

Laws of Her Majesty's Province of Upper Canada, passed in the year 1850. Toronto: Stewart Derbshire & George Desbarats, 1850.

13 & 14 Victoria – Chapter 36

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. 10th August, 1850.

Whereas it is expedient to amend in certain particulars the Act passed in the Twelfth year of Her Majesty's Reign, and 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*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all the powers vested by the first, eleventh, twelfth and fourteenth sections of the Act mentioned in the preamble to this Act, in any two or more Judges of the Superior Court in vacation, shall and may, in each of the Districts in Lower Canada, except the Districts of Quebec and Montreal, be exercised by any one of the Judges of the said Court in vacation; and all the provisions and enactments of the said Act having reference to the said powers, shall be construed and have effect accordingly.

II. And be it enacted, That so much of the sixteenth section or of any other part of the said Act, as directs in what manner Writs of *Certiorari* shall be applied for and issued, and what proceedings shall be had thereon or with regard thereto, shall be and is hereby repealed; and the law with regard to applications for Writs of *Certiorari*, the proceedings thereon, and all matters incident thereto, shall be as it would have been if the said Act had not been passed: Provided always, that no part of the said section which exempts parties suing out such Writs of *Certiorari* from the necessity of giving security, or which does away with the necessity of issuing *Alias Writs*, or which provides for the manner of making orders subsequent to the issuing of the first writ, or of making services and returns, is or shall be repealed: and provided also, that costs shall be awarded to the party in whose favor judgment shall be given.

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