

of appeal, as the nature of the case may be; and if the full amount of the same cannot be levied of the party against whom the execution is issued as aforesaid, the opposite party may resort to the sureties for any balance, and may proceed by suit against them for such balance; and the said sureties shall be liable therefor, provided a demand upon them has been made before suit brought.

XXV. From and after the passing of this Act, no Clerk of a Division Court shall be ineligible to, or disqualified from holding the office of Clerk of the County Court, or Deputy Clerk of the Crown, of the county in which he resides, or both offices with the other; any law, custom, or usage, or Act, or Acts, to the contrary notwithstanding;— And all Acts and parts of Acts now in force, so far as they, or any, or either of them, render a Clerk of the Division Court ineligible or disqualified to hold the office of Clerk of the County Court, or Deputy Clerk of the Crown of the county in which he resides, whether expressed in distinct terms, or construed so by implication, shall be, and the same are hereby repealed.

Clerk of Division Court may be Clerk of County Court and Deputy Clerk of Crown or either.

XXVI. Notwithstanding anything contained in the third section of "the Division Courts Act of 1850," the Justices of the Peace in any county in Quarter Sessions assembled, shall and may at any time hereafter declare and appoint any number of Divisions in any city or county town, and fix the number, limits, and extent thereof, whether or not the additional number so fixed may cause the whole number in the county to exceed twelve, and may from time to time alter the same, under the restrictions contained in the fourth section of the above last mentioned Act.

Justices of the Peace in Quarter Sessions may fix number and limits of Division.

XXVII. And whereas, in some of the populous towns and cities of Upper Canada, it would facilitate the transaction of business by suitors, to increase the number of Divisions therein, and divide the labour imposed upon the clerks amongst an increased number, it is therefore enacted and declared that, whenever the presiding Judge of the Division Courts in any county, or portion of a county, or in any town or city, can ascertain at the time this Act shall come into operation, that the suits appearing on the lists aforesaid, or by the procedure book, amount to three thousand for the year past, in the said town or city, it shall thereupon be deemed necessary that the Division be sub-divided into two, and for every thousand suits beyond, into an increase of one other Division; and it shall be the duty of the said Judge to report to the Court of General Quarter Sessions of the Peace the necessity for such sub-division into two or more Divisions, and so from time to time as the number of suits of any such town or city, division or divisions, become increased, disclosing an additional number of one thousand suits thereafter, the necessity of sub-division shall be deemed to have arisen, and it shall be reported as hereinafter provided by the presiding Judge.

Recital.

Where suits in one division amount to 3000 for one year, sub-division to be made.

And the Justices of the Peace in General Quarter Sessions having become possessed of the facts from the report of the Judge as aforesaid, or otherwise, shall from time to time declare and appoint the said additional Divisions, and fix the limits, extent and number thereof, and may from time to time alter the same as circumstances require.

By Justices of the Peace in Quarter Sessions.