

whatsoever, Her Majesty's Attorney General for Upper Canada shall be entitled to recover costs, where judgment shall be given for the Crown, in the same manner and under the same rules, regulations and provisions as are or may be in force touching the payment or receipt of costs in proceedings between Subject and Subject: and if in any such information, action, suit or other proceeding, judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs, in like manner and subject to the same rules and provisions as though such proceeding had been had between Subject and Subject; and it shall be lawful for the Receiver General, and he is hereby required to pay such costs out of any moneys which may be hereafter voted by Parliament for that purpose.

And the defendant in such cases shall recover costs if he be the successful party.

Payment of such costs.

III. And whereas the procedure and practice in informations, suits and other proceedings instituted by or on behalf of the Crown in Her Majesty's Courts of Common Law in Upper Canada is dilatory and requires amendment, and it is desirable that the same should be assimilated as nearly as may be to the course of practice and procedure now in force in actions and suits between Subject and Subject—Be it enacted, That it shall be lawful for the Judges of the Superior Courts of Common Law in Upper Canada, or any four of them, of whom the Chief Justices shall be two, to make all such general rules and orders for the regulation of the pleading and practice on such informations, suits and other proceedings, and to frame such writs and forms of proceedings, as to them may seem expedient for the purpose aforesaid; and all such rules, orders or regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or, if Parliament be not then sitting, within five days after the next meeting thereof; and no such rule, order or regulation shall have effect until three months after the same shall have been so laid before both Houses of Parliament; and any rule, order or regulation so made, shall, from and after such time aforesaid, be binding and obligatory on the said Courts, and on all Courts of Error or Appeal into which any Judgment of the said Courts shall be carried, and be of the like force and effect as if the provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Governor in Council, by any Proclamation inserted in the *Canada Gazette*, or for either of the Houses of Parliament, by any Resolution passed at any time within three months next after such rules, orders and regulations shall have been laid before Parliament, to suspend the whole or any part of such rules, orders or regulations; and in such case the whole, or such part thereof as shall be so suspended, shall not be, binding and obligatory on the said Courts, or on any other Court of Common Law, or Court of Error or Appeal.

Recital.

Judges of Superior Court of Common Law to make rules of practice, as to proceedings, informations, &c., by the Crown.

To be laid before Parliament during three months before they take effect.

To be then of the same effect as if enacted.

Proviso: at any time during such three months, such rules may be suspended by Proclamation or Resolution of either house.

IV. This Act shall extend to Upper Canada only.

Extent of Act.

V. The Interpretation Act shall apply to this Act.

Interpretation.