

No. 163.

3d Session, 3d Parliament, 13 & 14 Vict. 1850.

BILL.

An Act to amend the Act to define the mode of proceeding before Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate rights and to Writs of Prerogative.

Received and Read a first time, Monday, 8th July, 1850.

Second Reading, Friday, 12th July, 1850.

MR. SOL.-GEN. DRUMMOND.

BILL.

An Act to amend the Act to define the mode of proceeding before Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate rights and to Writs of Prerogative.

WHEREAS it is expedient to amend the Act herein- Preamble.
after mentioned in certain particulars: Be it therefore enacted, &c.,

That all the powers vested by the first, eleventh, twelfth, Powers vested
5 and fourteenth sections of the Act mentioned in the pre- by sect. 1, 11,
amble to this Act, in any two or more Judges of the Supe- 12 and 14, of
rior Court in vacation shall and may, in each of the Dis- 12 Vict. c. 41.
tricts in Lower Canada except the Districts of Quebec may be exer-
and Montreal, be exercised by any one of the Judges of cised by one,
10 the said Court in vacation; and all the provisions and en- except in cer-
actments of the said Act having reference to the said tain cases.
powers, shall be construed and have effect accordingly.

II. And be it enacted, That so much of the sixteenth Provisions as
section or of any other part of the said Act, as directs in to *Certiorari*
15 what manner writs of *Certiorari* shall be applied for and repealed.
issued, and what proceedings shall be had thereon or with regard thereto, shall be and is hereby repealed; and the law with regard to applications for Writs of *Certiorari*, the proceedings thereon, and all matters incident
20 thereto, shall be as it would have been if the said Act had not been passed: Provided always, that no affidavit of the service of any such Writ by a Bailiff shall be necessary, but he shall certify such service upon his oath of office, in his return; and that costs shall be awarded to
25 the party in whose favor judgment shall be given. Proviso.

III. Provided always, and be it enacted, That with Exception as
regard to all Writs of *Certiorari* issued between the time to writs issued
when the said Act came into force and effect and the pass- before the
ing of this Act, and to all proceedings thereupon and passing of this
30 matters incident thereto, the provisions of the said Act Act.
shall apply as if this Act had not been passed.