

BILL.

No. 93.]

[1863—2nd Sess.

An Act to amend chapter nineteen of the Consolidated Statutes for Upper Canada, intituled an "Act respecting Division Courts."

WHEREAS it is desirable to lessen the expense of proceedings in the Division Courts in Upper Canada, and to provide as far as may be for the convenience of parties having suits in these Courts : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

- 5 1. Any suit cognizable in a Division Court may be entered, tried and determined in the Court, the place of sitting whereof is nearest to the residence of the defendant or defendants ; and such suit may be so entered, tried and determined irrespective of where the cause of action arose, and notwithstanding that the defendant or defendants may at such time reside in a County or Division other than the County or Division in which such Division Court is situate and such suit entered. Suit may be tried in court nearest to defendant.
- 15 2. It shall be sufficient if the summons in any Division Court is served as provided for in the seventy-fifth section of the Division Courts' Act ; and upon judgment recovered in any such suit, a writ of *fi ri facias* against the goods and chattels of the defendant may be issued to the Bailiff of the Court, and be executed and enforced by him in the County in which the defendant resides, as well as in the County in which the judgment was recovered. Services of Summons. Execution in county where defendant resides.
- 20 3. This Act shall be read as incorporated with and as part of the said Division Courts' Act, and the foregoing sections shall be considered as inserted next after section seventy-one in the said Act ; and the authority from time to time to make rules (given by the sixty-third section of the said Act,) and to alter and amend the same, shall extend to the provisions in this Act contained. Act incorporated with c. 19, Con. Stat. U.C.