



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. XCVII.

An Act to amend the Law relating to Double Costs, Notices of Action, Limitations of Actions, and Pleas of the General Issue, under certain Acts of Parliament. [10th August 1842.]

WHEREAS divers Acts of Parliament, Public, Local, and Personal, contain Enactments or Provisions relating to the Recovery of Double, Treble, or other Costs in certain Cases, and to the pleading of the General Issue and the giving any special Matter in Evidence at any Trial to be had for any Matter done in pursuance of or under the Authority of the said Acts, and to the giving of Notice of Action before any Action shall be commenced: And whereas it is expedient that the Law should be altered in such respects: 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, That so much of any Clause, Enactment, or Provision in any Act or Acts commonly called Public Local and Personal, or Local and Personal, or in any Act or Acts of a Local or Personal Nature, whereby it is enacted or provided

Repeal of Provision in Local and Personal Acts giving Double and Treble Costs.

provided that either Double or Treble Costs, or any other than the usual Costs between Party and Party, shall or may be recovered, shall be and the same are hereby repealed: Provided always, that in lieu thereof the usual Costs between Party and Party shall and may be recovered, and no more.

Repealing
Provision in
Public
Acts giving
Double and
Treble Costs.

II. And be it enacted, That so much of any Clause, Enactment, or Provision in any Public Act or Acts, not Local or Personal, whereby it is enacted or provided that either Double or Treble Costs, or any other than the usual Costs between Party and Party, shall or may be recovered, shall be and the same are hereby repealed: Provided always, that instead of such Costs the Party or Parties heretofore entitled under such last-mentioned Acts to such Double, Treble, or other Costs shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expences incurred in and about any Action, Suit, or other legal Proceeding, as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

Repeal of
Provision
in Local
and Per-
sonal Acts
allowing
General
Issue.

III. And be it enacted, That so much of any Clause or Provision in any Act or Acts commonly called Public Local and Personal, or Local and Personal, or in any Act or Acts of a Local and Personal Nature, whereby any Party or Parties are entitled or permitted to plead the General Issue only and to give any special Matter in Evidence without specially pleading the same, shall be and the same is hereby repealed.

Uniformity
of Notice of
Action.

IV. And whereas it is expedient that the Law should be uniform with respect to Notice of Action in all Cases where such Notice of Action is required; be it therefore enacted, That from and after the passing of this Act, in all Cases where Notice of Action is required, such Notice shall be given One Calendar Month at least before any Action shall be commenced; and such Notice of Action shall be sufficient, any Act or Acts to the contrary thereof notwithstanding.

General Li-
mitation of
Actions
under Local
and Personal
Acts.

V. And whereas divers Acts commonly called Public Local and Personal, or Local and Personal Acts, and divers other Acts of a Local and Personal Nature, contain Clauses limiting the Time within which Actions may be brought for any thing done in pursuance of the said Acts respectively: And whereas the Periods of such Limitations vary very much, and it is expedient that there should be One Period of Limitation only; be it therefore enacted, That from and after the passing of this Act the Period within which any Action may be brought for any thing done under the Authority or in pursuance of any such Act or Acts shall be Two Years, or in case of continuing Damage, then within One Year after such Damage shall have ceased; and that so much of any Clause, Provision, or Enactment by which any other Time or Period of Limitation is appointed or enacted shall be and the same is hereby repealed.

Act not to
extend to
Actions, &c.

VI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action,
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Bill,

Bill, Complaint, or Information, or any legal Proceeding of any Kind brought before whatsoever, commenced before the passing of this Act, but such Proceedings may be thereupon had and taken in all respects as if this Act had not passed. of this Act.

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