

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

**WHEREAS** it is desirable to make certain amendments to “*The Common Law Procedure Act*, Chapter Twenty-two, of Consolidated Statutes for Upper Canada, “Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :—

Preamble.

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 shall 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 Chambers, that the plaintiff in such suit or the party entering such proceeding is insolvent, unable to pay his debts, or that any execution against his goods has been returned *nulla bona*, or that he 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 shall thereupon make such rule or order staying such proceedings until such security be given as to such Court or Judge shall seem meet.

Additional cases in which security for costs may be demanded

2. In any suit or action in which any verdict is rendered for any debt, or sum certain, or 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 suit or action.

Verdicts to bear interest from time of rendering, although judgment suspended.

3. Sections numbers two hundred and seventy and two hundred and seventy-one of the said Common Law Procedure Act are hereby repealed and the following clauses substituted in lieu thereof, which substituted clauses shall be read and construed as if they originally formed part of the said Common Law Procedure Act instead of the said clauses hereby repealed.

New Sections in lieu of Sections 270 and 271.

“270. Upon any execution against the person, lands or goods, the sheriff may in addition to the sum recovered by the judgment, levy the poundage fees, expenses of the execution, and interest upon the amount so recovered according to law, but in case a part only be levied or made on or under any such execution, the sheriff shall be entitled to poundage only upon the amount so levied or made, whatever be the sum endorsed upon the writ, and in all cases where satisfaction shall be ob-

Sheriffs poundage limited.