



Common Law Procedure Act 1852

1852 CHAPTER 76

Arrest of Judgment and Judgment non obstante verdicto

CXLIII Upon Motion in arrest of Judgment, pursuant to 1 W.4 c.7, or for Judgment Non obstante verdicto, omitted Facts may by Leave of the Court be suggested.

Upon any Motion made in arrest of Judgment, or to enter an Arrest of Judgment, pursuant to the Statute passed in the First Year of His late Majesty King *William* the Fourth, intituled *An Act for the more speedy Judgment and Execution in Actions brought in His Majesty's Courts of Law at Westminster, and in the Court of Common Pleas of the County Palatine of Lancaster, and for amending the Law as to Judgment on a Cognovit actionem in Cases of Bankruptcy*, or for Judgment Non obstante verdicto, by reason of the Non-averment of some alleged material Fact or Facts or material Allegation, or other Cause, the Party, whose Pleading is alleged or adjudged to be therein defective, may, by Leave of the Court, suggest the Existence of the omitted Fact or Facts, or other Matter, which, if true, would remedy the alleged Defect; and such Suggestion may be pleaded to by the opposite Party within Eight Days after Notice thereof, or such further Time as the Court or a Judge may allow; and the Proceedings for Trial of any Issues joined upon such Pleadings shall be the same as in an ordinary Action.