

at least three days before the day so appointed, if the place so appointed be not more than twenty miles from the tenant's place of abode, and one in addition for every twenty miles above the first twenty, reckoning any broken number above the first twenty as twenty miles, to which notice shall be annexed a copy of the affidavit on which the appointment was obtained, and of the papers attached thereto.

4. If at the time and place appointed as aforesaid, the tenant having been duly notified as above provided, fails to appear, the county judge may issue a precept to the sheriff, in the Queen's name, commanding him forthwith to place the landlord in possession of the premises in question; but if the tenant appears at such time and place the county judge shall, in a summary manner, hear the parties and examine into the matter, and shall administer an oath or affirmation to the witnesses adduced by either party, and shall examine them; and if after such hearing and examination it appears to the county judge that the case is clearly one coming under the true intent and meaning of the first section of this Act, then shall he issue such precept as aforesaid to the sheriff, commanding him to place the landlord in possession of the premises; otherwise he shall dismiss the case; and the proceedings in any such case shall form part of the records of the county court.

5. When any such precept has been issued by a county judge, either of the superior courts of common law for Upper Canada, may, on motion, before the end of the second term after the issue of such precept, command such county judge to send up the proceedings and evidence in the case to such superior court, certified under his hand and seal, and may examine into the proceedings, and if they find cause may set aside the same, and may, if necessary, issue a precept to the sheriff commanding him to restore the tenant to his possession, in order that the question of right, if any appear, may be tried as in other cases of ejectment.

6. The judges of the superior courts of common law for Upper Canada may, from time to time, make such orders respecting costs in cases under this Act as to them may seem just; and the county judge before whom any such case is brought may, in his discretion, award costs therein, according to any such order then in force, and if no such order is in force, reasonable costs, in his discretion, to the party entitled thereto; and execution may issue out of the county court for such costs as in other cases in the county court.

7. The county judge may cause any person to be summoned as a witness to attend before him in any such case, in like manner as witnesses are summoned in other cases in the county court, and under like penalties for non-attendance, or refusing to answer, or willfully swearing or affirming falsely in such case.

8. Nothing herein contained shall prevent any landlord from proceeding under the sixty-third and ten next following sections of the Act respecting ejectment, chapter twenty-seven of the Consolidated Statutes for Upper Canada, if he thinks it advisable to proceed under the said sections, or shall in any way affect the powers of any judge or judges of the superior courts under the same, or shall prejudice or affect any other right of action or remedy which landlords may possess in any of the cases herein provided for.

9. This Act is a Public Act, and shall apply to Upper Canada only.

27 & 28 VICT., CAP. 34.

*An Act to extend the Jurisdiction of Police Magistrates in Towns in Upper Canada.*

(Assented to, June 30th, 1864.)

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

1. From and after the passing of this Act, the Police Magistrate in any Town in Upper Canada shall have the same

summary jurisdiction and powers, and use the like proceedings, in all cases as the Recorders in cities in Upper Canada under the provisions of the Act, chapter one hundred and five of the Consolidated Statutes of Upper Canada, intituled "An Act respecting the prompt and summary administration of Criminal Justice in certain cases."

27 & 28 VICT., CAP. 36.

*An Act to compel Informers suing for Penalties, in certain cases, to give security for costs.*

(Assented to, June 30th, 1864.)

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

1. If any action or suit shall be brought or commenced, after the passing of this Act, in which action or suit the Plaintiff sues as an Informer, or seeks to recover any penalty given to any informer or person or persons who shall sue for the same as aforesaid, under any Statute or Law, in which any penalty or penalties are or shall be given to any person or persons who shall sue for the same, either for his or their sole benefit, for for the benefit of the Crown, or partly for his or their benefit and partly for the benefit of the Crown, it shall and may be lawful to and for the person or persons so sued, or his or their agent or agents, attorney or attorneys, to apply to the Court in which such action or suit may be instituted or pending, for security for costs, upon an affidavit made by the defendant, shewing to the Court that such action or suit is brought to recover a penalty, and that in the belief of the deponent, the plaintiff or informer is not possessed of property sufficient to answer the costs of the suit in case a verdict shall be given or judgment rendered in favor of the defendant, and that he (the said defendant) has a good defence to such action or suit upon the merits, as he is advised and believes, and it shall be lawful for the Judge or Judges of the said Court, in his or their discretion, to make an order that the plaintiff or plaintiff, informer or informers, in any such suit or action, shall give security for the costs to be incurred in such suit or action, in the same manner and in accordance with the practice in cases where the plaintiff or plaintiffs reside out of the Province, and such order shall be a stay of the proceedings in the case, until the proper security is given as aforesaid.

2. This Act shall apply to Upper Canada only.

27 & 28 VICT., CAP. 37.

*An Act to amend chapter fifty-four of the Consolidated Statutes for Upper Canada, intituled: "An Act respecting the Municipal Institutions of Upper Canada."*

(Assented to, June 30th, 1864.)

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The following proviso is added to and shall be read and construed as if it originally formed a part of the fifty-first section of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada, intituled: "An Act respecting the Municipal Institutions of Upper Canada:—

"Provided always, that nothing herein contained shall prevent the sheriff of any such senior county from proceeding upon, and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof or of any subsequent or supplementary writ in the same cause, or in the case of executions against land, from executing all necessary deeds and conveyances relating to the same; and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if such separation had taken place, but no further."