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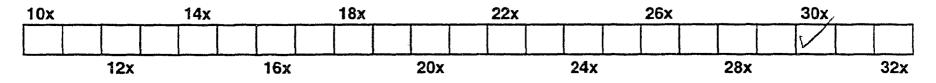
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No. 87.

1st Session, 5th Parliament, 18 Victoria, 1854.

BILL.

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

Received and Read First time, Friday, 29th September, 1854.

Second Reading, Monday, 2nd October, 1854.

MR. FREEMAN

QUEBEC: PRINTED BY JOHN LOVELL, MOUNTAIN STREET.



1854.]

BILL.

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

THEREAS it is expedient to extend the Jurisdiction of the Preamble. We 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 In what divisamount, may be entered and tried in the Court holden in the Divi- ion Court cersion in which the cause of action arose, or in the Court holden in hereafter be 10 the Division in which the defendant, or either of them when there brought and tried, although are more than one, shall reside or carry cn his business at the time none of the Defendants the action is brought, notwithstanding that the defendant or defendants may at such time reside in a different County or Division, in the 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 Exception as that no writ in the nature of a writ of Fieri Facias or attachment. to execution. 20 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 Provise: Ba to a defendant is summoned to appear in any County in which he does service of 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 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 and as to

before the holding of such Court; provided that if it shall appear to Defendants the Judge that such notice had not been given, without the wilful make any dedefault of the defendant or defendants, and that injustice would be section 43 of

Is done unless such defence should be allowed, he may adjourn the 13 and 14 Vict. hearing of the cause, or such defence thereto, until the next sitting chap. 53. of the Court, upon such terms as to payment of costs as shall ap-to him to be just. A^{27}

summona.

In certain cases Bailiff of Division Courts may serve writs dc. 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, write 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 18 situate.

Proceedings when a Plaintiff having obtained a judgment in a Divison Court in one County, wishes 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 to enforce it in 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 IV. This Act and the Upper Canada Division Court Acts shall 13. 14. Vict. c. be construed as one Act. c. 177 to be deemed one Act