



Common Law Procedure Act 1852

1852 CHAPTER 76

Judgment for not proceeding to Trial

CI Proceeding where Plaintiff neglects to bring on the Cause to be tried.

Where any Issue is or shall be joined in any Cause, and the Plaintiff has neglected or shall neglect to bring such Issue on to be tried, that is to say, in Town Causes where Issue has been or shall be joined in, or in the Vacation before, any Term, for instance; *Hilary* Term, and the Plaintiff has neglected or shall neglect to bring the Issue on to be tried during or before the following Term and Vacation, for instance, *Easter* Term and Vacation, and in Country Causes where Issue has been or shall be joined in, or in the Vacation before, *Hilary* or *Trinity* Term, and the Plaintiff has neglected or shall neglect to bring the Issue on to be tried at or before the Second Assizes following such Term, or if Issue has been or shall be joined in, or in the Vacation before, *Easter* or *Michaelmas* Term, then, if the Plaintiff has neglected or shall neglect to bring the Issue on to be tried at or before the First Assizes after such Term, whether the Plaintiff shall in the meantime have given Notice of Trial or not, the Defendant may give Twenty Days Notice to the Plaintiff to bring the Issue on to be tried at the Sittings or Assizes, as the Case may be, next after the Expiration of the Notice; and if the Plaintiff afterwards neglects to give Notice of Trial for such Sittings or Assizes, or to proceed to Trial in pursuance of the said Notice given by the Defendant, the Defendant may suggest on the Record that the Plaintiff has failed to proceed to Trial, although duly required so to do, (which Suggestion shall not be traversable, but only be subject to be set aside if untrue,) and may sign Judgment for his Costs; provided that the Court or a Judge shall have Power to extend the Time for proceeding to Trial, with or without Terms.