

theless it shall be competent for the other party to shew that the Bill so delivered, sent or left was not such a Bill as constituted a *bonâ fide* compliance with this Act: Provided also, that it shall be lawful for any Judge of the Superior Courts of Law or Equity or a County Judge to authorize an Attorney or Solicitor to commence an action or suit for the recovery of his fees, charges or disbursements against the party chargeable therewith, although one month shall not have expired from the delivery of a Bill as aforesaid, on proof to the satisfaction of the said Judge that there is probable cause for believing that such party is about to quit Upper Canada.

Proviso:  
Judge may give leave to commence an action when Defendant is about to leave U. C.

XX. And be it enacted, That where any person, not the party chargeable with any such Bill within the meaning of the provisions hereinbefore contained, shall be liable to pay or shall have paid such Bill either to the Attorney or Solicitor, his Executor, Administrator, or Assignee, or to the party chargeable with such Bill as aforesaid, it shall be lawful for such person his Executor, Administrator, or Assignee to make such application for a reference for the taxation and settlement of such Bill as the party chargeable therewith might himself make, and the same reference and order shall be made thereupon, and the same course pursued in all respects, as if such application was made by the party so chargeable with such Bill as aforesaid: Provided always, that in case such application is made when, under the provisions herein contained, a reference is not authorized to be made except under special circumstances, it shall be lawful for the Court or Judge to whom such application shall be made to take into consideration any additional special circumstances applicable to the person making such application; although such circumstances might not be applicable to the party so chargeable with the said Bill as aforesaid, if he was the party making the application.

Provision where a party other than the party first chargeable, shall become liable to pay any Bill.

Proviso.

XXI. And be it enacted, That for the purpose of any such reference upon the application of the person not being the party chargeable within the meaning of the last preceding Section, or of a party interested as aforesaid, it shall be lawful for such Court or Judge to order any such Attorney or Solicitor, or the Executor, Administrator, or Assignee of any such Attorney or Solicitor, to deliver to the party making such application a copy of such Bill, upon payment of the costs of such copy: Provided always, that no Bill which shall have been previously taxed and settled shall be again referred unless, under special circumstances, the Court or Judge to whom such application is made shall think fit to direct a retaxation thereof.

Judge may order delivery of a copy of the Bill to the party not originally chargeable.

Proviso.

XXII. And be it enacted, That the payment of any such Bill as aforesaid, shall in no case preclude the Court or Judge to whom application shall be made from referring such Bill for taxation; if

Payment of Bill not to preclude reference, if