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2nd Session, 5th Parliament, 19 Victoria, 1856.

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**BILL.**

An Act to provide for the establishment  
of County Courts in Lower Canada.

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Received and read, first time, Tuesday, 4th  
March, 1856.

Second reading, Wednesday, 5th March, 1856.

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**MR. POULIN.**

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TORONTO:  
PRINTED BY JOHN LOVELL,  
YONGE STREET.

An Act to provide for the establishment of County Courts in Lower Canada.

**WHEREAS** it is expedient to establish County Courts in Lower Preamble.  
Canada ; therefore Her Majesty &c., enacts as follows :

I. Whenever a Petition praying for the establishment of a County Court, for the purposes hereinafter mentioned, shall have been presented to the Governor of this Province, by a majority of the municipal Councillors for the County in which such Court is prayed for, it shall be lawful for the said Governor in Council to appoint three persons in the said County, to be Commissioners in and for the same, and to hold the County Court therein for the purposes of this Act. County Courts where and how to be held.

II. Each of the County Courts aforesaid shall have power to hear, try and determine, in a summary way, according to the right of the parties, and to equity, and good conscience, and to the best of the knowledge and judgment of the Commissioners by whom they shall be held, all suits and actions, (with the exceptions hereinafter made,) purely personal or relating solely to moveable property, wherein the sum or the value of the thing demanded, shall not exceed twenty-five pounds currency. Summary Jurisdiction to £25 currency.

III. Provided always, that the jurisdiction of the County Court established under this Act shall not extend to actions for slander; or for assault or battery, nor to such as shall relate to paternity, or to the civil estate of persons in general, or for seduction, or lying-in expenses, or for any fine or penalty whatever. Proviso as to actions for uncertain amounts.

IV. Any person under the age of twenty-one years, but above the age of fourteen years, may prosecute a suit in any County Court held under this Act, for any sum of money not exceeding twenty-five pounds currency, due to him for wages, in the same manner as if he were of full age ; any law to the contrary notwithstanding. Who may prosecute suits.

V. In matters cognizable in the said County Courts, proof by oral testimony shall be receivable and sufficient in all cases wherein, before the passing of this Act, it would have been receivable and sufficient, if the sum or the value of the thing in dispute had been of less than one hundred livres *ancien cours* ; and any law heretofore in force in Lower Canada, requiring proof in writing, or a commencement of proof in writing in such cases, is hereby repealed. Oral testimony admissible.

VI. Provided also, that if there shall be no Commissioners appointed for and resident in the County in which the Defendant shall reside, or if all the Commissioners be absent, or sick, or unable to act as Commissioners so that the Court cannot be held, then such Defendant may be sued before that other County Court which shall be held nearest to the place in which the Defendant shall reside and in the same District, provided that no Proviso in case of absence or sickness of Commissioners.

greater costs shall be awarded against the Defendant than if he had been sued before the County Court for the County in which he resides.

Only one Court to be held in each County,

VII. Provided always, that no more than one Court shall be held in any County in Lower Canada, under this Act; the Court may be held by any one of such Commissioners in case of the unavoidable absence of the other Commissioners appointed in and for the same County; the place where the Court shall be held in each County shall be at such place as the majority of the Commissioners shall appoint, and in every summons or order of Subpœna to be issued under this Act, the place where the Court is to be held shall be mentioned.

Time of holding Courts.

VII. The County Courts aforesaid shall be held on the first Monday of every month, not being a holiday, and if it be a holiday then on the following day, and on any other days to which they may then find it necessary to adjourn for hearing witnesses and for determining suits; and such Courts, respectively shall so be held publicly in some suitable room, which shall be provided for that purpose by the Clerks thereof under the direction of the Commissioners; and the expense of hiring and warming such room or place, and all other expenses necessary for the convenient holding of the said Courts, shall be paid by such Clerks, respectively, out of the fees hereinafter assigned to them: Provided always, that no such Court shall at any time be held in any tavern or place of public entertainment, nor in any building thereunto appertaining.

Proviso.

Fees to Commissioners

IX. Each and every Commissioner shall be entitled to the sum of shillings for each and every day not being an adjourned day on which he shall hold a Court as Commissioner, which said sum shall be paid to him by the Clerk of the County Court, out of the fees hereinafter assigned to them.

Summonses when returnable.

X. In any case cognizable in a County Court it shall be lawful for any one of the Commissioners, upon request or application to him made, to grant and cause to be issued a Summons which shall be in the form of that one of the Schedules annexed to this Act which shall suit the case, and shall not be returnable within less than eight clear days from the day of service, in cases where the amount demanded shall not exceed six pounds five shillings currency, and fifteen clear days in all cases above that amount.

Recusation of Commissioners.

XI. If in any suit, all the Commissioners be recused by either party (and any recusation and the grounds thereof shall be reduced to writing), and the Court be thereby rendered incompetent to proceed with the case, such suit shall immediately be transmitted to the County Court in the same District, nearest to the residence of the Defendant, and if the recusation be there adjudged valid, such Court shall proceed to hear and determine the cause; but if the recusation shall be adjudged frivolous or unfounded, the parties shall be sent before the Court in which the Commissioners shall have been recused, in order that such Court may proceed as if the recusation had not been made; and in such case the Court before whom the cause shall have been originally brought, may, without any reference to the merit thereof, tax the costs of such frivolous or unfounded recusation against the party by whom it shall have been made:—Provided always, that any Commissioner may sign the original writ of summons in any action, although he may be related to either of the parties, but he shall be unqualified to Act in any other matter relative to such actions.

Proviso.

XII. In all cases above six pounds five shillings currency the Defendant shall have the right to evoke the suit to the Superior Court for the District in which the County Court in which the action has been brought shall be situate; Provided always, that in all cases where any suit or action, against any person residing within the jurisdiction of any Court established by this Act for any cause or matter cognizable before such Court, shall be brought before any Circuit Court, the Plaintiff shall not be entitled to recover any greater amount of costs than if such suit or action had been brought before the Court established by this Act; Provided also, that there shall be no appeal from any judgment rendered in the said County Courts, except in any case in which under the Laws now in force, an appeal lies to Her Majesty, Her heirs and successors in Her or their Privy Council.

Appeal to Superior Court in certain cases. Proviso.

XIII. When any notarial instrument or authentic copy of the same, or any writing under private signature, produced in evidence in any suit before any County Court shall be alleged to be forged or falsified, such allegation shall operate as an evocation of the suit to the Superior Court in the District in which the said County shall be situate.

Inscription en faux to operate as an evocation.

XIV. Whenever any such evocation as is herein last mentioned shall occur, and security shall have been given as hereinafter provided, the Commissioners before whom such document shall have been alleged to be forged or falsified, or the Clerk of the Court shall, within fifteen days next thereafter, certify and transmit to the Prothonotary of the Superior Court, the document impugned, all the documents produced in the cause, and a certified copy of the entries in the register respecting the same: Provided always, that no Commissioner or Clerk shall so transmit any such document, unless good and sufficient security for the payment of the costs of the "*inscription en faux*" shall have been given before him by the party making such inscription.

Proceedings in case of evocation upon Inscription en faux.

XV. It shall be lawful for any Commissioner entitled to sit in the Court before which any suit or action shall have been instituted, on the application of either party, to issue orders of subpoena in the form prescribed in the Schedule to this Act, to compel the appearance of witnesses before the Court, under a penalty of not exceeding \_\_\_\_\_ nor less than \_\_\_\_\_ currency, for each and every default to attend, as by such order of subpoena commanded: and it shall be lawful to and for any such Commissioner to administer to such witnesses, or to any party to the suit who may be lawfully examined therein, an oath or affirmation in the usual manner.

Subpoenas, how issued.

XVI. Except as hereinafter excepted, it shall not be lawful to cause the witnesses in any suit to be summoned to attend on the day of the return of the summons to the Defendant; but in all cases of default or plea to the action on the part of the Defendant, a subsequent day shall be named for receiving evidence; saving always, that if the Defendant should make default when the service on him has been personal, it shall then be lawful for the Plaintiff to proceed immediately to prove his case by witnesses if necessary: and in such cases as well as in all cases of default wherein sufficient written evidence shall be adduced on the day of the return, or where the Defendant shall confess judgment, or both parties shall agree that the case be heard and determined forthwith, the Court may hear the case and give judgment, instant.

Attendance of witnesses.

Courts may grant stay of execution.

XVII. It shall be lawful for any County Court to grant a stay of execution, and to order that the amount for which judgment shall have been given, be paid in two or in three instalments, at intervals of not more than one month each ; provided that if any one of the said instalments shall not be paid at the time appointed, execution may at once issue for so much as shall then remain due: Provided always, that when any poor defendant shall before judgment, offer good and sufficient security to the satisfaction of the Court, for the amount of the debt and costs, the Court may order that the amount of the judgment be paid by weekly instalments, the last of which shall not be made more than six months after the date of the judgment. 10

Proviso.

Judgments unpaid within eight days, proceedings upon.

XVIII. If any party shall refuse or neglect to pay and satisfy any judgment rendered in a County Court for a sum of money within eight days after it is obtained, together with such costs as shall be adjudged thereon, any one of the Commissioners entitled to sit in the Court may, by a warrant of execution under his hand and the seal of the Court, and in the form of the Schedule hereunto annexed, cause the same to be levied by the seizure, and after public notice thereof shall be given according to law, by the sale of the goods and chattels of the party so refusing or neglecting as aforesaid, which shall be found within the District, together with the costs and charges attending such execution, which shall not in any case exceed the sum of                      currency: Provided always, that when the seizure only of the goods shall have taken place, the said costs and charges shall not exceed the sum of                      currency, travelling expenses and expenses of feeding any cattle seized, excepted in all cases. 25

Proviso.

Courts may issue warrants for *saisie gagerie*, &c.

XIX. It shall be lawful for any County Court, in cases cognizable by such Courts, to issue warrants of *saisie gagerie*, and *saisie revendication*, (the necessary affidavit being first made before a Commissioner of such Court,) of a *saisie arrêt* after judgment, in all cases where writs of like nature are allowed to issue out of other Courts by law ; and such warrants shall respectively be in the forms prescribed in the Schedules hereunto annexed. 30

Return day for such warrants.

XX. In every Warrant of execution, *saisie arrêt*, *saisie revendication*, and *saisie gagerie*, the day on which it is to be returned shall be named, and it shall be returned, with the proceedings thereon duly certified, on the day so named, which shall not be less than fifteen no more that fifty days from the date of such warrant. 35

Oppositions, interventions, &c.

XXI. All oppositions allowed by a Commissioner, interventions and *saisie arrêts* after judgment shall be heard and decided summarily before the said County Courts, in the same manner as the causes in which they shall arise, or to which they shall relate. 35

Powers and authority of Commissioners.

XXII. The Commissioners, by whom such Courts shall be held, shall have such and the like powers and authority to preserve order in the said Courts during the holding thereof and by the like ways and means, as now by law are or may be exercised and used in the like cases and for the like purposes, by any Courts of law in this Province, or by the judges thereof respectively, during the sittings thereof. 45

In case of resistance to authority of Court.

XXIII. In all cases where any resistance shall be offered to the execution of any summons, warrant of execution, or any other process, issued out of any County Court, under the authority of this Act, the Court is hereby empowered to enforce the due execution of the same, by the means provided 50

by the laws of Lower Canada for enforcing the execution of the process of other Courts in like cases.

XXIV. A Clerk shall be appointed for each County Court under this Act, and the appointment shall be vested in the Commissioners or in the majority of them, Provided always, that any Clerk who shall be appointed under this Act, shall be removeable by the Commissioners, or a majority of them, and another Clerk may be appointed in his stead, in the manner hereinbefore provided; and provided also, that such Clerk may with the permission of the Commissioners or of a majority of them, appoint a Deputy, for whose acts he shall be responsible, and whom he may remove at pleasure; provided also, that no more than one Clerk shall be employed or in any way act as Clerk of the County Court in any County.

Clerk to be appointed.

Proviso.

Proviso.

XXV. No person shall be appointed Clerk of any County Court who shall not have to and for his own use and benefit, and in his actual possession, a freehold estate, either in *fief en roture* or in free and common soccage, in absolute property, or by *emphytéose* originally created for a term of at least twenty-one years, or by usufruct for his life, in lands, tenements or other immoveable property, lying and being within the limits of the County, in which he is to act, of the yearly value of currency, over and above what will satisfy and discharge all incumbrances affecting the same, and over and above all rents and charges payable out of the same, unless such person shall give good and sufficient security before one of the Commissioners of the said Court, for the due performance of his duties, to the amount of pounds currency, in which case he may act as a Clerk in the same manner as if he were qualified by property in the manner hereinbefore mentioned: Provided also, that no person who shall not have reached the legal age of majority, nor any Bailiff, Sergeant of Militia, or person keeping a house of Public Entertainment or Tavern Keeper, or vending spirituous or fermented liquors in his house, or on his premises, shall be appointed as Clerk, and no justice of the Peace, nor any person being the Father, Son, Brother, Brother-in-Law, or Nephew, or the Clerk or Agent of any one of the Commissioners, in his private concerns, shall be or act as Clerk of the County Court for which such Commissioner shall be appointed.

Qualification for Clerk.

Proviso.

XXVI. For each County Court, there shall be kept by the Clerk, a register of all suits which shall be instituted before such Court, and of all proceedings had, and all judgments rendered therein, and of every matter and thing concerning the same, which register shall contain a succinct statement of the names, additions, and residence of the parties, the nature of the demand, and the defence set up, and shall specify what papers (if any) were produced as evidence in the cases, and the date of such papers, and when any notarial instrument shall so be produced, shall state the names of the notaries before whom such instrument shall have been executed; and the Clerk shall give a copy of such entries to any person demanding the same; and for every such copy, there shall be allowed to the Clerk, at the rate of *six pence* currency, for every hundred words: under a penalty of ten pounds currency, on any Clerk who shall refuse or neglect to give a copy thereof, to be recovered by the party to whom such copy shall have been refused.

Clerk to keep a Register of suits judgments, &c.

XXVII. The register of the County Court for any County shall continue to be the register of the County Court for the same County notwithstanding any change in the persons who shall for the time being be Commissioners or Clerk, but whenever there shall cease to be a County Court in such

Register to continue to serve as such in all cases.

Proviso.

place, then the person in whose hands the register shall then be, shall forthwith deposit the same and all papers belonging to the Court, in the office of the Prothonotary of the Superior Court in the District in which the Court shall have been held, and this under a penalty of *twenty-five pounds* 5  
currency ; Provided always ; that the Clerk of any County Court who shall cease to perform the duties of his office, (or in case of death, his heirs or legal representative) shall, under the same penalty, forthwith deliver the register and papers in his or their possession to the Commissioners, or to the person appointed to be Clerk of the said Court.

Who may act  
as Attorney  
before the  
Court.

XXVIII. No Bailiff or Sergeant of Militia shall, in any case, act as Attorney 10  
before any County Court, nor shall any other than an Attorney or Barrister duly commissioned to practise the Law in Lower Canada, so act without a power of Attorney in writing, except in presence of the party and at his request ; and any person not duly commissioned to practise the Law as aforesaid, who shall act or practise before any County Court as Attorney of 15  
the parties, Plaintiff or Defendant, shall be bound to do so *gratis*, without demanding or receiving any fee, perquisite or remuneration whatsoever ; and any person acting or practising as Attorney of any party before the said Court without being duly commissioned to practise the Law as aforesaid, who shall directly or indirectly, receive in consideration of such service 20  
any fee, emolument or remuneration whatsoever, shall be held to have obtained the the same under false pretences with intent to defraud the party from whom he shall have received it, and shall be liable to punishment accordingly, and shall for ever after be incapable of acting as Attorney before any County Court : Provided also, that no Clerk of any such County 25  
shall act as Attorney or *Porteur de Pièces* in any case whatsoever : and provided further that no Bailiff or other person who shall have served or executed any summons or process in any suit shall be a competent witness in such suit, on behalf of the party by whom such summons or process shall have been sued out, except only with regard to the service or execution 30  
of the same.

Proviso.

Services how  
to be effected.

XXIX. No summons, order or other process issued under this Act, shall be served or executed, except by a Bailiff or a Sergeant of Militia nor by any Bailiff or Sergeant of Militia, residing out of the County wherein the Defendant or witness may respectively reside, 35  
unless he shall renounce all claim to any greater sum for travelling expenses than that to which a person being resident therein would be entitled, except where there shall be no Bailiff nor Sergeant of Militia residing in the County wherein any such process is to be served, qualified or willing to make a return in writing ; in which case such 40  
process may be served or executed by a Bailiff or Sergeant of Militia residing out of such County, and he shall be allowed his travelling expenses from the residence of the Bailiff or Sergeant of Militia residing nearest to the place where the service is to be made, or the Commissioners may in such case specially adress such process to any other person 45  
by name, resident in the County where the service is to be made, who shall make oath to the due service and execution thereof :—Provided always, that no warrant of execution, or process authorizing the seizure of any property whatever shall be addressed to any person other than a Bailiff. 50

Proviso.

Costs.

XXX. And whereas it is right to fix the costs in such cases as shall be determined under this Act in any County Court ; Be it therefore enacted, that it shall be lawful for the Clerk of any County Court, to demand and receive the fees set forth in the Tariff or Schedule of Fees to this Act an-



nexted : Provided always, that no Bailiff or Sergeant of Militia, by whom any service shall be made upon one and the same Defendant, shall be entitled to travelling expenses, on more than one journey, though he may have more than one summons or process to serve ; and that he shall be allowed  
 5 *four pence* for each mile of the distance from his residence to the place of service, and *one shilling* for the service itself and no more ; And provided also, that if any Plaintiff who, having given more than one summons or process to one Bailiff or Sergeant of Militia to be by him served, shall compound with him for a less sum than that to which he would be entitled,  
 10 or if any Bailiff or Sergeant of Militia shall consent to any such composition, and such Plaintiff, or such Bailiff or Sergeant of Militia, shall afterwards receive from any person or persons, under colour of receiving the costs on the service of such summons or process, a greater sum than that so compounded for, he shall be deemed to have obtained the same under  
 15 false pretences, with intent to defraud the party from whom he shall have received it, and shall be liable to punishment accordingly.

XXXI. Provided always, that when the sum or the value of the thing for which judgment shall be rendered in any County Court shall not exceed  
 20 currency, the costs and expenses (exclusive of travelling expenses) which shall be adjudged against the defendant may be reduced and restrained by order of the Court to the principal sum or the value of the thing for which judgment shall be given, in case it shall appear just to the Court to make such order; any thing herein contained to the contrary notwithstanding.

Proviso in case of costs exceeding amount of judgment.

XXXII. Provided always, that every Commissioner, before proceeding  
 25 to exercise his functions as such, shall take and subscribe on oath before some Justice of the Peace, well and duly, to the best of his judgment and capacity, to perform the duty of Commissioner as required by this Act, of which oath such Justice of the Peace shall give a copy and certificate to the Commissioner having taken it, who shall cause the same to be annexed  
 30 to the register of the Court for which he shall be appointed, and the Clerk of any such Court shall in like manner, before entering upon the duties of his office, make oath before a Commissioner appointed therefor, faithfully and impartially to execute, to the best of his ability, the duties of his office according to the provisions of this Act : and such oath shall be  
 35 entered upon the register aforesaid.

Commissioners to be duly sworn.

XXXIII. Any Commissioner or any Clerk, who in the execution of the trust reposed in him shall misdemean himself, or deliver to any Bailiff or Sergeant of Militia or other person, any process to be by him or them distributed, sold, or otherwise illegally disposed of, shall for each such offence  
 40 incur a penalty of currency, and shall be thenceforth disabled from acting as Commissioner or Clerk as aforesaid.

In case of misconduct of Commissioners or Clerk.

XXXIV. All pecuniary penalties hereby imposed or incurred for offences committed against this Act, may be sued on and recovered before any Court having civil jurisdiction to the amount of the fine or penalty, in the  
 45 District in which the offence shall have been committed ; and one moiety of such penalty shall go to the person suing for the same, and the other moiety shall be paid into the hands of the Receiver General, and shall form part of the Consolidated Revenue Fund of this Province.

Penalties incurred under this Act how to be recovered.

XXXV. Each Commissioner appointed under this Act, shall be entitled  
 50 to receive a printed copy thereof, in the French and English languages, to be transmitted to him in the manner by law provided for the distribution of the printed Acts of the Legislature.

Commissioners to receive copies of statutes.

## SCHEDULE No. 1.

## FORM OF SUMMONS.

Province of Canada, }  
 District of } In the County Court for the County of

To A. B. of (*A. B.'s residence*), in the said District, Carpenter, (*or as the case may be*), Greeting :

You are hereby commanded to pay to C. D. of (*C. D.'s residence*), Grocer, (*or as the case may be*), the sum of \_\_\_\_\_ currency, which he demands of you as being due to him for (*state briefly cause of action*), and remaining unpaid, with his costs; or to appear before this Court, at the house of \_\_\_\_\_ in the said Parish (*or as the case may be*), of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ day of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next, (*or instant*), to answer the demand of the said C. D., otherwise judgment may be given against you by default.

Given under my hand and the seal of the said Court this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18\_\_\_\_\_

[L. S.]

E. F.

One of the Commissioners of the said County Court.

## SCHEDULE No. 2.

## FORM OF SUBPENA.

Province of Canada, }  
 District of } In the County Court for the County of

To

You are hereby commanded, that laying aside all business and excuses, you and each of you be and appear in your proper person before this Court, at the house of \_\_\_\_\_ in the Parish of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, then and there to testify whatever you or either of you may know, in a cause between \_\_\_\_\_ Plaintiff and \_\_\_\_\_ Defendant pending before this Court. (*If the witness be required to bring with him any paper, or thing, mention it*). And this you or either of you shall by no means omit, under the penalties of law.

Given under my hand, and the Seal of the said Court, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_\_

[L. S.]

E. F.

One of the Commissioners of the said County Court.

## SDHEDULE No. 3.

## FORM OF A WARRANT OF EXECUTION TO LEVY A SUM OF MONEY.

Province of Canada, }  
 District of } In the County Court for the County of

To any Bailiff in the said County of  
 Greeting :

Whereas, A. B. of (*A. B's residence, and profession, trade or calling*), did on the \_\_\_\_\_ day of \_\_\_\_\_ before this Court, recover judgment against C. D. of (*C. D's residence and profession, trade or calling*.) for the sum of \_\_\_\_\_ for his debt, and for his costs, of which execution remains to be done : you are therefore hereby commanded to levy, of the goods and chattels and effects of the said C. D., except his beasts of the plough, his employments of husbandry, and the tools of his trade, unless the other goods and chattels shall prove insufficient, and excepting always the bed and bedding, and the necessary wearing apparel of himself and his family, and also one cow, three sheep, one hog, a single stove, and one cord of firewood to be selected by him out of any larger number he may have,—(*if the seizure be in satisfaction of a debt contracted for any cow, sheep, hog, stove or firewood it will be seizable, and must be left out of the list of articles exempt from seizure*.) the aforesaid sum and costs, together with \_\_\_\_\_ for the costs of this execution, returning to the said C. D., the overplus, if any there be, after having satisfied the aforesaid sums ; and you are further commanded to make return of this warrant, with your doings thereon before this Court at the \_\_\_\_\_ house of \_\_\_\_\_ in the Parish of \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_ next (*or instant*).

Given under my hand and the seal of the said Court, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_ E. F.  
 [L. S.] \_\_\_\_\_  
 One of the Commissioners of the said County Court.

## SCHEDULE No. 4.

FORM OF A WARRANT OF *simple saisie en main tierce*.

Province of Canada, }  
 District of } In the County Court for the County of

To any Bailiff in the said County of \_\_\_\_\_ Greeting :

At the instance of A. B. of (*A. B's residence and profession, trade or calling*), you are hereby commanded, for assuring the payment of the sum of \_\_\_\_\_ pounds due him by C. D. of (*C. D.'s residence and profession*.) under judgment of this Court, (*state briefly the subject and date of the judgment*), to seize and attach in the hands of E. F. (*E. F.'s residence and profession, trade or calling*), all sums and things generally whatsoever, which he owes or shall owe on any account whatsoever, or shall have in his hands belonging to the said C. D., strictly prohibiting him from parting with the same, on pain of paying the same twice, and

of being personally liable for the sum so due to the said A. B., as aforesaid.

And you are further commanded to summon the said C. D. and E. F. to appear before this Court, at the house of \_\_\_\_\_ in the Parish of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next, (or *instant*), at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, the said C. D. to shew cause why this attachment (*saisie arrêt*) should not be declared good and valid, and the said E. F. to make his declaration under this Warrant, notifying them that otherwise order may be made in the matter by default, and have you then and there this warrant, with your doings thereon.

Given under my hand and the seal of the said Court, this \_\_\_\_\_ day of \_\_\_\_\_ 185 .

G. H.,  
One of the Commissioners of the said Court.

[L. S.]

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SCHEDULE No. 5.

FORM OF A WARRANT OF *Saisie Gagerie*.

Province of Canada, }  
District of } In the County Court for the County of \_\_\_\_\_

To any Bailiff in the said County of \_\_\_\_\_ Greeting:

At the instance of A. B. of \_\_\_\_\_ you are hereby commanded to distrain, by *Saisie Gagerie*, all the goods and chattels belonging to C. D. to \_\_\_\_\_ (*C. D.'s residence and profession, trade or calling*) and being in the house by him occupied, (*or the produce and effects in the barns and other buildings occupied by the said C. D.*), for the surety and payment of the sum of \_\_\_\_\_ due by the said C. D. to the said A. B. for the rent of the said premises held by him of the said A. B.

And you are further commanded to summon the said C. D., to appear before this Court, at the \_\_\_\_\_ house of \_\_\_\_\_ in the Parish of \_\_\_\_\_ at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, on the \_\_\_\_\_ day of \_\_\_\_\_ instant (*or next*) to answer the demand of the said A. B. and to show cause why the said *Saisie Gagerie* should not be declared good and valid, notifying the said C. D., that if he fail so to appear, either in person or by his Attorney, judgment may be given against him by default; and have you then and there this warrant with your doings thereon.

Given under my hand and the Seal of the said Court this \_\_\_\_\_ day of \_\_\_\_\_, in the year of Our Lord 18 \_\_\_\_\_

[L. S.]

E. F.  
One of the Commissioners of the said Court.

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Form of a warrant of *Saisie Revendication*.

Province of Canada, }  
 District of            } In the County Court for the County of

To any Bailiff in the said County

Greeting:

At the instance of A. B. of (*A. B.'s residence and profession, trade or calling*), you are hereby commanded to seize, [*here state the object to be seized*] to be further described and pointed out to you by the said A. B., and which he claims as being his property, unjustly detained from him by C. D. of (*C. D.'s residence and profession, trade or calling*), and safely to keep the said (*naming the object as aforesaid*), so as to have the same forthcoming to abide the judgment to be given in the case.

And you are further commanded to summon the said C. D. to appear before this Court, at the house of \_\_\_\_\_ in the said Township (*or as the case may be*), of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, on the \_\_\_\_\_ day of \_\_\_\_\_ instant, (or *next*), to answer the demand of the said A. B., and to show cause why the said seizure should not be declared good and valid, and the said (*name of object*) to be the property of the said A. B. notifying the said C. D. that if he fail so to appear, either in person or by his Attorney, judgment may be given against him by default, and have you then and there this writ. Given under my hand and the seal of the said Court, this \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of our Lord 18 \_\_\_\_\_

[L. S.]

E. F.

One of the Commissioners of the said Court.

## SCHEDULE OF FEES

*which may be taken and received under this Act.*

BY THE CLERK.

	Actions of £6 5 0 and under	Actions above £6 5 0 and under £15 0 0	Actions of £15 0 0 to 25 0 0
Every Writ of Summons	£0 1 3	£0 1 6	£0 2 0
“ Copy	0 0 8	0 0 9	0 1 0
“ Subpoena	0 0 9	0 1 0	0 1 3
“ Copy, Judgment	0 0 6	0 0 9	0 1 0
“ Writ of Execution or <i>Saisie</i>	0 1 3	0 1 6	0 2 0
“ Copy,	0 0 6	0 0 9	0 1 0
“ Entry of any opposition	0 0 6	0 0 9	0 1 0