

BILL.

An Act to restrain technical objections in suits at Common Law.

WHEREAS for the advancement of justice and the more speedy prosecution of suits, it is necessary that there should be a greater restriction of technical objections than now exists in pleading and practice:—
 5 Be it therefore enacted, &c.

That whenever after trial had in any form or cause of action whatsoever, a rule or order shall be made by and Court of Common Law, to arrest the judgment, or to enter judgment *non obstante veredicto*, the party succeeding upon such rule or order, to obtain the benefit thereof, shall within two terms, inclusive, next after such rule or order granted, pay to the other party all such costs and expenses, taxable as between party and party, as the party succeeding on such trial shall be put to by reason of such trial, notwithstanding the verdict upon such trial has become abortive, in consequence of such arrest of judgment, or judgment *non obstante veredicto*, as aforesaid, otherwise such rule or order shall be of none effect, and the party succeeding on such trial may thereupon proceed to judgment and execution in the same manner as if such rule or order had not been made.

II. And be it enacted, That no judgment in any action or suit shall be arrested or reversed on error or appeal, by reason of any misjoinder of causes of action, in any such action or suit, but such misjoinder shall be cause of special demurrer only.

III. And be it enacted, That upon the delivery of any special demurrer, the party whose pleading is demurred to, shall be at liberty to amend without payment of costs; Provided always, that such amendment is made within eight days after service of a demand of joinder in demurrer; And provided also, that the Court or any Judge thereof, in which the action is brought, may, if such Court or Judge think fit, order costs to be paid upon such amendment, on a special application therefor.

IV. And be it enacted, That whenever in any action or suit judgment shall be given upon any issue in law, joined upon special demurrer, such judgment shall be final as if given upon general demurrer.

40 V. And be it enacted, That whenever in any plea, replication or subsequent pleading, in any action or suit, there are two or more material facts alleged, it shall and