

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1829. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1829.

9 & 10 George IV – Chapter 1

An Act to prevent the failure of Justice by reason of variances between Records and Writings produced in Evidence in support thereof. Passed 10th February, 1829.

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 sitting forth thereof, upon the Record or Pleadings on which the Trial is had, in matters not material to the merits of the case, and such Record or Pleadings, cannot now, in any case, be amended at the Trial, and in some cases, cannot be amended at any time: For remedy thereof;

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for every Court of Record, holding Plea in Civil Actions, any Judge sitting at *Nisi Prius*, and Court of *Oyer and Terminer* and General Gaol Delivery, within this Province, if such Court or Judge shall see fit so to do, to cause the Record or Pleading on which any trial may be pending, before any such Judge or 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 and setting forth thereof upon the Record or Pleading, 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 Judge or Court shall think reason, able; and thereupon the Trial shall proceed as if no such variance had appeared; and in case such Trial should be had at *Nisi Prius*, the order for the amendment shall be endorsed on the *Postea*, and returned, together with the Record; and thereupon the Papers, Rolls and other Records of the Court, from which such Records issued, shall be amended accordingly.