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BILL.

An Act to extend the Jurisdiction of
the Division Courts in Upper Canada

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MR. FREEMAN

QUEBEC:

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An Act to extend the Jurisdiction of the Division Courts of Upper Canada.

WHEREAS it is expedient to extend the Jurisdiction of the Preamble.
 several Division Courts in Upper Canada, so as to enable
 those Courts to try causes and pronounce Judgment therein, within
 the Jurisdiction of such Courts as to amount, when the defendant
 5 does not reside in the Division or County where the cause of action
 arose : Be it therefore enacted, &c., as followeth :

Any suit or cause of action cognizable in a Division Court in
 amount, may be entered and tried in the Court holden in the Divi-
 sion in which the cause of action arose, or in the Court holden in
 10 the Division in which the defendant, or either of them when there
 are more than one, shall reside or carry on his business at the time
 the action is brought, notwithstanding that the defendant or def-
 endants may at such time reside in a different County or Division,
 or different Counties or Divisions, from that in which the cause of
 15 action arose : and all such proceedings shall be taken for the
 obtaining Judgment and the recovery thereof, and in the same
 manner to all intents and purposes as if the defendant or defendants
 resided, and the cause of action arose in the same Division, except
 20 that no writ in the nature of a writ of *Fieri Facias* or attachment,
 shall be executed out of the limits of the County or United Counties
 over which the Judge of the Court from which the same issued,
 shall have Jurisdiction: Provided always, that in all cases wherein
 a defendant is summoned to appear in any County in which he does
 not reside, or where there are two defendants, in which neither
 25 of such defendants reside, the summons shall be served fifteen days
 at least before the holding of the Court at which the cause is to be
 tried, and if the defendant or defendants desire to make any defence
 mentioned in the forty-third section of the Upper Canada Division
 Court Act of 1850, he, or one of them, shall give notice thereof in
 30 writing to the Clerk of the Division Court in which the action is to
 be tried, in the manner provided by that section, at least five days
 before the holding of such Court; provided that if it shall appear to
 the Judge that such notice had not been given, without the wilful
 default of the defendant or defendants, and that injustice would be
 35 done unless such defence should be allowed, he may adjourn the
 hearing of the cause, or such defence thereto, until the next sitting
 of the Court, upon such terms as to payment of costs as shall ap-
 to him to be just.

In what division Court certain cases may hereafter be brought and tried, although none of the Defendants reside within the division.

Exception as to execution.

proviso: as to service of summons.

and as to Defendants desiring to make any defence under Section 43 of 13 and 14 Vict. chap. 53.

In certain cases Bailiff of Division Courts may serve writs &c. out of their County.

II. The Bailiff of any Division Court in Upper Canada may, and he is hereby authorised and required to serve all summonses, writs and orders of any such Division Court, except writs in the nature of *Fieri Facias* and attachment, that shall be directed to him, although the same may have been issued from a Division Court in a County 5 other than the one in which the Court of which he is Bailiff is situate.

Proceedings when a Plaintiff having obtained a judgment in a Division Court in one County, wishes to enforce it in another County in U. C.

III. It shall be the duty of the Clerk of any Division Court in Upper Canada, upon the application of the plaintiff or defendant, or one of them when there are more than one, having an unsatisfied 10 Judgment in his favor in such Court, or his agent, to prepare a transcript of the entry of such Judgment in such Court, and to send the same to the Clerk of any other Division Court, in any other County in Upper Canada, with a certificate at the foot thereof, signed by such Clerk and attested by the seal of the said Court, 15 stating the amount unpaid upon such Judgment, and the date at which the same was recovered, which certificate shall be addressed to the Clerk of the Division Court to whom it is intended to be delivered, and that it shall be his duty upon the receipt of such transcript and certificate, to enter the transcript in a book to be kept in 20 his office for such purpose, and the amount due on such Judgment according to such certificate: And that all other proceedings shall and may be had and taken for the enforcing and collecting such Judgment in such Division Court, by the officers thereof, that can be had or taken, under the Upper Canada Division Court Acts, upon Judgments recovered in any Division Court, for the like purpose.

This Act and 13. 14. Vict. c. 53, and 16 Vict. c. 177 to be deemed one Act.

IV. This Act and the Upper Canada Division Court Acts shall be construed as one Act.