

before them, and the evidence they may adduce, and shall have full power to administer an oath or affirmation to any witness adduced by either party, and may, according to the facts proved, either dismiss the complaint with costs (which shall be those of the Division Court in like cases), or give judgment for such sum (not exceeding the amount aforesaid,) as they shall find the Plaintiff ought to recover from the Defendant, and the fees of the Bailiff or Constable for his services, (which shall be the same as would be allowed him for like services in a case in the Division Court,) and the sum of            to the Justice or his Clerk for the warrant, and all other services; and if the amount of the judgment and costs be not forthwith paid, the said Justices may, by warrant under their hands and seals directed to any Bailiff or Constable as aforesaid, cause the same to be levied and made by the sale of the said ship or vessel or of the tackle and apparel thereof, or any goods found on board the same, (to whomsoever belonging, but saving the recourse of the owner against the defendant,) with the costs of such sale (which shall be the same as would be allowed in the Division Court in like case), and the proceedings in such sale shall be as nearly as may be similar to those prescribed in like cases in the Division Court; and if there be any surplus of the proceeds of the sale, after paying the amount of the judgment and costs, it shall be returned to the Defendant, saving the recourse of any party entitled to the same.

Levying the amount of judgment and costs.

Surplus.

V. If any person shall have any claim for any of the causes aforesaid against any ship or vessel, the owner or owners whereof is or are resident in a foreign country, or out of the Jurisdiction of the Court, and such claim shall be beyond the jurisdiction of the Division Courts, it shall be lawful for such person, upon making an affidavit or affirmation, stating with particularity that the owner or owners of such ship or vessel is or are justly and truly indebted to him or her in the sum of            or (when the amount is not ascertained), that he hath a good cause of action against the defendant as owner of the said ship or vessel, for (stating the cause of the action with certainty) and that the Defendant is or are resident in a foreign country, or beyond the jurisdiction of the Court; and upon filing the said affidavit with the Clerk of the Crown or Clerk of the Crown and Pleas, or Common Pleas, or any of the Deputy Clerks of the Crown and Pleas, or with the Clerk of any County Court, in any County of Upper Canada, (according as the case may be within the jurisdiction of one or the other of the said Courts), to obtain an attachment against the property of such ship or vessel directed to the Sheriff of any County in Upper Canada, which shall be in the same form as attachments now are against absconding or concealed debtors, (except that the word "absent debtor" shall be used in the place of "absconding" or "concealed debtors;") and all proceedings upon such attachments shall be in all respects the same as if the attachment were against an absconding or concealed debtor, and the plaintiff may proceed to judgment and execution in the same manner; Provided always, that it shall not be necessary to leave a copy of the summons at the last place of residence of the defendant, but it shall be sufficient, in all cases, to place a copy in some conspicuous part of the office out of which the same shall issue.

Provision where the amount claimed is beyond the jurisdiction of Division Courts.

Attachment to issue.

Proviso.

VI. This Act shall apply only to Upper Canada.

Act limited to U. C.