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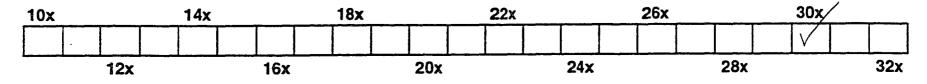
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2nd Session, 7th Parliament, 26 Victoria, 1863.

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BILL.

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

Received and read 1st time, Friday 27th February, 1863. Second reading, Monday 2nd March, 1868.

Hon. Mr. CAMERON.

QUEBEC :

PRINTED, FOR THE CONTRACTORS, BY HUNTER, ROSE & LEMIEUX, ST. URSULE STREET. No. 58.]

BILL.

[1863.

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

WHEREAS it is desirable to make certain amendments in the Com-Freemble mon Law Procedure Act of Upper Canada :

Therefore, Her Majesty, &c., enacts as follows :

In addition to any cases in which a defendant in any suit is now Security for 5 entitled to obtain security for costs from a plaintiff, security for costs costs made be allowed shall be granted to the defendant or applicant, in any suit or proceed² in certain ing in which it is made to appear satisfactorily to the Court in which cases in addisuch such suit or proceeding has been instituted or taken, or to any Judge in tion to those chambers, that the plaintiff in such suit or the party entering such pro- for.
 10 ceeding 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 15 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 is given as to such court or judge shall seem meet.

In any suit or action in which any verdict is rendered for any Interest to debt or sum certain, on any account, debt or promises, such verdict shall 'un from date of verdict, in from date of bear interest at the rate of six per cent. per annum, from the time though entry of the rendering of such verdict, if judgment is afterwards entered in of judgment favor of the party or person who obtained such verdict, notwithstanding has been suspended by the rule or order. per annum, for any rule or order of Court which may be made in such

3. Any person who brings any qui tam action for the recovery of Security for any penalty, may be compelled to give security for costs to the defend. costs in qui ant in such action, and proceedings in such action shall be stayed until such security is given, on the rule or order of the court in which such 30 qui tam action is instituted, or any Judge in Chambers.

4. If the defendant in any suit at law shall plead any equitable de-Judgment fence, and judgment shall be given against such defendant upon such regainst de-equitable plea, such judgment shall be pleadable as a good bar and es-equitable detoppel against any bill filed by such defendant in equity against the fence, to be a 35 plaintiff or representative of such plaintiff at law, in respect to the same equity on the subject matter which has been brought into judgment by such equitable same matter.

5. If any suit or action is brought in any Court of Law or Equity, Stay of profor any cause of action for which any suit or action has been brought ceedings in 40 and is pending between the same parties, or their representatives, in suit is pendany place or country out of Upper Canada, such Court or any Judge ing elsewhere thereof, shall make a rule or order to stay all proceedings in such first for the same mentioned Court of Law or Equity, until satisfactory proof is offered to cause.
Such Court or Judge, that the suit or action so brought in such other
Splace or country out of Upper Canada, is determined or discontinued.