BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

* *

NO. 14.

An Ordinance amending the procedure of the County Courts of the Colony of British Columbia.

[*5th April*, 1866.

WHEREAS, it is expedient to afford a clear and speedy method of recovering small debts in British Columbia; Preamble.

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof as follows:

I. The Proclamation of the 10th day of December, 1859, is hereby repealed. Repeals Proclamation of 10th Dec., 1859.

II. So much of the enactments of the 9° and 10° Victoria, chapter 95; 13° and 14° Victoria, chapter 61; 14° and 15° Victoria chapter 52; 15° and 16° Victoria, chapter 54; and 19° and 20° Victoria, chapter 108, as are applicable to this Colony, shall be adopted by the County Court Judges thereof. Puts in force Imperial Acts.

III. The amount recoverable before any County Court Judge of British Columbia shall be any sum not exceeding $500. Jurisdiction up to $500.

IV. A Summons may be made returnable in three days from the service thereof, by leave of the Court. Summons returnable in 3 days.

V. The service of a Summons by any person not interested in the suit shall be deemed a good service. Who may serve a summons.

VI. It shall be lawful for the Judge of any County Court, upon the *ex parte* application of the Judgment Creditor, and upon affidavit of himself or others stating that judgment has been recovered and is still unsatisfied, and to what amount, and that any other person is indebted to the Judgment Debtor, and is within the jurisdiction, to order that all debts owing or accruing from such third person to the Judgment Debtor shall be attached to answer the Judgment Debt; and such third person or Garnishee may, by the same order, be required to appear before the Judge of the Court, to shew cause why he should not pay the Judgment Creditor the amount due by him to the Judgment Debtor, or so much thereof as may be sufficient to satisfy the Judgment Debt. Any amounts due by Garnishees may be attached, and Garnishee required to appear.

VII. If either party, in any cause of the amount to which jurisdiction is given to the County Court Judges under this Ordinance, shall be dissatisfied with the determination or direction of any such Judge in point of law, or upon the admission or rejection of any evidence, such party may appeal from the same, to the Supreme Court of Civil Justice of British Columbia; and it shall be lawful for any Judge of the Supreme Court of Civil Justice of British Columbia to hear and determine all such appeals. Right of appeal to Supreme Court.

It shall be lawful for the Judge of the County Court, in the event of an appeal, to make such order as to security for debt or costs as he may see fit.

VIII. The

May be tried by jury.

VIII. The Judge may order a cause to be tried by a jury in the first instance.

Right of granting *capias ad. re.*

IX. It shall be lawful for any County Court Judge of British Columbia to grant a Warrant for the arrest of an absconding debtor, in accordance with the provisions of the 14° and 15° Victoria, chapter 52. Provided, always, that every Creditor who shall cause such Warrant to be issued, shall within 42 days of the date of such Warrant cause a writ of *capias* to be issued out of the Supreme Court of Civil Justice of British Columbia, and served on such Debtor.

Clerk of the Court.

X. The duties of the Clerk of the Court shall be performed by the County Court Judge himself, or by some one appointed by him.

High Bailiff.

XI. The duties of the High Bailiff shall be performed by the Sheriff of British Columbia, or by any Deputy Sheriff thereof.

Rules and regulations, how to be made.

XII. Any three of the County Court Judges, and also the Judge of the Supreme Court of Civil Justice of British Columbia, may make rules and orders for the governance of the County Courts of British Columbia, and also regulate the scale of fees to be taken in such Court, which rules, orders, and regulations shall be of full force when confirmed by the Governor of British Columbia and the Judge of the Supreme Court of Civil Justice of British Columbia.

Fees.

XIII. All fees under this Ordinance shall from time to time be paid into the Treasury, to the use of Her Majesty, Her heirs and successors.

Suspending clause.

XIV. Provided that this Ordinance shall not take effect until Her Majesty's approval thereof shall have been proclaimed in this Colony.

Short Title.

XV. This Ordinance may be cited as "The County Court Ordinance, 1866."

Passed the Legislative Council the 27th day of March, A.D. 1866.

CHARLES GOOD, *Clerk of the Council.*

H. M. BALL, *Presiding Member.*

Assented to, in Her Majesty's name, this 5th day of April, 1866.

ARTHUR N. BIRCH,
Administering the Government.

PRINTED AT THE GOVERNMENT PRINTING OFFICE,
NEW WESTMINSTER.