

**An Act to give an Appeal from the several Division Courts in Upper Canada, and for other purposes therein mentioned.**

**WHEREAS** the jurisdiction of the Division Courts in Upper Preamble.  
Canada, being now sufficiently large to embrace the greater  
part of the amounts litigated in Upper Canada, it becomes necessary  
that parties dissatisfied with the views of the Judges of the said  
5 Courts, may have the benefit of the opinion of the Judges of the  
Superior Courts of Common Law in Upper Canada; Be it there-  
fore enacted, &c.,

That if either party in any cause or proceeding in any Division Appeal given.  
Court in Upper Canada shall be dissatisfied with the determination  
10 or direction of the said Court, on any point of law, or as to the admis-  
sion or rejection of any evidence, such party may appeal from the  
same to either of the Superior Courts of Common Law in Toronto;  
Provided that such party shall, within ten days after such deter-  
mination or direction, give notice of such Appeal to the other party  
15 or his Attorney, and shall also give security, to be approved  
by the Clerk of the Division Court, for the costs of the Appeal,  
and for the amount of the Judgment if he be the Defen-  
dant and the Appeal be dismissed; Provided nevertheless,  
20 shall not be required in any case where the Judge shall have  
ordered the party appealing to pay the amount of such Judgment  
into the hands of the Clerk of the Division Court, and the same  
shall have been paid accordingly; and the said Court of Appeal  
may either order a new trial or hearing on such terms as it think  
25 fit, or may order Judgment to be entered for either party as the  
case may be, and such order shall be final, and the costs of Appeal  
shall follow the event.

Proviso:  
security to be  
given for  
costs, &c.

Proviso.  
Powers of the  
Court appeal-  
ed to.

II. And be it enacted, That such Appeal shall be in the form of Appeal to be  
on a case  
agreed upon,  
or settled by  
the Judge.  
a case agreed on by both parties or their Attornies, and if they  
30 cannot agree, the Judge of the Division Court in which the cause  
was tried or proceedings had, upon being applied to by them or  
their Attornies or the Attorney of either of them, shall settle the  
case and sign it, and such case shall be transmitted by the Appel-