

(142)

1854.]

BILL.

[No. 142.

An Act to amend the Prerogative Writs Act, and to make new provision respecting Writs of *Scire facias*.

**W**HEREAS it is expedient to amend the Act passed in the 12th year of Her Majesty, Reign, intituled: "*An Act to define the mode of proceeding before the Courts of Justice in Lower Canada in matters relating to the protection and regulation of Corporate Rights and to Writs of Prerogative, and for other purposes therein mentioned,*" to adapt the remedy by *Scire facias* to the Laws of Lower Canada, and to provide a mode of recovering costs in cases instituted under the said Act, and to repeal the Act passed in the 16th year of Her Majesty's Reign, intituled, "*An Act to amend the Act, intituled An Act to define the mode of proceeding before the Courts of Justice in Lower Canada in matters relating to the protection and regulation of Corporate Rights and to Writs of Prerogative, and for other purposes therein mentioned,*" Be it therefore enacted, &c., as follows :

Preamble. 12 V., c. 41.

16 V., 199.

I. The said last mentioned Act shall be and the same is hereby wholly repealed; Provided that nothing in this Act contained shall be held to revive the 20th section of the Act herein firstly recited, so as to give a right of appeal in any cause determined since the repeal of the said 20th Section.

16 V. c. 199. repealed. Proviso.

II. Hereafter whenever any judgment shall have been rendered in vacation under the provisions of the said first recited Act, any party deeming himself aggrieved thereby, may on or before the third juridical day after that on which such judgment shall have been given, file in the office of the Prothonotary of the said Court an exception to such judgment with the reasons of such exception, and upon depositing with such Prothonotary the sum of £2 10s. to secure the costs on the re-hearing of the case upon such exceptions, the said judgment shall not be executed against such party; but he may forthwith, after giving notice thereof to the opposite party, inscribe the said cause or matter for re-hearing before the Superior Court at any term thereof, in the same District, after which, such judgment shall be given thereon and such order made as to the costs of the re-hearing as the Court shall think right: but no Judge who shall have sat in the said cause or matter in vacation shall be competent to sit upon such re-hearing.

Rehearing on cases decided in Vacation under 12 V., c. 41.

Conditions.

III. In any cause or matter in which judgment has been heretofore or shall be hereafter rendered, any party to whom costs shall have been thereby awarded, may obtain a writ of execution in the usual manner, which execution shall be addressed to and executed by the Sheriff of the District, and shall issue out of the Superior Court at any time after 15 days after judgment, and be returned into the Superior Court where all subsequent proceedings may and shall be had thereon in the usual course, whether the said cause or matter shall have been heard and determined by the said Court or by any Judge or Judges in vacation.

Mode of recovering costs.