

Clerks of District Courts and Deputy Clerks of the Crown to keep their Offices at certain places, and open at certain hours.

Any British Subject may be such Clerk.

XII. And be it enacted, That from and after the passing of this Act, each and every Clerk of any such District Court, and the Deputy-Clerk of the Crown in each District, shall hold his office in the Court House or in some other convenient place within the District Town of his respective District, and shall keep such office open for the transaction of business pertaining to such office on every day (Sundays and the legal holy-days excepted) from the hour of ten in the forenoon to the hour of three in the afternoon, and in term time from the hour of nine of the clock in the morning to the hour of four of the clock in the afternoon; and that no British subject, whatever his profession, calling or employment, shall in future be deemed disqualified to hold the office of Clerk of the District Court or Deputy-Clerk of the Crown in Upper-Canada; any law or enactment heretofore made to the contrary thereof notwithstanding.

SCHEDULE A.

Writ of Summons.

VICTORIA, &c.

To C. D., of _____, in the County of _____, Greeting:

We command you (*or as before or often we have commanded you*) that within eight days after the service of this Writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in Our District Court of the District of _____, at _____, in an action on promises (*or as the case may be*) at the suit of A. B. And take notice that in default of your so doing, the said A. B. may cause an appearance to be entered for you, and proceed thereon to judgment and execution.

Witness (*name of Judge*) at (*place where Court sits*) this day of _____

Clerk's name.

Memorandum to be subscribed on the Writ.

N. B.—This is to be served within three calendar months from the date thereof, including the day of such date, and not afterwards.

C A P. L X V I I.

An Act to reduce the Expense of Proceedings in Upper-Canada against the Property of Absconding or Concealed Debtors.

[30th May, 1849.]

Preamble.

WHEREAS unnecessary costs are incurred in proceedings in Upper-Canada, against the property of Absconding or Concealed Debtors, in consequence of the Sheriff, to whom various Writs of Attachment may be directed, being by Law compelled to cause a separate notice in each attachment to be inserted in the *Upper-Canada Gazette*, and also in some one or more of the Newspapers printed in his District: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the

the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the second Section of the Act of the Legislature of Upper-Canada, passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to afford means for Attaching the Property of Absconding Debtors*, be and the same is hereby repealed; Provided always, that notwithstanding the repeal of the said Section, any notice inserted before the passing of this Act, under the provisions of the said Section, may be continued in the same way and for the same time, and with the same effect as if this Act had not been passed.

Section 2 of Act of U. C. 2 Will. 4. c. 5, repealed.

Proviso as to notices published before the passing of this Act.

II. And be it enacted, That from and after the passing of this Act, it shall be the duty of the Sheriff making a seizure under any Writ of Attachment against the property of any Absconding or Concealed Debtor or Debtors, as to whom he shall not have already caused the notice hereinafter mentioned to be published, under any Writ issued within six months next preceding the date of such Writ, immediately to cause a notice to be inserted in the *Canada Gazette*, and also in some one or more of the Newspapers published and printed in his District, and to be continued weekly for at least three calendar months; which notice shall set forth that by virtue of the said Writ he has seized all the Estate, real and personal, of such absconding or concealed person or persons, and that unless such absconding or concealed person or persons (naming the same) return within the jurisdiction of the Court from whence such Writ issued, and put in bail to the action, or cause the claim or claims of such Plaintiff or Plaintiffs (naming the same) to be discharged within three calendar months after such public notice, (to be computed from the first day of publishing the same in the *Canada Gazette*), all his, her or their Estate, real or personal, or so much thereof as may be necessary, will be held liable for the payment, benefit and satisfaction of the claim or claims of such Plaintiff or Plaintiffs, as well as for the payment, benefit or satisfaction of the claim or claims of such other Plaintiff or Plaintiffs, as shall or may take proceedings against the property and effects of such Absconding or Concealed Debtor or Debtors within six months from the issuing of the Writ of Attachment, in virtue of which such notice shall be so published; and such notice and service of a copy thereof upon the several or respective Debtor or Debtors, of any such Absconding or Concealed Debtor or Debtors, as provided in the ninth Section of the hereinbefore mentioned Act, shall enure and be held sufficient and effective to all intents and purposes, for the benefit of all and every Plaintiff or Plaintiffs in such Writ or Writs of Attachment as shall be issued within six months from the issuing of the Attachment, against the property or effects of such Absconding or Concealed Debtor or Debtors, in virtue of which such notice shall be so published, and every such subsequent Writ of Attachment shall and may be proceeded in without the necessity of such previous notices, or either of them, being given therein, and may be made available to all intents and purposes, in the same manner as if such notices had been given therein: Provided always, that the Defendant in any Attachment shall be entitled to three calendar months from the day of the issuing thereof, to give the Bond mentioned in the fourth and fifth Sections of the hereinbefore mentioned Act: And provided also, that in any distribution that may be made of the proceeds of the Estate of any Absconding or Concealed Debtor, the amount of the charges for advertising shall be allowed in full to the first attaching Creditor, in addition to his proportion of such proceeds.

What notice the Sheriff seizing under a writ of attachment against any absconding debtor shall give, &c.

Proviso as to delay to give security: and as to costs of notice.