

trial be applied for, at furthest, within fourteen days, and good grounds be shewn therefor by the party so applying.

In certain cases, suits may be removed by *certiorari*.

LXXXV. And be it enacted, That any suit brought in any Division Court holden under this Act may be removed or removable from the said Court into Her Majesty's Court of Queen's Bench, or Court of Common Pleas in Upper Canada, by any writ of *certiorari*, provided the debt or damage claimed shall amount to ten pounds and upwards, and provided leave be obtained of one of the Judges of the said Court of Queen's Bench, or Court of Common Pleas, in cases which shall appear to the said Judge fit to be tried in either of the said Superior Courts, and not otherwise, and upon such terms as to payment of costs or such other terms as he shall think fit.

Each Court to have a seal.

LXXXVI. And be it enacted, That for every Court holden under the authority of this Act there shall be made a seal of the Court to be paid for out of the Fee Fund, and all summonses and other process issuing out of the said Court shall be sealed or stamped with the seal of the Court; and every person who shall forge the seal or any process of the Court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of the said Court, knowing the same to be false, or who shall act or profess to act under any false color or pretence of the process of the said Court, shall be guilty of felony.

Punishment for forging it.

Mode of serving process out of the Division.

LXXXVII. And be it enacted, That any summons or other process which under this Act shall be required to be served out of the division of the Court from which the same shall have issued, may be served by the Bailiff of such or any other division Court in Upper Canada holden under this Act, and such service shall be as valid as if the same had been made by a Bailiff of the Court out of which the summons or process shall have been issued, within the jurisdiction of the Court for which he acts.

Mode of proving such service.

LXXXVIII. And be it enacted, That service of any summons or other process of any Division Court which shall require to be served out of the division of the said Court may be proved by affidavit purporting to be sworn before any Judge or Clerk of a Division Court, or before any person authorized by Law to take affidavits in the Superior Courts of Common Law in Upper Canada; and the fee for drawing such affidavit, by whomsoever done, shall be six pence, and for administering the Oath by a duly qualified person, six pence, and no more in either case, and shall be, together with the postages on the papers if transmitted by mail, costs in the cause; and in every case of the unavoidable absence of the Bailiff by whom any summons or other process of a Court holden under this Act shall have been served, the service of such summons or other process may be proved, if the Judge shall think fit, in the same manner as a summons served out of the Division of the Court, but without additional charge to either of the parties of the suit.

Fee on affidavit of service.

Unavoidable absence of Bailiff.

What goods may be taken in execution.

LXXXIX. And be it enacted, That every Bailiff or Officer executing any process of execution issuing out of any Division Court in Upper Canada, against the goods and chattels of any person, may by virtue thereof seize and take any of the goods and chattels of such person (excepting the wearing apparel and bedding of such person or his family, and the tools and implements of his trade to the value of five pounds, which shall to that extent be protected from such seizure,) and may also seize and take any money or bank notes and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money, belonging to any such person against whom any such execution shall have issued as aforesaid.

Securities for money.

How money and securities for money shall be dealt with after seizure.

XC. And be it enacted, That the Bailiff of every such Division Court shall hold any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money which shall have been so seized or taken as aforesaid, as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff, and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured or made payable thereby when the time of payment thereof shall have arrived; and it shall

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