

words might not by a liberal construction be considered to intend *before any other trials were gone into.*

1824

Binkley
against
Dejardins.

The court considering the words of the act as not capable of extension, concurred with the decision of the Judge *at nisi prius.*

Application Refused.

— 20 —

against HUGHES.

November 9th

In this case the plaintiff had declared upon a *special agreement*—an account stated; and other common counts.

Where a plaintiff has special counts in his declaration, but abandons them and renews upon counts within the competence of a district court the court will order judgment to be entered on those counts only.

The special count had been abandoned by the plaintiff at the trial—and he had taken a general verdict for £20, 8, 11

Mr. Justice Campbell who tried the cause had refused to grant a certificate under the provincial statute* to enable the plaintiff to receive the costs allowed in this court.

Such costs would have been taxed by the Master on view of the proceedings, the verdict appearing to be in a special

* 50 G. 3. C. 4.