

by such sureties, and an affidavit of the due taking thereof by a subscribing witness to the execution of the said bond.

III.—The question to be tried on the said appeal shall be the right of the claimant or claimants to the property seized or attached as against the plaintiffs in the execution or executions, attachment or attachments, and it shall be tried before a jury without formal pleadings, in the manner in which interpleader issues are now tried in the County Court; and it shall be the duty of the party or parties appellant to prepare an issue embodying such question, and a statement of the goods or property claimed, and to file the same in the office of the Clerk of the County Court of the County in which such issue is to be tried, within fifteen days after the decision or verdict appealed from is made or rendered, and to give notice thereof to the Clerk of the Division Court in which such decision or verdict was made or rendered; and in case the party or parties in whose favour such decision or verdict has been made or rendered, shall not object to such issue and give notice of such objections to the said Clerk within five days next after the expiration of the last day allowed to the appellant to file such issue, the issue so filed shall be tried by a jury of the County at the next sitting of the County Court for the trial of causes which shall happen not sooner than twenty four-days next after the decision or verdict appealed from shall have been given or rendered; Provided always, that it shall be lawful for the Judge of the County Court in which such issue is to be tried, to enlarge the time for the trial thereof, upon cause shown by either party as in ordinary cases.

IV.—The jury before whom the said issue is tried may render a general verdict in favor of the appellants or respondents, and for the whole of the goods and chattels or personal property seized or attached, or in favor of one or more appellant or appellants, respondent or respondents and against the other or others of them, or in favor of one or more as to some portion of the goods or property and of the others as to other portion or portions.

V.—Wherever the jury shall render a general verdict in favor of the appellant or respondent, or for the whole of the property seized or attached, the successful party shall be entitled to his costs; and in case of the verdict being apportioned, the costs shall be in the discretion of the Judge of the Court before whom the issue is tried, who shall make an order on the back of the issue directing by whom the costs shall be paid; and such costs shall, after taxation by the Clerk of the County Court in accordance with the tariff of fees, or practice in interpleader issues, be recovered by execution to be issued out of the County Court as upon a judgment in ordinary cases; and in case the appellant shall be directed to pay the costs, the respondent shall or may in his option proceed to recover such costs by execution as aforesaid, or action on the bond given as security aforesaid.

VI.—All parties giving notice of their intention to appeal shall be made appellants in one issue, and all parties in whose favor the decision or verdict appealed from has been given or rendered shall be made respondents, and shall be answerable for costs according to the provisions of the fifth section of this Act, unless he or they shall give notice of the abandonment of the appeal or of the decision or verdict in his or their favor appealed from, within twenty days next after such decision or verdict shall be made or rendered; and in case of the appeal being abandoned, the decision or verdict appealed from shall stand, and in case of the abandonment of the decision or verdict by the party or parties in whose favor the same has been rendered, the said decision or verdict shall be reversed with or without costs in the discretion of the Judge of the Court in which the proceedings appealed from was pending; such costs to be recovered and all further proceedings to be had in the said Court as if the decision had been originally in favor of the appellant.

VII.—The Judge of the County Court before whom any issue shall be tried under the provisions of this Act shall have all the powers of amendment and other powers of a Judge in the County Court in causes originated in such County Court.

## DIGEST OF ACTS PASSED DURING SESSIONS OF 1860-1-2,

WHICH REPEAL, AMEND, VARY OR AFFECT, CONSOLIDATED STATUTES  
FOR UPPER CANADA.

(By J. S. HALLOWELL, Student-at-Law.)

### Con. Stat. U. C.

- c. 3, p. 7, *vide* 23 Vic. c. 40, s. 2.
- c. 3, sub-s. 6, p. 9, Townships of Raglan, Lyndoch, Radcliffe and Brudenell, added to County of Renfrew by 23 Vic. c. 39, s. 4.
- c. 3, sub-s. 6, Nos. 10, 16, p. 9, Rep. by 23 Vic. c. 39, s. 2.
- c. 3, sub-s. 6, 7, p. 9, Counties of Renfrew and Lanark, 24 Vic. c. 61, separates them.
- c. 3, sub-s. 11, p. 10, Townships of Miller and Cannonto added to County of Frontenac by 23 Vic. c. 39, s. 2, 5; and *vide* s. 1 as to union of Frontenac with Lennox and Addington.
- c. 3, sub-s. 12, p. 10, Townships of Ellingham, Abinger, Ashby and Deubigh, added to County of Addington by 23 Vic. c. 39, s. 3, 5; and *vide* s. 1 as to union of Addington with Lennox and Frontenac.
- c. 3, sub-s. 13, p. 10, *vide* 23 Vic. c. 39, s. 5; and *vide* s. 1 as to union of Lennox with Frontenac and Addington.
- c. 3, sub-s. 15, p. 10, *vide* 23 Vic. c. 39, s. 5.
- c. 3, sub-s. 18, 19, p. 11, 12, Counties of Peterborough and Victoria, *vide* 24 Vic. c. 50.
- c. 3, sub-s. 20, No. 15, p. 12, Township of Robinson changed to Morrison by 23 Vic. c. 40, s. 3.
- c. 3, sub-s. 30, p. 14, sub-s. 9, p. 15, Biddulph and McGillivray taken from the County of Huron and annexed to the County of Middlesex.
- c. 3, sub-s. 36, County of Middlesex, by 25 Vic. c. 28, Townships of Biddulph and McGillivray added to this county.
- c. 3, sub-s. 34, No. 8, p. 16, Township of Sandwich, by 23 Vic. c. 96, divided into two distinct Municipalities.
- c. 3, s. 6, p. 19, this section not affected by 23 Vic. c. 21; *vide* 23 Vic. c. 21, s. 7.
- c. 5, s. 1, p. 23, Repealed as to registered judgments by 24 Vic. c. 41, s. 10.
- c. 10, s. 6, p. 32, as to rank of Chief Justice of Upper Canada, repealed by 25 Vic. c. 18, s. 1.
- c. 12, s. 66, p. 59, s. 67, 68, p. 60, as to registered decrees and orders which bind lands, &c., repealed by 24 Vic. c. 41, s. 1.
- c. 13, s. 5, p. 63, as to President of Court of Error and Appeal, repealed by 24 Vic. c. 36; *vide* 25 Vic. c. 18, s. 1, 2, 3.
- c. 13, s. 8, p. 63, Time of sittings of said Court altered by 25 Vic. c. 18, s. 4.
- c. 15, p. 75, *vide* 23 Vic. c. 42, s. 4, cases in Superior Courts may be tried in County Courts; 23 Vic. c. 43, extends jurisdiction of County Courts; 23 Vic. c. 44, regulates the removal of causes from County Courts.
- c. 17, p. 115, Court of General Quarter Sessions, by 24 Vic. c. 14, not to try treasons and felonies.
- c. 17, s. 10, p. 117, as to Court of General Quarter Sessions appointing Constables annually, repealed by 23 Vic. c. 8; and last mentioned act amended by 24 Vic. c. 48.
- c. 19, p. 136, Division Court Act, c. 29, p. 325, Replevin Act, and 23 Vic. c. 43, to be read as one act so far as relates to cases within the jurisdiction of the Division Courts, *vide* 23 Vic. c. 45, s. 7.
- c. 19, s. 151, p. 162, as to what may be seized under a Division Court execution against goods, part repealed by 23 Vic. c. 25, s. 2.
- c. 19, s. 146, p. 161, certificate of Division Court judgment may be obtained for registry, repealed by 24 Vic. c. 41, s. 2.