

which the same shall be issued, or to any Constable 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 forthwith 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 required 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.

Seizure of vessel.
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 attachments against absconding debtors in a Division Court, and the like bond with the like sureties may be given by the owner, master, agent or consignee of any such vessel, and the plaintiff may proceed to judgment and execution in the same manner as a plaintiff may now proceed to judgment and execution against an absconding debtor, pursuant to the Statute in that behalf.

Special provision 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 Canada, 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 a 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 Defendant 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 jurisdiction as aforesaid, shall and may hear the parties or party appearing before them, and the evidence they may adduce, and shall have full power to administer an oath or affirmation to any witness.