

II. *And be it further enacted by the authority aforesaid,* That the Sum of Seven Hundred and Fifty Pounds, the consideration money of and for the said Lot or Parcel of Land, shall be paid at the time of the execution of the said Surrender to his said Majesty, into the hands of the Honorable and Reverend John Strachan, of the Town of York, in the Home District, Doctor in Divinity, and Alexander Thomas Dobbs, of the Town of Kingston, in the Midland District, Esquire, as Executors and Trustees named and appointed in the said Will of the said Richard Cartwright, deceased, and to be by them laid out at interest to and for the use and benefit of the said Robert Cartwright, Devisee as aforesaid, and to be payable to the said Robert Cartwright when he shall attain the age of Twenty-one Years, and in case of his Death, previous to his attaining that age, then the same shall go and be paid unto the rest and other of the Children of the said Richard Cartwright, deceased, that shall survive him the said Robert Cartwright, and to his, her, or their Heirs, for ever, as nearly as may be in Shares of equal value, in the same manner as the real and personal Estate, by the said Will devised and bequeathed to the said Robert Cartwright, is limited, in the event of his so dying, by the Proviso of the said Will hereinbefore recited.

To whom the consideration is to be paid.

How to be disposed of

#### CHAP. IV.

*An Act to regulate the Costs in certain Cases in the Court of King's Bench.*

[Passed 1st April, 1818.]

**W**HEREAS the District Courts, established in the several Districts of this Province, were intended as well to relieve Defendants from the charge of answering in the Superior Court, as to facilitate the Sutor; and whereas Suits of the proper competence of the said District Courts, are frequently brought into the Court of King's Bench, having concurrent jurisdiction, to the great increase of Costs and Charges to the Parties: For remedy whereof, be it therefore Enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, that in any Suit hereafter to be brought in the Court of King's Bench, which Suit may be of the proper competence of the District Court, no more Costs shall be taxed against the Defendant, than would have been incurred in the District Court, in the same Action, unless the Judge, who tried the Cause of such Suit or Action, shall certify in open Court at the Trial, that it was a fit Cause to be withdrawn from the District Court, and Commenced in the Court of King's Bench.

Preamble.

In Actions hereafter brought in the King's Bench which the District Courts are competent to try, none but District Court Costs shall be Taxed against the Defendant, unless the Judge certifies, &c.

II. *And be it further enacted by the authority aforesaid,* That the Defendant's Costs taxed between Client and Attorney in such Suit not so certified, or so much thereof as shall exceed the Costs taxable in the District Court, in such case shall be set off, against the Plaintiff's Costs taxed, to be recovered from Defendant.

And so much of Defendant's Costs taxed against him by his Attorney as exceed the Costs in the District Court, shall be charged to the Plaintiff.