



No. 411.

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1st Session, 4th Parliament, 16 Victoria, 1853.

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**BILL.**

An Act to amend the Act, intituled,  
“ *An Act to define the mode of pro-  
ceeding before the Courts of Jus-  
tice in Lower Canada, in matters  
relating to the protection and regu-  
lation of Corporate Rights and to  
Writs of Prerogative, and for other  
purposes therein mentioned.*”

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Received and Read a first time, Wednesday, 25th  
May, 1853.

Second Reading, Friday, 27th May, 1853.

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**MR. LEMIEUX.**

1852-3.]

**BILL.**

[No. 411.]

An Act to amend the Act, intituled, "*An Act to define the mode of proceeding before the Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate Rights and to Writs of Prerogative, and for other purposes therein mentioned.*"

**W**HEREAS by the 20th Section of the Act 12 Vic., cap. 41, Preamble.  
 intituled, "*An Act to define the mode of proceeding before* 12 V c. 41, S. 20.  
 "*the Courts of Justice in Lower Canada, in matters relating to*  
 "*the protection and regulation of Corporate Rights and to Writs*  
 5 "*of Prerogative, and for other purposes therein mentioned,*" it is  
 enacted that an Appeal shall lie to the Court of Queen's Bench  
 sitting in Appeal from all final judgments rendered by the Superior  
 Court in all cases provided for by the said Act, except in cases of  
*certiorari*; And whereas doubts have arisen whether such right of  
 10 Appeal extends also to any final judgment rendered by any two or  
 more Judges of the Superior Court in vacation in the cases pro-  
 vided for by the said Act, and whereas there are equally valid reasons  
 and motives for granting such right of Appeal against any such final  
 judgment so rendered either by the said Superior Court or by any  
 15 two or more of the Judges of the said Court in vacation in the cases  
 aforesaid; Be it therefore declared and enacted, &c.,

That the right of Appeal so given by the said 20th Section of  
 the cited Act in the Preamble, extends and shall be construed to  
 extend to any final judgment rendered in the cases provided for  
 20 by the said Act, whether such final judgment shall have been  
 rendered by the Superior Court or by any two or more Judges  
 thereof in vacation. The said Section declared to extend to cases decided in vacation.

II. That any such right of Appeal shall extend and be considered  
 to extend to any final judgment heretofore rendered either by the  
 25 said Court or by two or more Judges of the said Court in vacation,  
 provided such Appeal be brought within the delay prescribed by the  
 law now in force in this Province. And to cases heretofore decided if the appeal be brought in due time.

III. That in all cases in which a Writ of *certiorari* shall have  
 been or shall be issued, and a regular return thereof shall have been  
 either party inscribe *certiorari* cases on

the *Roll de droit, &c.*

shall be made, it shall be lawful for any party interested to inscribe the cause on the roll *de droit*, on giving notice thereof to the opposite party; and the hearing of the said cause on the merits, shall be proceeded with as in ordinary causes.

Doubts as to Writs of *certiorari* in certain cases removed.

IV. And inasmuch as doubts have arisen respecting the legality 5 of the service of Writs of *certiorari* issued during the period between the passing of the said Act and the passing of the Act amending the same passed in the 13th and 14th years of Her Majesty's Reign, Be it therefore declared and enacted that in all cases in which copies of such Writs have been served upon the 10 proper parties within the said period, such service is sufficient and legal.