

No. 217.

3d Session, 3d Parliament, 13 and 14, Vict., 1850.

BILL.

An Act to alter and amend the Act
regulating the Practice of the County
Courts in Upper Canada, and to
extend the Jurisdiction thereof.

Received and Read a first time, Thursday, 25th
July, 1850.

Second Reading, Tuesday, 30th July, 1850.

Mr. Sol. Gen. MACDONALD.

BILL.

An Act to alter and amend the Act regulating the Practice of the County Courts in Upper Canada, and to extend the Jurisdiction thereof.

WHEREAS it is expedient to alter and amend the Act regulating the Practice of the several County Courts in Upper Canada, and to extend the Jurisdiction thereof: Be it therefore enacted, &c. Preamble.

- 5 That for and notwithstanding any thing contained in the fifth section of the Act passed in the Eighth year of the Reign of Her Majesty, intituled, "*An Act to amend, consolidate and reduce into one Act, the several Laws now in force, establishing or regulating the Practice of* Jurisdiction raised. 8 Vict. c. 12.
- 10 "*District Courts in the several Districts of that part of this Province formerly Upper Canada,*" the said County Courts respectively shall hold plea of all causes or suits relating to debt, covenant or contract, to the amount of fifty pounds; and, in cases of debt or contract,
- 15 where the amount is ascertained by the signature of the defendant, to one hundred pounds, and also in all matters of tort relating to personal chattels, where the damages shall not exceed the sum of thirty pounds, and where the title to land shall not be brought
- 20 in question: Provided always, that any plaintiff having a cause of action within the jurisdiction of the County Court, may institute and carry on such action in either of Her Majesty's Superior Courts of Common Law in Upper Canada, and proceed to judgment and execution thereon, Proviso: Superior Courts to have concurrent jurisdiction with County Courts. As to costs.
- 25 but such plaintiff and all persons and officers entitled to costs and fees therein, shall only be allowed and recover the usual costs and disbursements which would be allowable in case the said action had been instituted and carried on in the County Court; any thing in the fifty ninth
- 30 section of the Act above cited to the contrary notwithstanding: Provided, that in order to designate the proceedings in any such action, as being one also cognizable by the County Courts, all the papers and proceedings filed, issued or used in the said Superior Courts shall be
- 35 endorsed with the words "*Inferior Jurisdiction,*" in order to regulate the costs, fees and disbursements therein, of all persons entitled to make or receive any charge therefor. Proviso: papers shall be specially endorsed, &c.

- II. And be it enacted, that all writs of summons sued out of, and all declarations or other pleadings filed in any
- 40 action or proceeding in any County Court, or notices required to be served in such action or proceeding, may Summons, &c. may be served in any County in Upper Canada.

be served in any County in Upper Canada, and the defendant shall appear and plead thereto within the periods respectively limited and required by law, in the same manner as if such defendant had been served with such summons, declaration, notice or other proceeding in the County in which such suit was instituted, and all subsequent proceedings in the cause shall be carried on thereafter to final judgment and execution, according to the practice of the County Courts. 5

Writs against
goods or lands
may be issued
into any
County in
Upper Canada,
&c.

III. And be it enacted, That writs of execution against 10
goods and chattels, lands and tenements, and also all pro-
cess against the person when authorized by law, may be
issued from the County Court in which any judgment has
already been or hereafter may be entered up, into any
other County in Upper Canada, and any rule to be issued 15
for compelling the return by the Sheriffs, Coroners or
Elizors respectively, of any such writs of execution or
process, shall be issued from either of the Superior Courts
of Common Law in Upper Canada, in the same manner as
if the said writs of execution or other process had been 20
issued out of either of the said last mentioned Courts,
and all subsequent proceedings thereupon shall be carried
on therein, and the costs of such last named Courts
respectively shall be allowed to the party entitled to
receive the same. 25

Commence-
ment of Act.

IV. And be it further enacted, That this Act shall
come into force on the day of one thou-
sand eight hundred and and not before.