

vice, unless defendant obtain leave to appear and do appear.

For what amount, &c.

Execution.

How leave to appear may be obtained by defendant.

Judgment may, under special circumstances, be set aside, and how.

Deposit of the Bill, &c., and security for costs, may be ordered.

Same remedy for expenses of protest, damages, &c., as for amount of Bill or Note.

All parties to the Bill or Note may be sued in one action under this Act.

leave to proceed as provided by the Common Law Procedure Act, 1856, and a copy of the writ of summons and the indorsements thereon, in case the Defendant shall not have obtained leave to appear, and have appeared to such writ according to the exigency thereof, at once to sign final judgment in the form contained in the schedule numbered two to this Act annexed, (on which judgment no proceeding in error shall lie) for any sum not exceeding the sum endorsed on the writ, together with interest to the date of the Judgment, and a sum for costs to be fixed by rule of Court, unless the Plaintiff claim more than such fixed sum, in which case the costs shall be taxed in the ordinary way, and the Plaintiff, may upon such judgment issue execution at the expiration of fifteen days after such judgment has been signed.

V. A Judge of either of the said Courts, or a Judge of a County Court, shall, upon application within the period of sixteen days from such service, give leave to appear to such writ and defend the action on the defendant paying into Court the sum endorsed on the writ, or upon affidavits satisfactory to the Judge, which disclose a legal or equitable defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Judge may deem sufficient to support the application, and on such terms as to security or otherwise as to the Judge may seem fit.

VI. After judgment, the Court or a Judge may, under special circumstances, set aside the judgment and, if necessary, stay or set aside execution, and may give leave to appear to the writ, and to defend the action, if it shall appear to be reasonable to the Court or Judge so to do, and on such terms as to the Court or Judge may seem just.

VII. In any proceedings under this Act, it shall be competent to the Court or a Judge to order the bill or note sought to be proceeded upon to be forthwith deposited with an officer of the Court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

VIII. The holder of every dishonored bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting or protesting the same for non-acceptance or non-payment, or otherwise, or of damages where damages for non-payment are by law recoverable, by reason of such dishonor, as he has under this Act for the recovery of the amount of such bill or note.

IX. The holder of any bill of exchange or promissory note may proceed against all the parties to such bill or note under this Act in one action, in conformity with the provisions of the Acts of the Parliament of Upper Canada and of this Province, enabling