

SCHEDULE D.

County of

}

A. B. of \_\_\_\_\_ in the County of *(here state the County)* the Plaintiff *(or Agent, as the case may be)* maketh oath and saith that C. D., *(the debtor's name)* is *(or are)* justly and truly indebted to *(the creditor's name)* in the sum of \_\_\_\_\_ of lawful money of Canada, for *(here state the cause of action briefly)*; and this Deponent further saith, that he hath good reason to believe, and verily doth believe, that the said C. D. hath absconded from this Province, and hath left personal property liable to seizure under execution for debt within the County of \_\_\_\_\_; or that the said C. D., is *(or are)* about to abscond from this Province, or to leave the County of \_\_\_\_\_ with intent and design to defraud the said \_\_\_\_\_ *(the creditor)* of the said debt, taking away personal estate liable to seizure under execution for debt; or that the said C. D. is concealed within the County of \_\_\_\_\_ to avoid being served with Process, with intent and design to defraud the said \_\_\_\_\_ *(the creditor)* of his said debt; and this Deponent further saith, that this affidavit *(or affirmation, as the case may be,)* is not made, nor the Process thereon to be issued, from any vexatious or malicious motive whatever.

A. B.

Signature of Deponent. day of

Sworn *(or affirmed as the case may be)* before me, the one thousand eight hundred and

SCHEDULE E.

County of *(here insert the County.)* }

To A. B., Bailiff of the Division Court of the said County of \_\_\_\_\_ *(or to A. B., a Constable of the County of \_\_\_\_\_ (as the case may be).)*

You are hereby commanded to attach, seize, take and safely keep all the personal estate and effects of C. D., *(naming the debtor,)* an absconding, removing or concealed debtor, of what nature or kind soever, liable to seizure under execution for debt within the County of *(here name the County)* or a sufficient portion thereof to secure A. B. *(here name the creditor)* for the sum of *(here state the amount sworn to be due)* together with the costs of his suit thereupon, and to return this warrant with what you shall have taken thereupon, to the Clerk of the *(here state the number of the Division)* Division Court of the County aforesaid forthwith: and herein fail not.

Witness my hand and seal, the \_\_\_\_\_ day of \_\_\_\_\_ 18  
E. F. (L. S.)  
Judge, Clerk, or Justice of the Peace, *(as the case may be).*

CAP. LIV.

An Act to extend the right of Appeal in certain cases in Upper Canada.

[10th August, 1850.]

*Amend  
12 & 13 Vic can  
45*

Preamble.

**W**HEREAS it is expedient to extend the right of Appeal in certain cases in Upper Canada; 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 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 from and after the passing of this Act, any person, complainant or respondent, who shall think himself aggrieved by any conviction or decision before any one or more Justices of the Peace, Mayor or Police Magistrate in any

Appeal given in every case where the matter is not a crime.

any matter cognizable by such Justice of the Peace, Mayor or Police Magistrate, not being a crime, may appeal to the next Court of General Quarter Sessions of the Peace which shall be holden not less than twelve days after the day of such conviction or decision, for the County wherein the cause or complaint shall have arisen: Provided such person shall give to the other party, or leave with the convicting Justice for him, a notice in writing of such appeal and of the cause and matter thereof within four days after such conviction or decision and eight days before such Sessions, and shall also either remain in custody until such Sessions, or enter into a recognizance with two sufficient sureties before a Justice of the Peace, conditioned to appear at the said Sessions and try such appeal and to abide the judgment of the Court thereupon and to pay such costs as shall be by the Court awarded; and upon such notice being given and such recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such person if in custody, and the Court at such Sessions shall hear and determine the matter of such appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction and to pay such costs as shall be awarded, and shall if necessary issue process for enforcing such judgment.

Party convicted to remain in custody, or give security.

Court to hear and determine the matter

II. And be it enacted, That whenever any appeal shall be made from the decision of any Justice or Justices, Mayor or Police Magistrate, the Court of Quarter Sessions, at the request of either appellant or respondent, shall empanel a Jury to try the matter on which such decision may have been made, and to administer to such Jury the following oath:

Jury to be empanelled on the request of either party to appeal.

“ You do solemnly swear that you will well and truly try the matter of the complaint of C. D. against E. F. and a true verdict give according to the evidence: So help you God;”

and the Court on the finding of such Jury shall thereupon give such judgment as the circumstances of the case may require, not however to exceed the amount of penalty or period of imprisonment that might be imposed or awarded under any law giving cognizance to the said Justice or Justices, Mayor or Police Magistrate.

III And be it enacted, That it shall and may be lawful for any appellant to abandon the said appeal by giving the opposite party notice of such intention in writing six days before the said Sessions, and thereupon it may be lawful for the convicting Justice or Justices, Mayor or Police Magistrate to tax the respondent's additional costs if any, which shall be added to the original costs, and to proceed on the original conviction or decision in the same manner as if no appeal had been had thereon.

Appeal may be abandoned.

Proceedings in such case.

C A P. L V. *Union Act 6 Geo 4 cap 50:*

An Act for the consolidation and amendment of the Laws relative to Jurors, Juries and Inquests in that part of this Province called Upper Canada.

*Amended 14/10 Vic cap 55:*  
[ 10th August, 1850. ]

**W**HEREAS it is expedient to consolidate and amend the Laws now in force in that part of this Province called Upper Canada, relating to Juries and Inquests, and those to be summoned to serve thereon, and to introduce such a system for the selection and return of Jurors as shall better secure public confidence in the impartial administration of justice in the trial by Jury: 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 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,

Preamble.