

As to costs when there are several defendants, &c.

That when there are several defendants not united in interest, and making separate defences by separate answers, and the plaintiff fails to recover judgment against all, the Court may award costs to such of the defendants as have judgment in their favour, or any of them, not exceeding in any one case the limit fixed as aforesaid; and in the following cases the costs of an appeal shall be in the discretion of the Court,—where a new trial is ordered or where a judgment is modified. 5

Costs where new trial is granted.

That where a new trial is granted in any case upon payment of costs, the Court may, in its discretion, determine the amount thereof, so as the same shall in no case exceed the sum of £7 10s., exclusive of disbursements. 10

Costs against the Crown.

That in all civil actions prosecuted in the name of the Sovereign, by any officer duly authorized for that purpose, the Government shall be liable for costs in the same cases and to the same extent as private parties; and when costs are awarded and recoverable against the Government, payment thereof must be made by the Receiver General, upon the production of proper evidence thereof. 15 20

How paid.

When the proceeding is for the benefit of another party.

That in any action prosecuted in the name of the Sovereign, for the recovery of money or property, or to establish a right or claim for the benefit of any County, City, Town, Village, Corporation or person, costs awarded against the plaintiff shall, by the judgment, be made a charge against the party for whose benefit the action was prosecuted and not against the Government, and payment thereof may be enforced by order of Court. 25

As to assignment of the cause of action after action commenced.

That in an action in which the cause of action after the commencement thereof, by assignment or in any other manner, becomes the property of a person not a party to the action, and the prosecution and defence shall be thereafter continued, such person shall be liable for the costs, in the same manner as if he were a party, and payment thereof may be enforced by order of Court. 30 35

Attorney of a foreign Plaintiff liable for costs.

That the Attorney of a plaintiff who resides out of Upper Canada, or is a foreign corporation, against whom costs may be awarded to a defendant, shall be responsible to such defendant therefor, to an amount not exceeding the sum allowed to be taxed in the respective Courts hereinbefore mentioned, and the Attorney neglecting to pay the same, after due proceedings against him, may, by order of the Court, be struck off the Roll; but he may relieve himself from responsibility, at any time before judgment, by filing an undertaking for the payment to the defendant of the costs and charges, executed by a sufficient surety. 40 45

Unless security be given.