

lant to the Clerk of the Crown and Pleas in the Court in which the Appeal is to be brought.

Rules of decision in Division Courts.

III. And be it enacted, That the rules of decision in the Division Courts in Upper Canada shall be the same as in similar cases in the Superior Courts of Common Law in Upper Canada. 5

Certain costs allowed in Division Courts.

IV. And whereas it is just and right that all costs attending the prosecution and defence of suits should be paid by the unsuccessful party; Be it therefore enacted, That from and after the passing of this Act, the costs set down in the Schedule to this Act annexed, shall be taxed and allowed to the successful party against the unsuccessful party in every trial or hearing, and such costs shall abide the event and be included with and ordered to be paid and collected as other costs in the cause. 10

Recital. In what Court the Plaintiff may sue, where the Defendant has removed.

V. And whereas the practice of compelling Creditors to follow their Debtors to the Division Court within the jurisdiction of which they may remove, in most cases, amounts to a denial of justice; for remedy thereof, Be it enacted, That whenever any Defendant shall remove out of the County or Union of Counties wherein the debt was contracted or wrong committed, or the cause of action arose, it shall and may be lawful for the Plaintiff to prosecute and recover such debt or damages for such tort or cause of action, and his costs of suit, in the County Court of the County or Union of Counties wherein the said debt was contracted or tort committed, or the cause of action arose, in the same manner as if such debt or damages were above the jurisdiction of the said Division Courts. 15 20 25

Judges to fix times of holding Division Courts, and where.

VI. And be it enacted, That the Judges of the several Counties or Unions of Counties in Upper Canada shall, on or before the 15th day of January in each year, appoint days for holding Courts in each of their respective and several Divisions for the succeeding year and shall publish the same in one or more of the newspapers circulated in each County or Union of Counties. 30

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SCHEDULE.

IN ACTIONS OF CONTRACT WHERE THERE IS A DEFENCE.

To Counsel or Agent when the evidence runs into amounts in the aggregate over £12 10s.	£1 0 0
And if under £12 10s.	0 15 0

IN ACTIONS OF CONTRACT WHERE THERE IS NO DEFENCE.

To Counsel or Agent where the evidence runs into amounts over £12 10s,	£0 15 0
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