

no more costs shall be taxed against the defendant than would have been incurred in the County Court in carrying on the same action, unless the Judge who presides at the trial of such suit or action, shall certify in open Court, immediately after the verdict is recorded, that it was a fit cause to be withdrawn from the County Court and to be commenced in the said Court of Queen's Bench or Common Pleas; Provided also, that so much of the costs of the defendant to be taxed as between client and Attorney in any such suit, wherein the Judge shall not certify as aforesaid, as shall exceed the costs of defence taxable, and which would have been incurred in the County Court in defending the same action, shall be set off and allowed by the master in entering judgment, against the costs to be taxed for the plaintiff and recoverable from the defendant.

competence of
the County
Courts.

Proviso.

XI. And be it enacted, That whenever the parties in a matter of dispute within the jurisdiction of the Court, shall sign and file an agreement in writing to abide the event, it shall be competent to the Judge to appoint a day of hearing, whereto witnesses may be subpoenaed if necessary, and that the said Judge may proceed to such hearing, either before the commencement of any action or during suit, and may enlarge the time for such hearing, and may examine the parties or either of them on oath if he think fit, and a copy of the entry made by the Judge of the evidence if any taken, and of his decision in the matter, with the amount of costs if any taxed, and added to the sum if any awarded, shall become a judgment roll of the said Court, whereupon judgment shall be entered, and the said judgment shall be final, and may be followed by execution or certificate of judgment in the usual manner.

Parties may
by agreement
obtain a hear-
ing and judg-
ment before
action brought
or while pend-
ing.