

BILL.

An Act to facilitate the collection of demands against vessels in Upper Canada.

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

1. All steamboats and other water craft of twenty tons burden and upwards, navigating the waters within, or bordering upon, Upper Canada, shall be liable, and such liability shall be a lien thereon, for all debts contracted on account thereof in Upper Canada, by the master, owner, steward, consignee or other agent, for materials, supplies or labor in the building, repairing, furnishing or equipping the same, or for insurance, or dues for wharfage or towage, or for labor on such vessel; and also for damages arising out of any contract for the transportation of goods or persons, or for injuries done to persons or property by such craft.
Certain craft to be liable for debts and damages incurred in respect thereof.
2. Any person having such demand may proceed against the owner or owners, or master, of such craft, or against the craft itself.
Remedy against owner or craft.
3. When suit shall be commenced against the craft, it shall be commenced by a writ of attachment against the craft, naming such vessel if she have a name, and if not, giving a substantial description of the same; and such writ of attachment shall only issue out of the County or Superior Courts upon the order of a Judge of any one of such Courts;— but when the cause of action is within the jurisdiction of a Division Court, the attachment shall issue upon the affidavit of the Plaintiff, his Attorney or agent, stating the cause of such action, and without a Judge's order.
Suit against craft to be commenced by attachment.
4. The clerk of the proper Court shall, upon such order and præcipe, or affidavit, as the case may be, issue a writ of attachment directing the seizure of such craft, or such part of her apparel or furniture as may be necessary to satisfy the demand, and the detention of the same until discharged by due course of law; and the officer executing the writ shall return with it an inventory of the effects seized and held under it.
Duty of Clerk of Court and of Officer executing the writ.
5. The Owner, Master, Steward, Consignee or other agent of such vessel may release the property seized, upon entering into a bond to the officer seizing the same, with two good and sufficient sureties in double the amount of the demand for which such craft may be attached, conditional that such property, or double the amount for which such vessel is detained, shall be forthcoming to answer the judgment under such seizure.
Property seized may be released on bond for double the amount claimed.
6. Upon the return of the attachment, the pleadings and other proceedings shall be, as in other cases of process, served and returned; and any person having an interest in such vessel may cause or procure a defence to be entered into and set up in such action, for such vessel; and after judgment the property seized and still held may be sold upon
Proceedings before and after judgment.