

*The Statutes of His Majesty's Province of Upper-Canada, Passed in the second session of the seventh provincial parliament of Upper-Canada (1818).* York: R. C. Horne, 1818.

58 George III – Chapter 4 (Session 2)

**An Act to regulate the Costs in certain Cases in the Court of King's Bench. Passed 1st April, 1818.**

Whereas the District Courts, established in the several Districts of this Province, were intended as well to relieve Defendants from the charge of answering in the Superior Court, as to facilitate the Suitor; and whereas Suits of the proper competence of the said District Courts, are frequently brought into the Court of King's Bench, having concurrent jurisdiction, to the great increase of Costs and Charges to the Parties: For remedy whereof, be it therefore Enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, that in any Suit hereafter to be brought in the Court of King's Bench, which Suit may be of the proper competence of the District Court, no more Costs shall be taxed against the Defendant, than would have been incurred in the District Court, in the same Action, unless the Judge, who tried the Cause of such Suit or Action, shall certify in open Court at the Trial; that it was a fit Cause to be withdrawn from the District Court, and Commenced in the Court of King's Bench.

II. And be it further enacted by the authority aforesaid, That the Defendant's Costs taxed between Client and Attorney in such Suit not so certified, or so much thereof as shall exceed the Costs taxable in the District Court, in such case shall be set off, against the Plaintiff's Costs taxed, to be recovered from Defendant.