

1959

**B I L L .**

An Act to alter and amend the Acts regulating the Practice of the County Courts in Upper Canada, and to expedite and simplify the proceedings of the said Courts.

**W**HEREAS it is expedient to alter and amend the Acts regulating the practice of the County Courts in Upper Canada and to expedite and simplify the proceedings of the said Courts. Be it therefore enacted by the Queen's Most Excellent Majesty &c. and it is hereby enacted by the authority of the same, That such provisions of the Act or Acts now in force as require the holding of Terms of the said Courts be repealed and that the Terms of the said Courts be abolished. Provided always that any Judge of the said Courts shall have and exercise the same powers at all times and in all proceedings not inconsistent with the provisions of this Act that have heretofore appertained to the said Courts in Term time.

Preamble.

Terms of County Courts abolished.

**II.** And be it enacted, That after the close of each of the sittings of the said Courts fourteen days shall be allowed for motions to set aside verdicts or non-suits or in arrest of Judgment or for new Trials or for Judgments of Non-Suits or for all such proceedings as have heretofore in Term time followed the sittings of the said Courts; Provided always that any Judge of the said Courts may upon sufficient cause shewn by Affidavit order immediate Judgment upon any verdict obtained; And also that any Judge of the said Courts may upon sufficient cause shewn by Affidavit extend the time for levying under Execution for a period not exceeding three months beyond the return day named in the Writ of Execution.

Fourteen days after each sittings to be allowed for certain motions.

Proviso.

**III.** And be it enacted that all Writs issued out of the said Courts shall bear *teste* on the day on which they issue and that every Writ of Execution not being an original Writ against Land and Tenements shall be returnable on a day at least twenty days after and not later than three calendar months from the issuing thereof. Provided always that a Sheriff or other proper Officer shall not be liable to Attachment for not returning or improperly returning a Writ of Execution unless he shall have been required to execute the same at least fourteen days before the return day thereof or in case of an original Writ of Execution against Lands at least six calendar months before the return day thereof.

As to the teste and return of Writs.

Proviso.