

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

WHEREAS it is expedient to amend the Act passed in the 12th year Preamble.
of Her Majesty, Reign, intituled: "*An Act to define the mode of*
proceeding before the Courts of Justice in Lower Canada in matters relat-
ing to the protection and regulation of Corporate Rights and to Writs of 12 Vict. cap.
5 *Prerogative, and for other purposes therein mentioned,*" to adapt the 41.
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 proceed-* 16 Vict. cap.
10 *ing before the Courts of Justice in Lower Canada in matters relating* 199.
to the protection and regulation of Corporate Rights and to Writs of Pre-
rogative, and for other purposes therein mentioned ;" Therefore Her
Majesty, &c., enacts as follows :

I. The said last mentioned Act shall be and the same is hereby wholly 16 Vict. cap.
15 repealed ; Provided that nothing in this Act contained shall be held to 199, repealed.
revive the 20th section of the Act herein firstly recited, so as to give a Proviso.
right of appeal in any cause determined since the repeal of the said 20th
section.

II. Hereafter whenever any judgment shall have been rendered in vaca- Rehearing on
20 tion under the provisions of the first recited Act, any party deeming cases under
himself aggrieved thereby, may, on or before the third juridical day after 12 Vict. cap.
that on which such judgment shall have been given, file in the office of the 41, decided in
Prothonotary of the Superior Court an exception to such judgment with the Vacation.
25 the sum of £2 10s. to secure the costs on the re-hearing of the case upon Conditions.
such exception, the said judgment shall not be executed against such
party, but either party may forthwith, after giving notice thereof to the
opposite party, inscribe the said cause or matter for re-hearing before the
Superior Court at the next term thereof, in the same District, after which
30 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.

III. In any cause or matter in which judgment has been heretofore or Recovery of
35 shall be hereafter rendered, any party to whom costs shall have been there- costs.
by 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