

C H A P. VI.

An Act to amend the PROCESS of the DISTRICT COURTS, and also further to regulate the PROCEEDINGS of SHERIFFS in the Sale of GOODS and CHATTELS taken by them in Execution.

[Passed 13th March, 1811.]

WHEREAS it is expedient that certain amendments should be made in the process of Summons issuing from the respective District Courts of this Province, and also that certain Regulations should take place, respecting the proceedings of the Sheriffs in the sale of Goods and Chattels taken by them in Execution: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of June, in the year of our Lord one thousand eight hundred and eleven, the course and proceedings in the respective District Courts in this Province, shall be by Summons issuing in the King's name, directed to the Sheriff of the District where the Court shall be held, and Tested in the name of the first Judge of the said Court, which may be in the following form:—

Preamble.

Process to be issued from the District Court.

District } GEORGE the THIRD by the Grace of God, of the United
To wit. } Kingdom of Great Britain and Ireland King, Defender of
the Faith.

Form of the Writ of Summons.

To the Sheriff of the District, GREETING:—

WE command you that you summons A. B. to appear either in person or by his Attorney, at our District Court, to be holden at _____ on the _____ day of _____ to answer the complaint of C. D. in a plea of _____ contract, whereby the said A. B. hath promised to pay to the said C. D. the sum of _____ for (the consideration) and which the said A. B. doth refuse to pay him, as he says.

II. *And be it further enacted by the authority aforesaid,* That when and so often as Goods and Chattels are seized by the Sheriff, his Deputy Officer or Officers, under and by virtue of Execution, issued out of the Court of King's Bench, or District Courts, the said Sheriff, his Deputy Officer or Officers, shall, on request, deliver to the person or persons to whom the said Goods and Chattels did belong, his, her, or their Agents or Servants, an Inventory of the said Goods and Chattels, before they shall be removed from the premises on which they were so seized as aforesaid.

An Inventory of the goods seized in Execution to be given by the Sheriff, &c. before they be removed.

(See 43rd Geo. III. c 1. & 49th c 4 s 5.)

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any Sheriff or his Deputy,

Sheriff, &c. shall not purchase any goods sold in execution.

(See 34 Geo. III. c. 3.—
37 c. 11 & 38 c. 3.)

Deputy, or any Bailiff or Constable, directly or indirectly, to purchase any Goods or Chattels exposed by him to sale, under and by virtue of any Execution from the said Court of King's Bench, or District Court in this Province respectively.

C H A P. VII.

(48 Geo. III. c. 1.)

An Act to amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "*An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in being, for the raising and training the MILITIA of this PROVINCE.*"

[Passed 13th March, 1811.]

27th section of the
48th of Geo. 3d. in part
recited.

WHEREAS, by the twenty-seventh Section of an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act to explain, amend, and reduce to one Act of Parliament the several Laws now in being, for the raising and training the Militia of this Province," it is enacted, that the people called Quakers, Menonists, and Tunkers, who, from certain scruples of conscience, decline bearing arms, shall not be compelled to serve in the Militia, but every person professing that he is one of the people called Quakers, Menonists, or Tunkers, and producing a certificate of his being a Quaker, Menonist, or Tunker, signed by the Clerk of the Meeting of such Society, or by any three or more of the people called Quakers, Menonists, or Tunkers, shall be excused and exempted from serving in the said Militia, *Provided nevertheless*, That every such person or persons that shall or may be of the people called Quakers, Menonists, or Tunkers, from the age of sixteen to sixty, shall, on or before the first day of December, in each and every year, give in his name and place of residence, to the Treasurer of the District where he or they shall reside, and pay to such Treasurer, to and for the public uses of such District, in time of Peace, the sum of twenty shillings, and in time of Invasion or Insurrection, or when any part of the Militia of that District shall be called out on Actual Service, the sum of five pounds, and in default of such payment, it shall and may be lawful, on information or complaint on oath, made by the said Treasurer before any Justice of the Peace of such District, for the said Justice to issue his Warrant under his hand and seal, to levy the same by distress and sale of the offender's goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum, in time of Peace, and five pounds per annum, in time of actual Invasion or Insurrection, or when any part of the Militia of that District shall be called out on Actual Service, deducting therefrom the charges and all other incidental expenses of such distress and sale. And whereas, the people called Quakers, cannot avail themselves of the indulgence intended to be granted them, as by their said scruples of conscience, they cannot pay any commutation or composition, to be exempt from bearing arms, nor in case of distress and sale of their goods and chattels,

Preamble