

Seizure of ves- the Division within which the same shall be issued, or to any Constable
sel. of the County, commanding him to attach, seize, take and safely keep the
ship or vessel on account of which the debt or liability was contracted,
(designating such ship or vessel by its name, if known, or if not, then by
some other description) as being the property or in the possession of the
defendant, to answer a certain claim of the plaintiff, (naming him), for
(stating the amount), against the said ship or vessel; and
upon receipt of such warrant the said Bailiff or Constable shall forth-
with execute the same in the like manner as an attachment against the
property of an absconding debtor is now required to be executed by the
Statute in such case provided, and shall proceed in the manner by law re-
quired in case of any such attachment; and the said vessel shall be
delivered over to the Clerk of the Division Court within whose Division
such attachment shall have issued, who shall keep and dispose thereof in
the same manner as goods seized under such attachment as aforesaid are
by law to be kept and disposed of.

Detention of
vessel.

Subsequent
proceedings
in any such
case.

III. All the proceedings subsequent to the issuing of such attachment
and seizure, shall be the same as the proceedings now are upon attach-
ment against absconding debtors in the Division Court, and the like bond
with the like sureties may be given by the owner, master, agent or con-
signee of any such vessel, and the plaintiff may proceed to judgment and
execution in the same manner as a plaintiff may now proceed to judg-
ment and execution against an absconding debtor, pursuant to the statute
that behalf.

Special provi-
sion when the
case shall have
arisen while
the vessel was
in one of the
canals.

IV. Provided always, That whenever the cause of action shall have
arisen while such ship or vessel was in any of the Canals in Upper Can-
ada, and the amount claimed shall not exceed the sum of £12 10s., it
shall be optional with the plaintiff to declare his intention to have the
case tried and determined before the Justice of the Peace before whom
the affidavit aforesaid shall have been taken, and by whom the warrant of
attachment shall have been issued, and some other Justice of the Peace
having jurisdiction in the place where the ship or vessel shall be found;
and in such case the affidavit shall not be transmitted to the Clerk of the
Division Court, but shall be kept by the Justice receiving it, and the
Bailiff or Constable shall not deliver over the ship or vessel to the Clerk
of the said Court but shall keep the same safely to await the order of
the Justices by whom the case is to be tried and determined; and the
plaintiff shall at the time of declaring such option, or within twenty-four
hours thereafter, deliver to such Justices his complaint, stating briefly his
cause of action, and requiring such Justice to issue his summons to the
Defendant, commanding him to appear before him and some other Justice,
as aforesaid, at a time (not being less than days nor more than
days after the service of such summons), and at the place to be named in
such summons; and such summons may be served by any such Bailiff or
Constable as aforesaid, by delivering a copy thereof and of the complaint,
certified by such Justice of the Peace, to the Defendant, or if he cannot
be found within the Division (of which fact the return of the Bailiff or
Constable shall be evidence) then by delivering the same for the Defend-
ant to the person in charge of such ship or vessel, or if there be no person
in charge thereof, then by posting the same in some conspicuous place in
such ship or vessel; and at the time appointed in such summons, the
Justice issuing the same, and any other Justice of the Peace having juris-
diction as aforesaid, shall and may hear the parties or party appearing
before them, and the evidence they may adduce, and shall have full power