

“ month and year when the same was Pleading, and shall bear no other time or date ;
 “ and every Declaration and other Pleading shall also be entered on the Record made up
 “ for trial, and on the Judgment Roll, under the date of the day of the month and year
 “ when the same respectively took place, and without reference to any other time or
 “ date, unless otherwise specially ordered by the Court or a Judge. No Demurrer
 “ nor any Pleading subsequent to the Declaration, shall in any case be filed with any
 “ Officer of the Court, but the same shall always be delivered between the parties.”

We have some doubts as to the propriety of requiring a date to Declarations ; but with respect to subsequent Pleadings, we think it wholly unnecessary that they should be filed, and therefore a date may become necessary to ascertain the time at which they are pleaded. It has always been customary in this Province for the opposite Attornies to deliver copies of Pleadings to each other, and not to get them from the Clerk ; and as the Pleadings are subsequently entered on Rolls, there is no reason for requiring them to be filed.

We have not made any distinct head as to the Forms of Pleas, &c., but the unnecessary prolixity of those now in use will be evident to any one who will compare them with those prescribed by the new Rules.

The following, which we have selected from the English Rules of Hilary Term, 4 Wm. 4, we recommend for adoption in the Supreme Court.

“ No entry of continuances by way of Imparlance, *Curia advisari vult*, *Viccomes non misit breve*, or otherwise, shall be made upon any Record or Roll whatever, or in the Pleadings, except the *jurata ponitur in respectu*, which is to be retained.

“ Provided that such regulations shall not alter or affect any existing Rules of Practice as to the times of proceeding in the cause.

“ Provided also, that in all cases in which a Plea *Puis darrein continuance* is now by Law pleadable in *Banc* or at *Nisi Prius*, the same defence may be pleaded, with an allegation that the matter arose after the last pleading, or the issuing of the Jury process, as the case may be.

“ Provided also, that no such Plea shall be allowed, unless accompanied by an Affidavit that the matter thereof arose within eight days next before the pleading of such Pleas, or unless the Court or a Judge shall otherwise order.”

“ All Judgments, whether interlocutory or final, shall be entered of Record of the day of the month and year, whether in Term or Vacation, when signed, and shall not have relation to any other day.

“ Provided that it shall be competent for the Court or a Judge to order a Judgment to be entered *nunc pro tunc*.”

“ No entry shall be made on Record of any Warrants of Attorney to sue or defend.”

“ In a plea or subsequent pleading, intended to be pleaded in bar of the whole action generally, it shall not be necessary to use any allegation of *actionem non*, or to the like effect, or any prayer of Judgment ; nor shall it be necessary in any replication, or subsequent pleading intended to be pleaded in maintenance of the whole action, to use any allegation of *precludi non*, or to the like effect, or any prayer of Judgment ; and

* The number of days can be altered so as to conform to the Practice of the Court.