BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

VICTORIÆ REGINÆ.

No. 10.

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An Ordinance to alter and amend the "County Court Ordinance, 1867."

[22*nd April*, 1870.]

WHEREAS it is expedient to alter and amend the procedure and practice of the County Courts of the Colony of British Columbia, for the purpose of better administering justice thereunder; Preamble.

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

I. That Section VIII. of the said "County Court Ordinance, 1867," be and the same is hereby repealed. Repeals Section VIII. of "County Court Ordinance, 1867."

II. Any action commenced in a County Court for a claim exceeding Ten Pounds may be removed by either party, Plaintiff or Defendant, into a Superior Court, on giving to the other party five days notice of such intention prior to the return day of such summons. Provided, always, that no such removal shall be allowed unless some Judge of such Superior Court shall be within the District of the County Court at the time such notice is given. And provided that the party applying for such removal, if Defendant in any such action, shall forthwith give security satisfactory to the Registrar or Master of such Superior Court; or in the absence of any such Registrar or Master, to the Judge of such County Court, for the amount of the claim and the costs of trial, not exceeding in all $500. Provides for removing claim over £10 to Superior Court. Security to be given.

III. That upon such security being completed, the party who has applied for such removal, shall forthwith set down the cause for hearing in such Superior Court, and thereupon such Court, or the Judge thereof, shall have all the powers of a County Court Judge as defined by the several Acts relating to the County Courts contained in Section II. of the "County Court Ordinance, 1867." Gives powers of County Court Judges to Judges of Superior Courts.

IV. That the trial of any such action or claim by any Judge of such Superior Court shall be had, either with or without a Jury, at the option of such Judge or of either of the parties to any such plaint, and the same hearing and other fees as are now payable under the said "County Court Ordinance, 1867," or hereafter may become payable by virtue of any rules and regulations to be hereafter made by virtue of such Ordinance, shall be the fees to be paid and Trial with or without Jury. Fees.

Declares that no bar shall exist to try suits over £20 in Superior Courts.

and no other. That nothing herein, or in the "County Court Ordinance, 1867," contained, shall be deemed to prejudice the right of any person, Plaintiff in any action or suit above £20, to try such action or suit in the Superior Courts of this Colony.

Provides for appeal over £20.

V. That an appeal from the decision of a County Court Judge shall be allowed in all cases when the amount claimed exceeds £10; but no appeal in matters of fact shall be allowed when the claim has been tried before a Jury. The Appellant if Plaintiff shall give security in a sum not exceeding $100 for costs: and if Defendant, in a sum equal to the amount claimed together with a sum not exceeding $100 for costs.

Time for appeal.

VI. That the Appellant shall, within 48 hours after the decision or verdict which is appealed against shall have been rendered, give a written notice to the Judge of the County Court, or his Clerk, of the grounds of such appeal, and shall, within one week after the hearing of the said claim give such security as aforesaid, otherwise the appeal shall be considered abandoned.

Security to be given.

Powers of Superior Court in appeal.

VII. That on every such appeal it shall be lawful for the Court or Judge of such Superior Court to try and determine the question in dispute, either with or without a Jury, and the same hearing and other Court fees shall be paid thereon as on a trial in the County Court.

Short Title.

VIII. This Ordinance shall be called the "County Courts Amendment Ordinance, 1870."

Passed the Legislative Council the 19th day of April, A. D. 1870.

CHARLES GOOD,
Clerk of the Council.

PHILIP J. HANKIN,
Presiding Member.

Assented to, in Her Majesty's name, this 22nd day of April, 1870.

A. MUSGRAVE,
Governor.

VICTORIA, B. C.:
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