

Writ of Error
and Appeal
abolished.

Pending cases
saved.

XX. A Writ of Error and Appeal shall not be necessary or used in any cause, and the proceeding to appeal against any Judgment shall be a step in the cause, and shall be taken in manner hereinafter mentioned; but nothing in this Act contained shall invalidate any proceedings already taken or to be taken by reason of any Writ of Error and Appeal issued before the commencement of this Act. 5

Party alleging
error may file
memorandum
in form of
Schedule A,
and serve
copy and
statement of
grounds of error
on the opposite
party.

XXI. Either party alleging error in law, may deliver to the Clerk of the Crown of the Court wherein the suit was instituted, a Memorandum in writing, in the form contained in the Schedule A to this Act annexed (No. 1.) or to the like effect, entitled in the Court and cause, and signed by the party or his Attorney, alleging that there is error in law in the record and proceedings, whereupon the Clerk shall file such Memorandum, and deliver to the party lodging the same a note of the receipt thereof, and a copy of such note, together with a statement of the grounds of error, intended to be argued, may be served on the opposite party or his Attorney. 15

Proceedings in
appeal to supersede
execution, and
from what
time.

Proviso, if
appeal be declared
frivolous.

XXII. Proceedings in any appeal from decisions in the Courts of Common Law shall be deemed a supersedeas of execution from the time of the perfecting and allowance of the security required by the fortieth section of the above mentioned Act, passed in the twelfth year of Her Majesty's Reign; Provided always, that if the grounds of Error or Appeal shall appear to be frivolous, the Court whose judgment is appealed from, or a Judge upon summons, may order execution to issue. 20 25

Assignment
and joinder
in error unnecessary.

Suggestion
substituted.

Proviso, if
respondent relies
on proceedings
in error being
barred.

XXIII. The assignment of and joinder in error in law shall not be necessary or used, and instead thereof a suggestion to the effect that error is alleged by the one party and denied by the other, may be entered on the Judgment-roll, in the form contained in Schedule A to this Act annexed (No. 2.) or to the like effect; Provided that in case the respondent intends to rely upon the proceeding in error being barred by lapse of time or by release of error or other like matter of fact, he may give four days' notice in writing to the appellant, to file and serve a copy of his grounds of error and appeal as heretofore, instead of entering the suggestion, and he shall within eight days plead thereto the bar by lapse of time, or release of error or other like matter of fact, and thereupon further proceedings may be had according to the law and practice in England. 30 35 40

Roll to be
made up, &c.,
within a certain
time; or
defendant may
sign judgment
of non pros.

XXIV. The roll shall be made up, and the suggestion last aforesaid entered by the appellant within ten days after the service of the note of the receipt of the Memorandum alleging error, or within such other time as the Court or a Judge may order, and in default thereof, or of assignment of error in cases when an assignment is required, the respondent, his executors or administrators, shall be at liberty to sign Judgment of non pros. 45