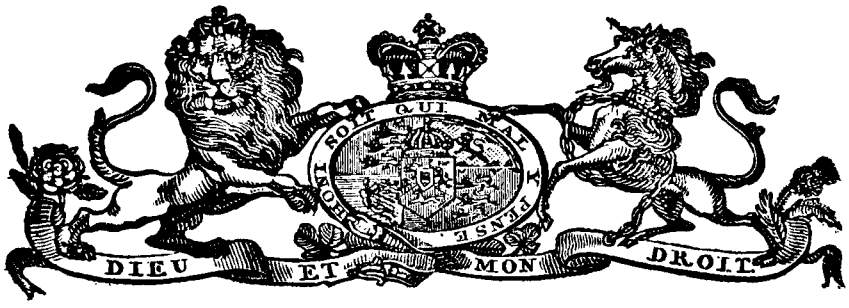


ANNO NONO

GEORGII IV. REGIS.

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CAP. XV.

An Act to prevent a Failure of Justice by reason of Variances between Records and Writings produced in Evidence in support thereof.

[9th *May* 1828.]

WHEREAS great Expence is often incurred, and Delay or Failure of Justice takes place at Trials, by reason of Variances between Writings produced in Evidence and the Recital or setting forth thereof upon the Record on which the Trial is had, in Matters not material to the Merits of the Case, and such Record cannot now in any Case be amended at the Trial, and in some Cases cannot be amended at any Time: For Remedy thereof be it enacted by the King'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, That it shall and may be lawful for every Court of Record holding Plea in Civil Actions, any Judge sitting at Nisi Prius, and any Court of Oyer and Terminer and General Gaol Delivery in *England*, *Wales*, the Town of *Berwick-upon-Tweed*, and *Ireland*, if such Court or Judge shall see fit so to do, to cause the Record on which any Trial may be pending before any such Judge or Court in any Civil Action, or in any Indictment or Information for any Misdemeanor, when any Variance shall appear between any Matter in Writing or in Print produced in Evidence and the Recital or setting forth thereof upon the Record whereon the Trial is pending, to be forth-

In Cases where a Variance shall appear between written or printed Evidence and the Record, the Court may order the Record to be amended on Payment of Costs.

forthwith amended in such Particular by some Officer of the Court, on Payment of such Costs (if any) to the other Party as such Judge or Court shall think reasonable; and thereupon the Trial shall proceed as if no such Variance had appeared; and in case such Trial shall be had at Nisi Prius, the Order for the Amendment shall be indorsed on the Postea, and returned together with the Record; and thereupon the Papers, Rolls, and other Records of the Court from which such Record issued, shall be amended accordingly.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.

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