

CAP. IX.

*Bill Act
9 Geo. IV.*

An Act to prevent a failure of Justice, by reason of variances between Records and Writings, produced in evidence in support thereof.

(Passed the 29th day of March, A. D. 1841.)

Preamble

WHEREAS, great expense 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:

Court may in cases of variance between Records and Writings produced in evidence direct the Record to be amended

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for every Court of Record in this Province, if such Court shall see fit so to do, to cause the Record on which any Trial may be pending before any such 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 forthwith amended, in such particular, by some officer of the Court, on payment of such costs, if any, to the other party, as such Court shall think reasonable, and thereupon the Trial shall proceed as if no such variance had appeared.

CAP. X.

An Act in addition to, and amendment of, an Act passed during the present Session of the General Assembly, entitled, An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice within this Province, and to diminish the expense of the Judiciary therein.

(Passed the 10th day of April, A. D., 1841.)

Preamble

WHEREAS, it is frequently necessary that Costs should be taxed and Dockets of Judgment signed, as by Law required, in the vacations of the several Sittings of the Supreme Court, in the different Counties of this Province; and, in consequence of the sickness or absence of the presiding Judge of the Court wherein such Judgments ought to be entered in Cases reserved for decision or otherwise, Parties entitled to judgment may sometimes be delayed and thereby sustain injury—for remedy thereof:

The Chief Justice or any Judge may tax cost and sign Judgment

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Chief Justice, or any of the Judges of the Supreme Court, to tax and allow the costs duly certified as by Law required, of any Party entitled to Judgment, in vacation, and sign the Docket of such Judgment, which shall have the like force and effect as if taxed and signed by the presiding Judge in the Court, where the same Judgment is entered, any Law, usage or practice, to the contrary thereof notwithstanding.

And whereas, the time of holding the Court of General Sessions of the Peace in King's County has been omitted in the Act of which this is an amendment:

Sessions for King's County

II. *Be it enacted,* That hereafter the Court of General Sessions of the Peace, in and for King's County, shall be held at Kentville, on the second Tuesday of November in each and every year.