

No. 189.

1st Session, 8th Parliament, 27 Victoria, 1863.

BILL

An Act to compel Informers suing for penalties, in certain cases, to give security for costs.

Received and read first time, Monday, 14th
September, 1863.

Second reading, Thursday, 17th September,
1863.

Mr. MUNRO.

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BILL.

No. 139]

[1863.—2nd Sess.

An Act to compel Informers suing for penalties, in certain cases, to give security for costs.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

If any action, suit or plaint shall be brought, sued out or commenced after the passing of this Act, or if at the time of the passing of this Act any action, suit or plaint shall be pending, but shall not have been tried, in which action, suit or plaint the Plaintiff sues as an informer, or seeks to recover any penalty given to any informer or person or persons who shall sue or shall have sued for the same as aforesaid, under any Statute or Law in which any penalty or penalties are or shall be given to any person or persons who shall sue for the same, either for his or their sole benefit, for the benefit of the Crown, or partly for his or their benefit, and partly for the benefit of the Crown, it shall and may be lawful to and for the person or persons so sued, or his or their agent or agents, attorney or attorneys, to apply to the Court in which such action, suit or plaint may be instituted or pending, upon an affidavit shewing to the Court that such action, suit or plaint is brought or has been brought to recover a penalty; and it shall be lawful for the Judge or Judges of the said Court to make an order that the Plaintiff or Plaintiffs, Informer or Informers, in any such suit or action shall forthwith give security for the costs to be incurred in such suit or action, in the same manner and in accordance with the practice in cases where the Plaintiff or Plaintiffs reside out of the Province, and such order shall be a stay of the proceedings in the case, until the proper security is given as aforesaid.

Persons suing for penalties may be ordered to give security for costs.