



No. 16.

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1st Session, 4th Parliament, 16 Victoria, 1852.

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## BILL.

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

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Received and read a first time, Tuesday, 31st  
August, 1852.

Second reading, Tuesday, 7th September, 1852.

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HON. MR. ROBINSON.

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QUEBEC:

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(16)

## BILL.

### An Act to extend the jurisdiction of the Division Courts in Upper Canada.

**W**HEREAS it is expedient to amend the Act passed in the Session Preamble. held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, "*An Act to amend and consolidate the several Acts now in* 13 & 14 Vict., "*force, regulating the practice of Division Courts in Upper Canada, and* c. 53. 5 "*to extend the jurisdiction thereof,*" by further extending the jurisdiction of the said Courts: Be it therefore enacted, &c.,

That from and after the passing of this Act, the Judge of every Division Court shall have power, jurisdiction and authority to hold plea of all claims and demands whatever, for or against any person or persons, 10 bodies corporate or otherwise, of debt, account, or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed shall not exceed the sum of \_\_\_\_\_, and where such amount or balance claimed shall have first been ascertained by the verbal acknowledgment or signature of the 15 defendant or defendants.

II. And be it enacted, That it shall not be lawful for the Judge of any Division Court to order execution to issue against the goods or chattels of any party for a sum exceeding *ten pounds*, in a less period than three months after the service of the original Summons in the case, unless the 20 party in whose favor such judgment has been obtained, shall prove to the satisfaction of the Judge, either by his own oath or that of some other credible person, that he or she will be in danger of losing the said debt if such delay be granted, in which case it shall be lawful for the said Judge, in his discretion, either to order execution to be issued at any 25 period within the three months aforesaid, or to order the party against whom the judgment has been obtained to give security for the payment of the said judgment and costs at the expiration of the said period of three months.

III. And be it enacted, That all suits brought under the enlarged 30 jurisdiction conferred by this Act, shall in all respects be subject to the provisions of the Act cited to the Preamble of this Act, except in so far only as the same may be inconsistent with those of this Act, and that no greater costs shall in any case be allowed in suits for sums over *twenty-five pounds*, than are now chargeable by law on suits for sums of 35 *twenty-five pounds*, under the authority of the said Act.