

returned and shall be received as evidence in the said cause, *Provided always*, that such examination or examinations shall not be read or given in evidence in the said cause, in case the Deponent or Deponents respectively shall be living within the Jurisdiction of the said Court and of sound mind memory and understanding at the time such examination or examinations shall be offered to be given in evidence and provided it is made appear to the Court before which such examination or examinations is or are put in that the same has or have not been duly taken.

Examination not to be read if Defendant is living within the Jurisdiction of the Court at the time of trial and of sound mind.

XIX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful in any execution against the Person, lands or goods of any Debtor or Debtors for the Sheriff to levy the poundage fees and the expense of the said execution over and above the sum recovered by the Judgment, together with the legal interest upon the amount so recovered from the time of entering the said Judgment.

Poundage fees expenses of execution & interest to be levied

XX. And whereas, it is expedient to provide for the more public and certain notification of Sales of Lands, under execution in order that all persons having claims thereto may be apprised thereof,

*Be it further enacted by the authority aforesaid*, That before the sale of any Real Estate be had upon any execution to be sued out, after the passing of this Act the Sheriff shall cause an advertisement to be inserted in the Upper Canada Gazette, at least six times before such sale specifying the particular property to be sold, the names of the Plaintiff or Plaintiffs and Defendant or Defendants and the time and place at which it is intended to proceed to the sale thereof and the same shall also be advertised in any one public Newspaper of the District in which the Lands lie, or by notice put up in the Office of the Clerk of the Peace or on the Door of the Court House or place in which the Court of General Quarter Sessions for such District are usually holden for three months before such sale: *Provided always, nevertheless*, That nothing herein contained shall be taken to prevent such adjournment of such sale to a future day.

Sales of Lands to be advertised in the U. C. Gazette.

and in any Newspaper where land lies.

XXI. *And be it further enacted by the authority aforesaid*, That from and after the first day of July next ensuing, it shall not be lawful for any Sheriff or his Deputy in any District of this Province directly or indirectly to trade, traffic, sell or vend goods, wares or merchandize, either by wholesale or retail or keep a shop or expose for sale any such goods, wares or merchandize, or to maintain any action at Law for the recovery of any debt, the amount, consideration or account, being for such goods, wares. or merchandizes, excepting always such as by the duties of his office he is legally commanded to do.

Sheriffs not to trade as merchants or Shop Keeper.

XXII. *And be it further enacted by the authority aforesaid*, That the first and last days of all periods of time limited by this Act or hereafter to be limited by any rules or orders of Court for the regulation of practice be inclusive.

First and last days of all periods limited by this Act and Rules of Court inclusive.

XXIII. *And be it further enacted by the authority aforesaid*, That the form of proceeding in the said Court shall be by a course of pleading to issue in a most compendious manner, and that in all actions founded on a common undertaking the following form of declaration may be adopted.

Form of Declaration

A. B. complains of C. D. late of for that whereas the said C. D. on the day of at was indebted to the said A. B. in the sum of (the