L. S.

BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

***

satisfied, 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

Appeal on point of law to Supreme Court.

VIII. 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. Provided, always, that such Supreme Court shall be held in Vancouver Island to hear and determine Appeals on cases brought in any County Court in the said Vancouver Island.

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.

Judge of Supreme Court may act as County Court Judge.

IX. Any Judge of the Supreme Court of Civil Justice may, if he shall think fit, act as Judge of the County Court of, or any County Court in, British Columbia, and shall have power to sit either with or without the Judge of such Court or concurrently with him, and dispose of the Business from time to time pending in any such County Court.

Questions of fact may be tried by Jury.

X. The County Court Judge may, upon being satisfied that only questions of fact are at issue, order a cause to be tried by a Jury in the first instance.

Writ of Capias may be issued on security being given.

XI. Any County Court Judge of British Columbia shall have and be possessed of the same powers as are now possessed and exercised by any Judge of the Supreme Court of Civil Justice of British Columbia, in respect of the issue of a Writ of Capias *ad respondendum*, and such County Court Judge may, at his discretion, grant such Writ under the Seal of his Court, and on application, at his discretion, discharge the same; and it shall be lawful for such Judge, whenever he shall think fit, to require Security to be given by the Plantiff, to the satisfaction of such Judge, to pay to the Defendant the Costs and Damages consequent on Arrest under such Order, should the Plaintiff have obtained such Order without reasonable and probable cause.

Clerk of Court.

XII. 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.

XIII. The duties of the High Bailiff, other than the exceptional service of documents hereinbefore otherwise provided for, shall be performed by the High Sheriff of British Columbia, or by any Deputy Sheriff thereof.

Judge of Supreme Court to make Rules of County Court.

XIV. The Judge or Judges of the Supreme Court of Civil Justice of British Columbia shall from time to time frame, alter, revoke, or re-establish Rules and Orders for the Procedure and Practice of the said County Courts; and also regulate the scale of Fees to be taken in such Courts; which Rules, Orders, and Regulations shall be of full force when confirmed by the Governor or Officer Administering the Government of British Columbia; and in the meantime, and until the making and confirmation of any such Rules, Orders, and Regulations, the practice in such Courts, and the fees to be taken therein, shall in all things as nearly as may be conform to the practice, fees, and other matters as established in and regulating County Courts in England in A. D. 1858.

Merger.

XV. If any County Court having, or having exercised, Jurisdiction over Small Debts now, or hereafter lawfully established, shall be merged in any other Court or in the County Court of any other District or denomination in the Colony, it shall be lawful for the Court acquiring jurisdiction to entertain and determine all plaints and other proceedings whatsoever lawfully commenced in the Court which shall be so merged, in the same manner in all respects as if such plaints or other proceedings had originally been commenced in the Court acquiring such new or extended or additional jurisdiction.

Fees paid into Treasury.

XVI. All Fees under this Ordinance, other than office copies and Sheriff's fees, shall from time to time be paid into the Treasury, to the use of Her Majesty, Her Heirs and Successors.

Short Title.

XVII. This Ordinance may be cited for all purposes as "The County Court Ordinance, 1867."

Passed the Legislative Council the 2nd day of April, A. D. 1867.

CHARLES GOOD, *Clerk.* ARTHUR N. BIRCH, *Presiding Member.*

Assented to, in Her Majesty's name, this 17th day of September, 1867.

FREDERICK SEYMOUR, *Governor.*

NEW WESTMINSTER: PRINTED AT THE GOVERNMENT PRINTING OFFICE.