

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1850. Toronto: Stewart Derbishire & George Desbarats, 1850.

13 & 14 Victoria – Chapter 52

**An Act to alter and amend the Act regulating the Practice of the County Courts in Upper Canada, and to extend the Jurisdiction thereof. 10th August, 1850.**

Whereas it is expedient to alter and amend the Act regulating the Practice of the several County Courts in Upper Canada, and to extend the Jurisdiction thereof: 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 for and notwithstanding any thing contained in the fifth section of the Act passed in the eighth year of the Reign of Her Majesty, intituled, *An Act to amend, consolidate and reduce into one Act, the several Laws now in force, establishing or regulating the Practice of District Courts in the several Districts of that part of this Province formerly Upper Canada*, the said County Courts respectively shall hold plea of all causes or suits relating to debt, covenant or contract, to the amount of fifty pounds; and in cases of debt or contract, where the amount is ascertained by the signature of the defendant, to one hundred pounds, and also in all matters of tort relating to personal chattels, where the damages shall not exceed the sum of thirty pounds, and where the title to land shall not be brought in question: Provided always, that any plaintiff having a cause of action within the jurisdiction of the County Court, may institute and carry on such action in either of Her Majesty's Superior Courts of Common Law in Upper Canada, and proceed to judgment and execution therein, but such plaintiff or defendant, and all persons and officers entitled to costs and fees therein, shall only be allowed and recover the usual costs and disbursements which would be allowable in case the said action had been instituted and carried on in the County Court; any thing in the fifty-ninth section of the Act above cited to the contrary notwithstanding: Provided that in order to designate the proceedings in any such action, as being one also cognizable by the County Courts, all the papers and proceedings filed, issued or used in the said Superior Courts, shall be endorsed with the words "Inferior Jurisdiction," in order to regulate the costs, fees and disbursements therein, of all persons entitled to make or receive any charge therefor.

II. And be it enacted, That all writs of summons sued out of, and all declarations or other pleadings filed in any action or proceeding in any County Court, or notices required to be served in such action or proceeding, may be served in any County in Upper Canada, and the defendant shall appear and plead thereto within the periods respectively limited and required by law, in the same manner as if such defendant had been served with such summons, declaration, notice or other proceeding in the County in which such suit was instituted, and all subsequent proceedings in the cause shall be carried on thereafter to final judgment and execution, according to the practice of the County Courts.

III. And be it enacted, That writs of subpoena and writs of execution against goods and chattels, lands and tenements, and also all process against the person when authorized by law, and all rules on the Sheriff and other rules, Judges' orders and proceedings may be issued from the County Court in which any judgment has already been or hereafter may be entered up, or action brought into any other County in Upper Canada and served and executed there, and all such writs, rules, orders and proceedings shall be of equal force and effect, and as binding as if the same had issued from the Court or by the Judge of the County to or into which they shall be so issued, and all subsequent proceedings thereupon shall be carried on in the Court in which the judgment shall have been entered up or action brought.

IV. And be it enacted, That all actions in the County Courts shall be brought either in the County in which the defendant or one or more of them shall then reside, or in the County in which the debt was contracted or made payable, or the contract was made, in the option of the plaintiff or plaintiffs; and in default thereof, the whole proceedings may, on the application of the defendant or defendants, made at any time before plea pleaded, or any interlocutory or other judgment signed, be set aside with costs.

V. And be it enacted, That every Judge of a County Court in Upper Canada, in all cases in which the suit is brought or venue laid in his County, may grant summonses and make orders to compute in all suits depending in the Superior Courts of Common Law in Upper Canada, in the same manner and in the like cases as the Judges of the said Superior Courts sitting in Chambers may now do, whether the defendants in such suits reside within his County or not.

VI. And be it enacted, That this Act shall come into force on the first day of January, one thousand eight hundred and fifty-one, and not before.