

Laws of His Majesty's Province of Upper Canada, passed in the year 1835. Toronto: Robert Stanton, 1835.

5 William IV – Chapter 2

An Act to allow the issuing of Writs of Error from the Court of King's Bench. Passed 24th February, 1835.

Whereas it would facilitate the correction of Errors in the Judgment of inferior Courts of Record, if the Writ of Error, which for such purposes is required by the Law of England to be issued from Chancery, and to be made under the Great Seal, were allowed in this Province to issue from the Court of King's Bench, under the Seal of that Court: Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled ' An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,*" and by the authority of the same, That whenever by the Law of England a Writ of Error may be sued out of Chancery, returnable in the Court of King's Bench, for removing the Record of the Judgment of an inferior Court of Record in order to its examination upon errors assigned, it shall be lawful in similar cases, and for the like purpose, to sue out a Writ of Error from the Court of King's Bench in this Province, running in the name of the King, and having teste and return like other Writs of the said Court; and upon the return of such Writs the said Court may proceed thereon as if the Record of the Judgment had been removed under the Great Seal of this Province.

II. And be it further enacted by the authority aforesaid, That for securing Suitors against vexatious delays and expense through the suing out of such Writs of Error, it shall and may be lawful for the Judges of the Court of King's Bench to make such rules and orders, from time to time during any term of sitting of the said Court, as may appear just and expedient for securing the payment of costs, and of the debt or damages awarded by the Judgment of the inferior Court, or either of them, in case such Judgment shall be affirmed in error; and also for restraining frivolous Writs of Error from being brought merely for delay.