

or they shall have or be entitled to double costs for all such proceedings as shall be had or carried on in any such action or suit after the passing of this Ordinance, and for which costs he and they shall have the like remedy as in cases where costs are by Law given to defendants.

Parties to such action, &c. may apply by motion or petition to discharge such order, if application be made, &c.

Provided always that it shall be lawful for any person or persons being a party or parties to any such action, suit, indictment, information, prosecution or other proceeding, to apply by motion, petition or otherwise, in a summary way, to the Court in which the same shall have been brought, commenced, preferred, exhibited or had, or shall be depending, to vacate, discharge or set aside, any order made by any Judge or Justice of that Court, for staying proceedings, or for payment of costs as aforesaid, so as such application be made within the first two days of the Term or Session of such Court next ensuing the making of any such order by any Judge or Justice as aforesaid, and such Court is required to examine the matter of such application, and to make such order therein, as if the application had been originally made to the said Court; but nevertheless in the meantime, and until such application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, set aside or reverse the order made by any such Judge or Justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

Persons discharged out of custody.

IV. And be it further Ordained and Enacted by the authority aforesaid, that all and every person or persons discharged out of custody as aforesaid, although he or they shall not have been discharged according to Law, shall be deemed and taken to have been legally discharged out of custody.

J. COLBORNE

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the twenty-eighth day of April, in the first year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the year of Our Lord, one thousand eight hundred and thirty-eight.

By His Excellency's Command,

WM. B. LINDSAY,

Clerk Special Council.

C A P.