

## ACTS OF LAST SESSION.

13. In this Act the word "tenant" shall mean and include an occupant, a sub-tenant, under-tenant, and his and their assigns and legal representatives; and the word "landlord" shall mean and include the lessor, owner, the party giving or permitting the occupation of the premises in question and the person entitled to the possession thereof, and his and their heirs and assigns and legal representatives.

14. The following is the Schedule A referred to in this Act:

## FORM No. 1.

ONTARIO, TO WIT: Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

[L. S.]

To the Sheriff of the \_\_\_\_\_ Greeting:  
Whereas \_\_\_\_\_ Judge of the County Court of \_\_\_\_\_ by his order dated the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 186 —, made in pursuance of the "Act respecting Overholding Tenants," on the complaint of \_\_\_\_\_ against \_\_\_\_\_ adjudged that \_\_\_\_\_ was entitled to the possession of \_\_\_\_\_ with the appurtenances in your Bailiwick, and that a Writ should issue out of our said Court accordingly, and also ordered and directed that the said \_\_\_\_\_ should pay the costs of the proceedings had under the said Act, which by our said Court have been taxed at the sum of \_\_\_\_\_. Therefore, we command you, that without delay you cause the said \_\_\_\_\_ to have possession of the said land and premises, with the appurtenances: And we also command you that of the goods and chattels of the said \_\_\_\_\_ in your Bailiwick, you cause to be made \_\_\_\_\_ being the said costs so taxed by our said Court as aforesaid, and have that money in our said Court immediately after the execution hereof, to be rendered to the said \_\_\_\_\_, and in what manner you shall have executed this Writ make appear to our said Court, immediately after the execution hereof, and have there then this Writ.

Witness \_\_\_\_\_ Judge of our said Court at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 186 —  
\_\_\_\_\_ Clerk.

Issued from the Office of the Clerk of the County Court of the County, or United Counties of \_\_\_\_\_ Clerk.

## FORM No. 2.

ONTARIO, TO WIT: Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

[L. S.]

To the Sheriff of the \_\_\_\_\_ Greeting:  
Whereas \_\_\_\_\_ Judge of the County Court of \_\_\_\_\_ by his order dated \_\_\_\_\_ day of \_\_\_\_\_ A.D. 186 —, made in pursuance of the "Act respecting Overholding Tenants," on the complaint of \_\_\_\_\_ against \_\_\_\_\_ adjudged that \_\_\_\_\_ was entitled to the possession of \_\_\_\_\_. And ordered that a writ should issue out of our said Court accordingly: Therefore we command you that with-

out delay you cause the said \_\_\_\_\_ to have possession of the said land and premises, with the appurtenances, and in what manner you shall have executed this Writ make appear to our said Court, immediately after the execution hereof and have there then this Writ.

Witness \_\_\_\_\_ Judge of our said Court at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 186 —  
\_\_\_\_\_ Clerk.

Issued from the office of the Clerk of the County Court of the County or United Counties of \_\_\_\_\_ Clerk.

## AN ACT

*As to Executions against Goods and Lands.*

[Assented to March 4, 1868.]

Whereas by an Act passed in the session of Parliament held in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter forty-two, intituled "An Act to Amend the Common Law Procedure Act of Upper Canada," the principle is recognized of allowing persons who have priority of executions in regard to goods, to retain the same in regard to lands; but difficulties exist in applying the said Act by reason of its enactment that the Sheriff shall return writs against goods only, in the order of priority in which they come to his hands, whilst, nevertheless, a person having a first execution against goods is entitled to renew the same indefinitely without any return thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Sections five and six of the said Act, and the two hundred and fifty-second section of the Common Law Procedure Act, are hereby repealed and the following substituted therefor:—

"Any person who now is or hereafter may become entitled to issue a writ of execution against goods and chattels, may, at or after the time of issuing the same, issue a writ of execution against the lands and tenements of the person liable, and deliver the same to the Sheriff to whom the writ against the goods is directed, at or after the time of delivery to him of the writ against goods, and either before or after any return thereof; Provided, always, that the Sheriff shall not expose the lands for sale, or sell within less than twelve months from the day on which the writ against the lands is delivered to him."

2. No sale shall be had under any execution against lands until after a return of *nulla bona*, in whole or in part, with respect to an execution against goods in the same suit or matter by the same Sheriff.

3. No Sheriff shall make any return of *nulla bona*, either in whole or part, to any writ against goods until the whole of the goods of the execution debtor in his county have been exhausted.

4. If the amount authorized to be made and levied under the writ against goods be made and levied thereunder, the person issuing the