

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 in the event of the death of the Chief Justice, for the time being, or his absence from the Province, it shall and may be lawful for any two or more of the Puisne Justices of the said Court, to appoint Commissioners for taking Recognizances of Bail, and Affidavits in the several Districts of this Province, in like manner as the said Chief Justice, and other the Justices of the said Court are now by law authorised to do, any thing contained in any former Act or Acts notwithstanding.

Puisne Judges empowered to appoint Commissioners, in the absence of the Chief Justice.

CHAP. III.

AN ACT to provide for the payment of Costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein mentioned.

[Passed 11th May, 1839.]

WHEREAS it is expedient to make provision for the payment and recovery of Costs, in certain cases of Information, for intrusion upon lands of the Crown, for penalties, and for condemnation of Vessels, Carriages, and other conveyances and articles, seized for alleged infraction of the Revenue Laws, where there are claimants for the same, and in suits brought for debt due to the Crown: *And whereas*, great injustice frequently arises, from the want of authority to order the payment of Costs, in any cases of a like description: *Be it therefore enacted* by the Queen'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 it shall and may be lawful for the Judge before whom any such Information shall be tried, in case of a verdict for the Crown, to certify, on the back of the Record thereof, that it is a proper case for the allowance of Costs to be paid by the Defendant in such Information; and in every such case, the Clerk of the Crown shall, on the entry of the Judgment, tax Costs, as in ordinary cases under the orders and rules of the Court of King's Bench, now or hereafter to be in force; and such Costs shall form part of the Judgment.

Preamble.

Costs may be allowed by the Judge, in case of verdict for the Crown.

To be taxed as in ordinary cases.