

CXLI. And be it enacted, That the party entitled to such taxed costs and expenses, or his or her personal representatives, may demand the whole amount thereof so certified as above, from any one or more of the persons liable to the payment thereof, and in case of non-payment thereof on demand, may recover the same by action of debt in any of Her Majesty's Courts which would have jurisdiction over the same, were it an ordinary debt of a similar amount; in which action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the sum mentioned in the said Certificate, and the said Plaintiff shall, upon filing the said declaration, together with the said Certificate and Affidavit of such demand as aforesaid, be at liberty to sign judgment as for want of a plea by *nil dicit*, or otherwise, according to the course of the Court in which the action shall be pending, or to have judgment entered or rendered in his favor according to the same, and take out execution for the said sum so mentioned in the said Certificate, together with the costs of the said action according to due course of law: Provided always, nevertheless, firstly, that the validity of such Certificate (the handwriting of the Speaker thereunto being duly verified) shall not be called in question in any Court; and provided always also, secondly, that the party so impleaded may, if he think fit, put in any defence that he may have to such action, according to law and the practice of such Court.

In what manner costs may be recovered.

CXLII. And be it enacted, That in every case it shall be lawful for any person from whom the amount of such costs and expenses has been so recovered, to recover in like manner from the other persons, or any of them (if such there be) who are liable to the payment of the same costs and expenses, a proportionate share thereof according to the number of persons so liable, and according to the extent of the liability of each person.

Parties may recover from those jointly liable with them.

CXLIII. And be it enacted, That if any person having subscribed an Election Petition presented under this Act, or any sitting Member or any Petitioner admitted to defend such Petition instead of such sitting Member, neglect or refuse for the space of seven days after demand to pay to any witness summoned on his behalf before any Select Election Committee appointed under the provisions of this Act, or before any Commissioner appointed for taking evidence by such Committee, the sum so certified as aforesaid by the Speaker under the authority of this Act to be due to such witness, or if such Petitioner or other party neglect or refuse, for the space of six months after demand, to pay to any party opponent to him upon the trial of such Petition the sum so certified by the Speaker as aforesaid to be due to such party for his costs and expenses, and if such neglect or refusal be, within one year after the granting of such certificate, proved to the Speaker's satisfaction by Affidavit sworn before the said Speaker or before a Justice of the Peace, in every such case every person who has entered into a Recognizance on behalf of such Petitioner or other party, relating to such Petition under the provisions of this Act, shall be held to have made default in his said Recognizance, and the Speaker of the Commons House of Legislative Assembly shall thereupon certify such Recognizance into the Superior Court for Lower Canada, if such Recognizance shall have been taken in Lower Canada, or into the Court of Queen's Bench or Common Pleas for Upper Canada, if such Recognizance shall have been taken in Upper Canada, and shall also certify that such person has made default therein, and such certificate shall be conclusive evidence of the validity of such Recognizance and of such default, and the Recognizance, being so certified, shall be delivered by the Clerk of the Commons House of Legislative Assembly, or some person deputed by him for that purpose, into the hands of the Chief Justice, or one of the Judges of the Court into which the same shall be so certified by the said Speaker, or into the hands of some Officer of such Court appointed by such Court to receive the same, or shall be transmitted by such Clerk through the Post in manner hereinafter mentioned, to the Chief Justice or other Judge of such Court as the case may require, and in every such case such delivery or transmission of such Recognizance shall have the same effect as if the same were estreated or otherwise proceeded upon for the like purpose from or in a Court of Law, according to the Laws of that section of the Province in which such Recognizance shall have been so taken as aforesaid, and the course of the Court to which

Recognizances to be estreated if costs be not paid within certain periods.