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No. 165.

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1st Session, 8th Parliament, 27th Victoria, 1863.

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**BILL.**

An Act to amend chapter 19 of the Consolidated Statutes of Upper Canada, intituled, "An Act respecting Division Courts."

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Received and read first time, Thursday, 17th  
September, 1863.

Second reading, Monday, 21st Sept., 1863.

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Mr. McConkey.

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**QUEBEC:**

PRINTED FOR THE CONTRACTORS BY HUNTER,  
ROSE & LEMIEUX, ST. URSULE STREET.

An Act to amend chapter nineteen of the Consolidated Statutes for Upper Canada, intituled, "An Act respecting Division Courts."

**W**HEREAS it is desirable to lessen the expense of proceedings in the Division Courts in Upper Canada, and to provide, as far as may be, for the convenience of parties having suits in these Courts: Therefore Her Majesty, &c., enacts as follows:—

Preamble.

5 **1.** Any suit cognizable in a Division Court may be entered and tried and determined in the Court the place of sitting whereof is the nearest to the residence of the defendant or defendants, and such suit may be entered and tried and determined irrespective of where the cause of action arose, and notwithstanding that the defendant or defendants may at such time reside in a county or division other than the county or division in which such Division Court is situate, and such suit entered.

Suits may be brought and tried in the Court nearest to the Defendant's residence.

15 **2.** It shall be sufficient if the summons in such case be served by a Bailiff of the Court out of which it issues, in the manner provided in the seventy-fifth section of the Division Courts' Act; and upon judgment recovered in any such suit a writ of *Fieri Facias* against the goods and chattels of the defendant, and all other writs, process, and proceedings to enforce the payment of the said judgment, may be issued to the Bailiff of the Court, and be executed and enforced by him in the County in which the defendant resides, as well as in the County in which the judgment was recovered.

Service of summons in such cases.

Execution.

25 **3.** This Act shall be read as incorporated with, and as part of, the said Division Courts' Act, and the foregoing sections shall be considered as inserted next after section seventy-one in the said Act, and the authority from time to time to make rules and to alter and amend the same (given under the sixty-third of the said Act) shall extend to the provisions in this Act contained.

Act to be construed as part of Division Courts' Act, &c.