

An Act to amend the Common Law Procedure Act of Upper Canada.

WHEREAS, it is desirable to make certain amendments in the Preamble. Common Law Procedure Act of Upper Canada; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

5 **1.** In addition to any cases in which a defendant in any suit is now entitled to obtain security for costs from a plaintiff, security for costs Additional cases in which the defendant may obtain security for costs. may be granted to the defendant or applicant in any suit or proceeding in which it is made to appear satisfactorily to the Court in which such suit or proceeding has been instituted or taken, or to any Judge in 10 chambers, that the plaintiff has brought a former suit or proceeding for the same cause which is pending either in Upper Canada or in any other country, or that he has judgment, or rule or order passed against him in such suit or proceeding, with costs, and that such costs have not been paid, and such Court or Judge may thereupon make such rule or 15 order staying such proceedings until such security be given as to such Court or Judge shall seem meet.

20 **2.** In any suit or action in which any verdict is rendered for any debt, or sum certain, on any account, debt or promises, such verdict shall bear interest at the rate of six per cent. per annum from the time of the rendering of such verdict, if judgment is afterwards entered in favor of the party or person who obtained such verdict, notwithstanding the entry of judgment upon such verdict has been suspended by the operation of any rule or order of Court which may be made in such 25 suit or action, and in all cases damages shall be assessed only up to the day of the verdict. Interest allowed from the rendering of the verdict in certain cases. As to damages.

30 **3.** Whereas doubts exist as to the effect of equitable defences pleaded in suits at law, and it is desirable to remove such doubts;—if the defendant in any suit at law shall plead any equitable defence, and judgment shall be given against such defendant upon such equitable plea, such judgment shall be pleadable as a good bar and estoppel against 35 any bill filed by such defendant in equity against the plaintiff or representative of such plaintiff at law, in respect to the same subject matter which has been brought into judgment by such equitable defence at law; but nothing in this section shall apply to any suit or action commenced and pending before the passing of this Act, which shall be decided upon as if this Act has not been passed, and this Act shall not be construed as declaring that such judgment at law on an equitable defence has not been heretofore a good bar to a suit in equity on the same subject matter. Doubts as to the effect of judgments on equitable defences removed. Not to apply to pending cases, &c.