

ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

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CAP. XXXIV.

An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at *Fort William* and *Madras*; and to empower the same Courts, and the Supreme Court of Judicature of *Bombay*, to make Rules and Orders concerning Pleadings.

[29th *July* 1839.]

WHEREAS the Supreme Court of Judicature at *Fort William* in *Bengal* on the Fifteenth Day of *June* One thousand eight hundred and thirty-seven, and the Supreme Court of Judicature at *Madras* on the Twenty-second Day of *February* One thousand eight hundred and thirty-seven, made and passed certain Rules and Orders whereby the Modes of pleading in the same Courts respectively were in some respects altered; and Doubts have arisen as to the Powers of the same Courts to make such Alterations without the Authority 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 the Authority of the same, That the said Rules and Orders, so far as they altered the Modes of pleading in the said Supreme Courts at *Fort William* and *Madras* respectively, shall be deemed and taken to all Intents to have been lawfully made, and to have had and still to have the Force of Law.

The Rules for altering the Mode of pleading in the Supreme Courts at Fort William and Madras deemed to have been lawfully made.

II. And

Supreme Courts at Bombay, Fort William, and Madras may pass Rules for altering the Modes of pleading.

II. And whereas it is expedient to provide for giving Validity to any Rules or Orders which may be made by the Supreme Court of Judicature at *Bombay* for altering the Modes of pleading therein, and also to any other Rules or Orders which may hereafter be made by the said Supreme Courts of *Fort William* and *Madras* or either of them respecting the Modes of pleading in the same Courts respectively; be it therefore enacted, That the said Supreme Court of *Bombay* shall and may, by any Rules or Orders to be from Time to Time passed by the said Court, make such Alterations, and the said Supreme Courts of *Fort William* and *Madras* shall and may, by any other Rules or Orders to be from Time to Time passed by the said Courts respectively, make such further Alterations in the Mode of pleading in the said Courts respectively, or in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law or Suits in Equity, or any Civil or Ecclesiastical Causes, and such Regulations as to the Payment of Costs, and otherwise for carrying into effect any such Alterations, as to the said Courts respectively may seem expedient; and all such Rules, Orders, or Regulations shall be submitted for Confirmation or Disallowance to the Governor General of *India* in Council immediately upon the making of the same; and every such Rule, Order, or Regulation shall to all Intents and Purposes have full Effect after it shall have been confirmed by the said Governor General of *India* in Council; but every such Rule, Order, and Regulation, when so confirmed, shall be transmitted to Her Majesty, Her Heirs or Successors, in Council, and shall be subject at any Time to be altered or rescinded by Her said Majesty, Her Heirs or Successors, in Council: Provided always, that no Rule or Order to be made by virtue of this Act 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 to be subject to Confirmation by the Governor General; and may be altered or rescinded by the Privy Council.

Act not to affect Rights and Powers of Supreme Courts.

III. And be it enacted, That nothing herein contained shall be construed to affect any Rights, Powers, or Privileges now belonging to or inherent in the said Supreme Courts of Judicature respectively.

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