

B I L L .

An Act to increase the Jurisdiction of the County Courts in Upper Canada, to amend the Acts regulating their practice, expediting and simplifying the proceedings of the said Courts, and for the settlement of disputes without litigation.

WHEREAS it is expedient to alter and amend the Acts regulating the Practice of the County Courts in Upper Canada, and to expedite and simplify the proceedings of the said Courts; Be it therefore enacted, &c., Terms abolished.

5 That such provisions of the Act or Acts now in force as require the holding of Terms of the said Courts, be repealed, and that the Terms of the said Courts be abolished: Provided always, that any Judge of the said Courts shall have and exercise the same powers at all times and in all proceedings not inconsistent with the provisions of this Act, that have heretofore appertained to the said Courts in Term time, and shall have power to make Rules of Practice in cases rendered necessary by the abolition of the said Terms. Judges to have same powers as in Term at all times.

15 II. And be it enacted, That after the close of each of the sittings of the said Courts, (fourteen) days shall be allowed for motions to set aside verdicts or non-suits, or in arrest of Judgment, or for new trials, or for Judgment of non-suit, or for all such proceedings as have heretofore in Term time followed the sittings of the said Courts; Provided always, that any Judge of the said Courts may upon sufficient cause shown by affidavit, order immediate Judgment upon any verdict obtained, and also that any Judge of the said Courts may upon sufficient cause shown by affidavit, extend the time for levying under execution, for a period not exceeding (three) months beyond the return day mentioned in the Writ of Execution. Time given after verdict for motions for new trials, &c.
Judgments immediate in certain causes.
Judges may extend time of levying under execution.

25 III. And be it enacted, That all writs issued out of the said Courts shall bear Teste on the day on which they issue, and that every Writ of Execution not being a Writ of Capias ad Satisfaciendum or an original Writ against Lands and Tenements, shall be returnable on a day at least (twenty) days after, and not later than three calendar months from the issuing thereof; Provided always, That a Sheriff or other proper officer shall not be liable to attachment for not returning or improperly returning a Writ of Execution, unless he shall have been required to execute the same at least (fourteen) days before the return day thereof, or in case of an original Writ of Execution against Lands, at least six calendar months before the return day thereof. All writs tested on day of issue.
Writs to be in force for three weeks.
Sheriff when liable to be called for non-return.