

of two hundred pounds, and that you then return there the names of those persons by whom you shall have caused such notice to be given and this writ.

Witness, The Honorable Sir *John Beverly Robinson*, Baronet, Chief Justice at *Toronto*, the twenty-fourth day of August, in the twenty-fifth year of Our Reign.

(Signed,) CHAS. C. SMALL.

Trinity Term, 25th *Victoria*, the second day of October, in the year of Our Lord, 1861. The defendants by *W. George Draper*, their Attorney, say that they never were indebted as alleged.

The thirtieth day of October, in the year of Our Lord, 1861.

The plaintiff takes issue on the plea of the defendant, and hereupon the said plaintiff suggests, and gives the Court here to understand, and be informed that the said Bond in the said Writ of *Scire facias* mentioned, was, and is subject to a certain condition thereunder written, whereby after reciting that whereas, a License of Marriage had been obtained for the purpose of joining together in Holy matrimony *John H. Stevenson*, of *Napanee*, in the County of *Lennox* and *Addington*, Gentleman, and *Mary E. Foote*, of same place, Spinster, the condition of the said bond was declared to be such that if it shall appear that there is no affinity, consanguinity, pre-contract or any other lawful cause or impediment to hinder their being so joined together as aforesaid, then this obligation to be null and void, otherwise to remain in full force and virtue.

Nevertheless for assigning breaches of the said condition of the said Bond, the said plaintiff in fact saith that there was lawful cause and impediment to hinder the said *John H. Stevenson* and *Mary E. Foote* from being joined together in Holy Matrimony, in this that the said *John H. Stevenson* was under the age of twenty-one years and was not a widower, and that *John Stevenson*, father of the said *John H. Stevenson*, then living, did not give his consent to his son's being so married, contrary to the form and effect of the said writing obligatory and of the said conditions thereof: Therefore, &c.

Afterwards, on the twenty-second day of February, in the year of Our Lord one thousand eight hundred and sixty-nine, came the parties aforesaid by their respective Attorneys aforesaid, and the Hon. Mr. Justice *Richards* assigned to take the assizes in and for the said United Counties before whom the said issue was tried hath sent hither his record had before him in these words.

"Afterwards, on the fourth day of November, A. D., 1861, at the City of *Kingston*, in the United Counties of *Frontenac* and *Lennox* and *Addington*, before *William Buell Richards*, one of the Justices to Our Lady the Queen, assigned to take the assizes in and for the within United Counties, came the parties within mentioned, by their respective attorneys within mentioned, and a jury of the said United Counties being summoned, also came, who being sworn to try the matters in question between the said parties, upon their oath say, that "the defendants were indebted as alleged," and they assess the damages of the plaintiff on occasion of the premises within complained of by her over and above his costs of such at one shilling. Therefore it is considered that the plaintiff do recover against the defendants the said debt of two hundred pounds and the sum of one shilling moneys by the Jurors aforesaid, in form aforesaid, assessed for the detention thereof, and also eighty dollars and twenty-nine cents for her costs of suit by the Court here adjudged of increase to the plaintiff which said debt, damages and costs in the whole amount to eight hundred and eighty dollars and forty nine cents.

All and singular which premises by the tenor of these presents we have commanded to be exemplified; in testimony whereof we have caused the seal of Our said Court of Queen's Bench for *Upper Canada* (now *Ontario*), at *Toronto*, to be hereunto affixed.

Witness, The Honorable *William Buell Richards*, Chief Justice of Our said Court of Queen's Bench, at *Toronto*, this twenty-sixth day of February, one thousand eight hundred and sixty-nine, and in the thirty-second year of Our Reign.

Jt dgment signed the 22nd day of February, A. D., 1869.

ROBERT G. DALTON.

C. O. & P.

On motion of the Honorable Mr. *Campbell*, seconded by the Honorable Mr. *Mitchell*, it was