



# Common Law Procedure Act 1852

## 1852 CHAPTER 76

### *Questions by Consent without pleading*

#### **XLII Questions of Fact may, after Writ issued, by Consent and Leave of a Judge, be raised without Pleadings.**

Where the Parties to an Action are agreed as to the Question or Questions of Fact to be decided between them, they may, after Writ issued, and before Judgment, by Consent, and Order of a Judge, (which Order any Judge shall have Power to make, upon being satisfied that the Parties have a *bonâ fide* Interest in the Decision of such Question or Questions, and that the same is or are fit to be tried,) proceed to the Trial of any Question or Questions of Fact without formal Pleadings ; and such Question or Questions may be stated for Trial in an Issue in the Form contained in the Schedule (A.) to this Act annexed, marked No. 6., and such Issue may be entered for Trial and tried accordingly in the same Manner as any Issue joined in an ordinary Action ; and the Proceedings in such Action and Issue shall be under and subject to the ordinary Control and Jurisdiction of the Court, as in other Actions.