

Debtors in towns and cities to be sued in divisions in which they reside.

**XXVIII.** In all towns and cities where more Divisions than one is or are set apart under the authority of this Act, a debtor shall be sued in the Division he resides in, (if the contract were made or debt contracted within the said town or city,) notwithstanding any provision in the several Division Courts Acts to the contrary.

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Additional fees to Bailiff when acting as Crier.

**XXIX.** In addition to the fees now paid to Bailiffs, in each division, they shall be allowed respectively the following sums out of the Fee Fund, to be paid by the Clerk of the Division for which he acts, if there be sufficient money in hand belonging to such Fee Fund, and if not sufficient money, then to be paid by any other Clerk of the County by authority of an order of the Judge, and in either case to be credited to the Clerk in the auditing of his accounts, viz. :

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For attendance in Court when discharging the duties of Crier thereof, *one dollar*, to be increased to the sum of *two dollars* when the attendance is prolonged beyond four hours; and the sum of *one dollar*, in addition, for every additional day's attendance at the same sittings of the Court.

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Rules as to precedence of executions.

**XXX.** Where several executions are placed in the hands of the same Bailiff against the property of the same Defendant at the same time, the numbers of the suits marked thereon shall guide and govern him as to the right of precedence, taking the said numbers consecutively as indicated thereon : and if an execution from another Division or County or founded upon a Judgment or transcript of Judgment of another Division or County, be delivered with other executions as hereinbefore provided for, without any distinct directions as to priority, the Clerk of his Division shall determine the priority, and to enable him so to determine he shall ascertain as to the time of the receipt of such execution or transcript of Judgment, and if received prior to the completion of executions for the Bailiff in his office, it shall have priority—if not so received, it shall be postponed to those first completed as aforesaid, and take rank thereafter.

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Recital.

**XXXI.** And whereas by the subdivision of any town or city into several sections as herein before provided for the purposes of the Division Courts, it might happen very frequently that debtors would be prosecuted by creditors of distinct sections, and the Judgments be obtained payable at periods giving a precedence to those not the most diligent in consequence of the Courts for the Sections being held on consecutive days or otherwise succeeding each other, and to prevent any undue precedence, it is hereby enacted, that no execution upon any Judgment recovered within any of the Courts of a town or city where more than one Division has been set apart, shall issue until the day following the expiration of the last day of the sittings of the last of those Courts for the month they may be so held in, except however in the case of an immediate execution being sued out under the provisions of the sixty-third section of "the Upper Canada Division Courts Act of 1850."

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Executions in towns and cities having more than one division, not to issue until after the last day of sitting of the last Court for the month.

Protection of other creditors where immediate execution issue.

**XXXII.** In the event of any creditor causing an immediate execution to be issued, any other creditor of the Defendant who may have a suit in progress awaiting a day of trial, may give notice to such Bailiff of the amount of his claim, and thereupon such Bailiff may seize sufficient property to cover all the claims in addition, of which he may be so notified, and may hold the same for a period not exceeding one month

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