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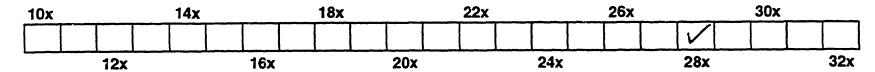
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1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to amend the Lower Canada Judicature Act 12th Victoria, chapter 38, and to provide for the service of Circuit Court Writs by Bailiffs.

Received and read a first time, Friday, 25th February, 1853.

Second reading, Monday, 28th February, 1853.

Mr. Terrill.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to amend the Lower Canada Judicature Act, and to provide for the service of Circuit Court Writs by Bailiffs in certain cases.

WHEREAS it is expedient and necessary to amend certain Preamble. Sections of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, "An Act to amend the Laws relative 12 Via a 88. "to the Courts of original Civil Jurisdiction in Lower Canada." 5 and to provide an easy and less expensive mode of effecting the service of Writs of Summons and Writs of Execution de bonis issuing from the Circuit Court created by the said Act; Be it therefore enacted, &c..

That the 50th Section of the Act first above cited, shall be Writ of Sum-10 and is hereby amended in such a manner as to permit all Writs of mons to be Summons ad respondendum issuing from the said Circuit Court another Disin all cases cognizable therein, and when by law such writ may trict may be addressed be executed in any District other than the District in which the to a Bailist same shall have issued, to be, at the option and choice of the therein. 15 Plaintiff or Plaintiffs in such cases, addressed either to the Sheriff of such other District or to any Bailiff of the Superior Court in such other District, to be by such officer executed and returned into the Circuit Court at the place where the same shall have issued, according to the exigency of such writ and to law, and such writ 20 so returned shall be received and the certificate of due service or execution shall be authentic as in ordinary cases.

II. And be it enacted, That in any case in the said Circuit Preceding Court when any Writ of Summons shall require to be executed section to apply where the in two or more Districts, the next preceeding Section may apply writ is to be 25 and regulate the proceedings, and as many original Writs of Sumserved in more than one mons may issue as there may be Districts in which the same are District. to be executed, and the 93rd Section of the Act herein first above cited, shall be so interpreted as to give full and ample effect to this Section of the present Act.

30 III. And be it enacted, That the 71st Section of the Act herein Alias writ first above cited, shall be and is hereby so amended as to permit de bonis to be alias Writs of Execution de bonis issuing from the said Circuit executed in Courts, and requiring to be executed in any District other than another Dis-

trict may be addressed to to a Bailiff.

the District in which the same shall have issued, to be, at the option and choice of the Plaintiff or Plaintiffs in such cases, addressed either to the Sheriff of such other District or to any Bailiff of the Superior Court in such other District, to be by such officer duly executed and returned into the Circuit Court at the place where 5 the same shall have issued, and the said Court shall be bound to receive the return of service and execution as in other cases.

Duty of the Bailiff to be addressed.

IV. And be it enacted, That in all cases wherein such Writs of Summons or of execution de bonis shall he so addressed to a whom any such writ shall Bailiff of the Superior Court in such District other than the Dis- 10 trict in which the same shall have issued, it shall be the duty of such Bailiff into whose hands such Writ shall be placed forthwith to execute and duly return the same into the Circuit Court at the place where the same shall have so issued.

Punishment of Bailiff neglecting his duty as to any such writ.

V. And be it enacted, That any such Bailiff who shall neglect 15 or refuse duly to execute and return in accordance with the provisions of this Act any such Writ so intrusted to him, or who shall improperly execute or return any such Writ of Summons or Writ of Execution, shall be liable in damages at the suit of the Plaintiff or Plaintiffs or other interested person or persons, as in ordinary 20 cases, for all injury or loss sustained by such neglect or refusal or by such improper execution or return of any such Writ, and the sureties of such Bailiff shall be holden as in other cases according to law.

Liability of Bailiff for monies levied under any such writ.

VI. And be it enacted, That in any case, wherein under any 25 Writ of Execution so as aforesaid issued and addressed to any Bailiff, such Bailiff shall have levied the amount of the said Writ of Execution or any part thereof, such Bailiff shall be held responsible for the due payment thereof to the Plaintiff or Plaintiffs or into the Court from which the Writ issued in any such cause, and shall 30 be contraignable for the same by the ordinary course of law and by the order of the Circuit Court at the place where such Writ of Execution shall have issued.