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An Act to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in *Ireland*. [3d *July* 1857.]

WHEREAS by an Act of the Session of the Parliament of *Ireland* holden in the Fortieth Year of the Reign of His late Majesty King *George* the Third, Chapter Thirty-nine, 40 G. 3. c. 39.
Writs of Error upon Judgments of the Superior Courts of Law in Ireland were made returnable in the Court thereby constituted, and since commonly called the Court of Exchequer Chamber, and the Chief Justices, Chief Barons, and the rest of the Justices and Barons, or any Nine of them assembled in the said Court, were empowered to examine and affirm or reverse such Judgments: And whereas by an Act of the Session of Parliament holden in the First Year of the Reign of His late Majesty King *George* the Fourth, Chapter Sixty- 1 G. 4. c. 68.
eight, increased Powers were given to the said Court of Exchequer Chamber: And whereas by the "Common Law Procedure Amend- 16 & 17 Vict. c. 113.
ment Act (*Ireland*), 1853," and the "Common Law Procedure Amendment Act (*Ireland*), 1856," further Provision was made for the 19 & 20 Vict. c. 102.
bringing of Error and Appeals into the said Court of Exchequer Chamber: And whereas it is expedient that the Procedure in Error in the said Court should be rendered uniform, and that all Proceedings

in Error and upon Appeals brought into the said Court on Judgments and other Proceedings of any of the Courts of Queen's Bench, Common Pleas, and Exchequer should be before the Justices only, or the Justices and Barons only, as the Case may be, of the Two other of the said last-mentioned Courts: 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, as follows:

Appeals from one Court to Judges of Two other Courts.

I. In all Cases in which Error or an Appeal shall, after the passing of this Act, be brought into the said Court of Exchequer Chamber upon any Judgment or other Proceeding of any of the Courts of Queen's Bench, Common Pleas, or Exchequer, the Proceedings in the said Court of Exchequer Chamber in Error, or upon such Appeal, shall be before the Chief Justices and Justices only, or Chief Justice and Justices, Chief Baron and Barons only, as the Case may be, of the Two other of the said Courts, or any Six or more of them.

Act not to affect Chief Justices or Chief Baron.

II. Nothing in this Act contained shall in any way affect the Power or Jurisdiction of either of the Chief Justices or the Chief Baron to fix the Sittings of the said Court, or (save in Proceedings in Error or upon Appeal, to which the last preceding Section shall apply,) to do any other Thing in or relating to the said Court.

Procedure in Error shall be uniform.

III. In order that the Procedure in Error in the said Court of Exchequer Chamber upon all Judgments and Proceedings of the Superior Courts of Law may be rendered, so far as possible, uniform, the Enactments of the "Common Law Procedure Amendment Act (*Ireland*), 1853," with respect to the bringing of Error into the said Court of Exchequer Chamber, and the Rules and Orders made or to be made in pursuance of the said Act, shall extend to and include the bringing of Error in the said Court of Exchequer Chamber upon all Judgments and Proceedings of the Court of Chancery as a Court of Law, of the Courts of Queen's Bench, Common Pleas, and Exchequer, as well in Crown as in all other Cases in which Error upon such Judgments or Proceedings may now be brought in the said Court of Exchequer Chamber; and the Procedure in Error in the said Court of Exchequer Chamber, and the Proceedings consequent thereon, shall, so far as practicable, in all such Cases be pursuant to the said "Common Law Procedure Amendment Act (*Ireland*), 1853," and the said Rules made or to be made under the said Act:

No Error to be brought in Cases in which Error cannot now be brought.

Provided, that nothing in this Act contained shall be construed to enable Error to be brought in Cases in which Error cannot now be brought: Provided also, that where any Fiat or Consent is now required in any Proceeding in Error, such Fiat or Consent shall continue

continue to be required in the corresponding Proceeding in Error under this Act.

IV. The Power to make General Orders for the said Court of Exchequer Chamber under Section Two hundred and thirty-three of the "Common Law Procedure Amendment Act (*Ireland*), 1853," shall extend to all Proceedings in Error in the said Court. Power to make General Orders.

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