

An Act for the further amendment of the Common Law Procedure Act.

WHEREAS it is desirable further to improve the process, practice and mode of pleading in the Superior Courts of Common Law in Upper Canada; Therefore, Her Majesty, &c., enacts as follows:

1. When goods or chattels have been seized in execution by a Sheriff or other officer under process of the above mentioned Courts, and some third person claims to be entitled, under a bill of sale or otherwise, to such goods or chattels by way of security for a debt, the Court or Judge may order a sale of the whole or part thereof, upon such terms as to payment of the whole or part of the secured debt or otherwise, as they or he shall think fit, and may direct the application of the proceeds of such sale in such manner and upon such terms as to such Court or Judge may seem just.

2. Upon the hearing of any rule or order calling upon persons to appear and state the nature and particulars of their claims, it shall be lawful for the Court or Judge, wherever, from the smallness of the amount in dispute or the value of the goods seized, it shall appear to them or him desirable and right so to do, at the request of either party, to dispose of the merits of the respective claims of such parties, and to determine the same in a summary manner upon such terms as they or he shall think fit to impose, and to make such other rules and orders therein as to costs and all other matters as may be just.

3. In all cases of interpleader proceedings, where the question is one of Law, and the facts are not in dispute, the Judge shall be at liberty in his discretion to decide the question without directing an action or issue, and if he shall think it desirable, to order a special case to be stated for the opinion of the Court.

4. The proceedings upon such case shall, as nearly as may be, be the same as upon a special case stated under "the Common Law Procedure Act." And error may be brought upon a judgment upon such case, and the provisions of "the Common Law Procedure Act," as bringing error upon a special case, shall apply to the proceedings in error upon a special case under this Act.

5. The judgment in any such action or issue as may be directed by the Court or Judge in any interpleader proceedings, and the decision of the Court or Judge in a summary manner, shall be final and conclusive against the parties and all persons claiming by, from or under them.

6. All rules, orders, matters and decisions to be made and done in interpleader proceedings under this Act (excepting only any affidavits) may, together with the declaration in the cause, if any, be entered of