

An Act to alter and amend the Law in relation to the
Upper Canada County Courts.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Council and Assembly of Canada, enacts as
follows :

With respect to the proceedings for the revival of Judgments :

- 5 I. The two hundred and second section of the Common Law Sect. 202 of
Procedure Act of 1856, shall not extend to the County Courts in 19 V. c. 43,
Upper Canada ; and during the lives of the parties to a Judg- not to extend
ment, or those of them during whose lives execution may at to County
present issue within a year and a day without *scire facias* and Courts.
10 within six years from the recovery of the Judgment, execution Other provi-
may issue without renewal thereof. sion.

And with respect to equitable defences, Be it enacted as
follows :

- 15 II. The two hundred and eighty-seventh section of the Com Sect. 287 of
mon Law Procedure Act, 1856, and the words placed between 19 V. c. 43,
that and the next preceding section shall not apply or extend to not to extend
the County Courts in Upper Canada ; and after this Act shall to County
come into force, it shall be lawful for the Defendant or the Courts.
Plaintiff in replevin in any cause in any of the said County Other provi-
20 Courts, in which if Judgment were obtained he would be sion.
entitled to relief against such Judgment on equitable grounds Other provi-
to plead the facts which entitle him to such relief by way of sion.
defence, and the said Courts are hereby empowered to receive Other provi-
such defence by way of plea, provided that such plea shall sion.
25 begin with the words " for defence on equitable grounds," or
words to the like effect.

And with reference to Arbitration ordered at the trial, Be it
enacted as follows :

- 30 III. That the Judge of every County Court at the sittings of Appointment
the said Court for the trial of issues in fact, directing any of Arbitrators,
reference under the enactments contained in the one hundred and their pow-
and fifty-sixth section of the Common Law Procedure Act, 1856, ers and duties.
may direct such reference, if he shall see fit to do so in like
manner as he has power to do under the enactments contained
35 in the eighty-fourth and eighty-fifth sections of the said Act, and
every Arbitrator so appointed at such sittings, shall be subject
to the provisions of the said sections, and shall have the power
expressed in the eighty-sixth section, and be subject to the same