

execution to satisfy the judgment, and the overplus money, if any, shall be returned by the officer, on demand, to the person entitled to receive the same; and if the proceeds of such sale fall short of satisfying the judgment and costs, the balance shall remain to be collected as on other judgments; and in case the judgment shall be against the Plaintiff, the property seized shall be restored, and the costs of the defence shall be awarded and collected as in other cases. 5

Jurisdiction
of Courts.

7. The writ of attachment shall issue out of the Court having proper jurisdiction in the matter; but in actions of, or where the amount claimed does not exceed forty dollars, and in actions on contract or for debt, where the amount claimed does not exceed one hundred dollars, a Division Court of the County in which the craft may be at the time the writ of attachment issues shall have jurisdiction. 10

Writ of attachment may be set aside.

8. The Court out of which the writ issues, or any Judge thereof, may, for good cause, and on the application of any party interested, set aside any such writ of attachment and all proceedings thereon. 15

Consequences of commencing a suit without good cause.

9. If any such suit is commenced without reasonable or proper cause, the person commencing such suit shall be liable to make compensation to the owner of such vessel for the amount of damages by him sustained by reason of such suit; and the defendant, if appearing and defending any suit commenced by writ of attachment under this Act, and damaged as aforesaid, shall give notice in writing with his plea, or six days before the trial of the cause, if the action be in a Division Court, that such action or suit was commenced without reasonable or probable cause to the damage of the said craft and its owners; and if the Judge or Jury before whom the said cause is tried shall find at the trial that such suit was commenced without reasonable or probable cause, such Judge or Jury, as the case may be, shall assess the amount of such damage, and judgment shall be entered and execution issued for such amount and costs. 20 25 30

Debtor not a competent witness.

10. In suits under this Act the owner of the craft seized, or other party contracting the debt or incurring the liability, shall not be a competent witness on behalf of the craft.

Notice of sale of vessel seized.

11. No vessel seized under the provisions of this Act shall be sold until one month's notice of such sale is first given in the *Canada Gazette*, and some newspaper published in the County where the seizure takes place. 35

Order for writ to specify amount.

12. The order for every writ of attachment shall specify the amount for which the same shall issue.

Courts to make rules and forms, and fix a tariff.

13. The Superior Courts of Common Law at Toronto, or any three of the Judges of such Courts, may make rules and forms for regulating procedure and practice of the said Courts, and fix a tariff of costs for service under this Act and such rules. 40

Application.

14. This Act shall only apply to Upper Canada.