

**BILL.****An Act to remove doubts as to the right of the Crown to recover Costs in certain cases in Lower Canada.**

2 **W**HEREAS it hath been doubted whether the Courts  
 of civil jurisdiction in Lower Canada, have power to  
 4 award costs to the Crown, in certain cases where it is  
 manifestly fair and right that such costs should be recover-  
 6 able; and whereas the loss to the public from the want of  
 such power must be considerable, inasmuch as the costs in  
 such cases frequently amount to more than the sum  
 8 recovered: For remedy thereof be it declared and enacted,  
 &c.

Preamble.

10 and it is hereby declared and enacted by the authority of  
 the same, that in every suit or proceeding of a civil  
 12 nature, by or on behalf of the Crown, before any Court,  
 Judge or Tribunal in Lower Canada, the object whereof is  
 14 or shall be to recover or to prevent the loss of any immove-  
 able or moveable property, rent, duty, toll or sum of  
 16 money, or to maintain, enforce or preserve any right,  
 privilege or lien to or upon the same, such Court, Judge  
 18 or Tribunal may award to the Crown, if successful in such  
 suit or proceeding, the same costs which might be  
 20 awarded to any private party in the like case, and that the  
 Crown hath and shall have the same remedy for recover-  
 22 ing such costs as such private party would have: provided  
 always, that nothing herein contained shall be construed  
 24 to impair the right of the Crown to recover costs in any  
 case where such right is now given by law.

In what civil cases the Crown may recover costs.

Proviso.

26 **II.** And be it declared and enacted; That if in any case  
 to which the foregoing section is applicable, the Crown be  
 28 unsuccessful, the Governor in Council may if he shall  
 deem it right, direct the payment to the successful party,  
 30 of such costs as the said party would in like case have  
 recovered from any other unsuccessful party.

Costs may be paid by the Crown in certain cases.

32 **III.** And for the avoidance of doubt as to the interpreta-  
 tion of this Act or of any other Act, passed or to be  
 34 passed, respecting the judicature or judicial proceedings in  
 Lower Canada, be it declared and enacted, That whatever  
 36 would be held to be a Civil suit or proceeding if all the  
 parties thereto were private individuals, shall be held to be  
 38 so although one of such parties be the Crown, unless it be  
 otherwise provided or such interpretation be inconsistent  
 40 with the context or intent of the Act.

What shall be deemed a civil case.