

## PROPOSED LEGISLATION.

so recovered according to law; but in case a part only be levied or made on or under any such execution, the Sheriff shall be entitled to poundage upon the amount so levied or made only, whatever be the sum endorsed upon the writ; and in all cases where satisfaction shall be obtained of the debt or any part thereof, after an actual levy upon the debtor's property while such execution remains in the hands of the Sheriff to be executed, the Sheriff shall be entitled to poundage as aforesaid; Provided always, that upon any judgment or decree appealed against, on which any execution shall be issued, before the Judge's *fiat* to stay the execution shall have been obtained under the seventeenth section of the Statute chaptered thirteen of the Consolidated Statutes for Upper Canada, no poundage shall be allowed against the appellant unless a Judge of the Court appealed from shall see fit to order otherwise."

"271. In cases of writs of execution upon the same judgment to several counties where in the real or personal estate of the judgment debtor has been seized or advertised but not sold, by reason of satisfaction having been obtained under or by virtue of a writ in some other county, and no money has been actually levied on such execution, the Sheriff shall not be entitled to poundage, but to mileage and fees only for the services actually rendered and performed by him, and the Court out of which the writ issued, or any Judge thereof may allow him a reasonable charge for such services, in case no special fee therefor be assigned on any table of costs."

6. No execution shall issue against lands to the Sheriff of any County until after a return of *nulla bona* in whole or part with respect to an execution against goods, in the same suit by the same Sheriff.

7. No Sheriff shall make any return of *nulla bona* either in whole or in part, to any writ against goods, until the whole of the goods of the execution debtor in his county have been exhausted, and then such return shall be made only in the order of priority in which the writs have come into his hands.

*An Act to amend the Law of Upper Canada relating to Crown Debtors.*

Whereas, by law in Upper Canada, the property real and personal, of any person entering into any bond or covenant, or being indebted to the Crown, is bound by such bond or covenant from the date thereof, and from the incurring of such debt; and whereas it is desirable that such bonds, covenants and debts made or due by a subject to the Crown, should be placed on the same footing as if they were made or due from a subject to a subject: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. No bond, covenant, or other security, hereafter to be made or entered into by any person to Her Majesty, Her Heirs or Successors, or to any person on behalf of or in trust for Her Majesty, Her Heirs or Successors shall bind the real or personal property of such person so making or entering into such bond, covenant, or other security to any further, other or greater extent than if such bond, covenant, or other security had been made or entered into between subject and subject of Her Majesty.

2. The real or personal property of any debtor to Her Majesty, Her Heirs or Successors, or to any person in trust for or on behalf of Her Majesty, Her Heirs or Successors, for any debt hereafter contracted, shall be bound only to the same extent, and in the same manner as the real or personal property of any debtor where a debt is due from a subject to a subject of Her Majesty.

3. The Statute chapter five of the Consolidated Statutes of Upper Canada, shall be and the same is hereby repealed, except as to such securities as are mentioned in the first section of that Statute, which had been made or entered into before the passing of this Act.

*An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada.*

Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada enacts as follows:—

1. The sixteenth section of the Act of the Consolidated Statutes for Upper Canada, chaptered ten, and intituled, "An Act respecting the Superior Courts of Civil and Criminal Jurisdiction," shall be and the same is hereby repealed, and the following section shall be substituted in lieu thereof:

"16. In case any Judge of either of the Courts of Queen's Bench or Common Pleas has continued in the office of Judge of one or more of the Superior Courts of Law or Equity in Upper Canada for fifteen years, or becomes afflicted with some permanent infirmity disabling him from the due execution of his office, and in case such Judge resigns his said office, Her Majesty may, by Letters Patent under the Great Seal of this Province, reciting such period of service or permanent infirmity, grant unto such Judge an annuity equal to two-thirds of the salary annexed to the office of such Judge, to commence immediately after the period of his resignation, and to continue thenceforth during his natural life."

2. The eighteenth section of the said recited Act shall be, and the same is hereby repealed, and the following substituted in lieu thereof:

"18. The term of the said Courts of Queen's Bench and Common Pleas shall annually be as follows: Hilary Term shall begin on the first Monday in February, and shall end on the