

Stay of proceedings if suit for same cause is pending out of U. C. 4. If any suit or action is brought in any Court of Law or Equity for any cause of action for which any suit or action has been brought and is pending between the same parties or their representatives in any place or country out of Upper Canada, such Court or any Judge thereof may make a rule or order to stay all proceedings in such first-mentioned Court of Law or Equity, until satisfactory proof is offered to such Court or Judge that the suit or action so brought in such other place or country out of Upper Canada is determined or discontinued. 5

Two sections substituted for sections 270 and 271 of the said act. 5. Sections numbers two hundred and seventy and two hundred and seventy-one of the said Common Law Procedure Act are hereby repealed and the following clauses substituted in lieu thereof, which substituted clauses shall be read and construed as if they originally formed part of the said Common Law Procedure Act, instead of the said clauses hereby repealed: 10

Sheriff's poundage: 270. Upon any execution against the person, lands or goods, the Sheriff may, in addition to the sum recovered by the judgment, levy the poundage and milage fees, expenses of the execution, and interest upon the amount 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 Judges *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. 15 20 25 30

No poundage allowed in certain cases, but milage and fees only. 271. In cases of writs of execution upon the same judgment to several counties wherein 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 milage 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. 35 40

When only execution may issue against lands. 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.

When only return of *nulla bona* may be made. 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. 45