ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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C A P. C.

An Act for continuing, under certain Limitations, the Powers given to the Judges for altering the Forms of Pleading in the Courts of Common Law at *Westminster* and elsewhere.

[14th *August* 1838.]

WHEREAS by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth it was provided, for certain Reasons therein mentioned, that certain Powers should for a limited Period be given to the Judges of the Superior Courts of Common Law at *Westminster*, or any Eight of them, of whom the Chiefs of each of the said Courts were to be Three: And whereas the said Judges, in pursuance of such Powers, have made certain Rules, Orders, and Regulations; and it is desirable that further Time should be allowed in order to ascertain more fully the Effect and Operation of such Alterations, and to make further Alterations and Amendments therein from Time to Time as may be found necessary: And whereas it is expedient to limit the Powers so given, so as to make the Exercise of them continually subject to the Superintendence and Authority of the Crown and of each of the Houses of Parliament: Be it therefore enacted by the Queen'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

Judges of the Superior Courts may make Rules or Orders for altering the Mode of Pleading, &c. in Actions at Law.

the Authority of the same, That the Judges of the said Superior Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, shall and may, by any Rule or Order to be from Time to Time by them made in Term or Vacation, at any Time within Five Years from the Time when this Act shall take effect, make such Alterations in the Mode of pleading in the said Courts, and in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law, and such Regulations as to the Payment of Costs, and otherwise, for carrying into effect the said Alterations, as to them may seem expedient; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same; or if Parliament be not sitting, then within Five Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have Effect until Six Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulation so made shall, from and after such Time aforesaid, be binding and obligatory on the said Courts and all other Courts of Common Law, and on all Courts of Error into which the Judgments of the said Courts or any of them shall be carried by any Writ of Error, and be of the like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most Excellent Majesty, by any Proclamation inserted in the Gazette, or for either of the Houses of Parliament by any Resolution passed at any Time within Six Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the Whole or any Part of such Rules, Orders, or Regulations, and in such Case the Whole, or such Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts, or on any other Court of Common Law or Court of Error: Provided also, that no such Rule, Order, or Regulation shall have the Effect of depriving any Person of the Power of pleading the General Issue, and giving the special Matter in Evidence, in any Case wherein he is now or hereafter shall be entitled to do so by virtue of any Act of Parliament now or hereafter to be in force.

Such Rules or Orders not to be valid until Six Months after being laid before Parliament;

and may previously be declared suspended by Proclamation or Resolution.

Power of pleading General Issue and giving Special Matter in Evidence reserved.

Commencement of Act.

II. And be it further enacted, That this Act shall commence and take effect on the First Day of *November* One thousand eight hundred and thirty-eight.

Not to extend to Ireland or Scotland.

III. And be it further enacted, That nothing in this Act shall extend to that Part of the United Kingdom called *Ireland*, or that Part of the United Kingdom called *Scotland*.

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