

may be carried from
one Town to ano-
ther, to Mill, &c.

passing the Rivers from one Town to another, or to or from Mill
or for the necessary Provision of the Vessel's Crew.

Wheat &c. laden
on board before
Bond given to be
forfeited.

III. *And be it Enacted*, That if any Wheat, Rye, Barley, Flour, Meal or Pease, (the Produce of this Province) shall be laden on Board any Ship, Vessel or Boat, before such Bond is given the same shall be forfeited, and shall and may be seized by any of His Majesty's Justices of the Peace, who are hereby empowered to seize the same.

Fees for Bond and
Certificate.

IV. *And be it further Enacted*, That for the Bond herein directed to be taken, and Certificate thereof, a Fee of One Shilling shall be paid, and for a Certificate of the landing of the Articles herein specified, a Fee of One Shilling shall be paid and no more.

Recovery and ap-
plication of the For-
feitures.

V. *And be it also Enacted*, That the Forfeitures incur'd by this Act, shall be recovered on the Oath of one credible Witness, in any of His Majesty's Courts of Record in this Province, and after deducting the Expences of Prosecution bedivided, one Moiety to His Majesty for the Use of the Government of this Province, and the other Moiety to him or them who shall inform, seize or sue for the same.

Where no Naval
Officer resident,
Bond &c. to be by
Justice of Peace.

VI. *And be it also further Enacted*, That where no Naval Officer shall be resident, the Bond herein directed to be taken, and Certificates to be given of the same, and of the landing thereof, shall be by One of His Majesty's Justices of the Peace of the Town or Place, where the said Wheat, Rye, Barley, Flour, Meal or Pease shall be loaded or landed.

Any Person ag-
grieved to apply to
Governor & Coun-
cil for relief.

VII. *Provided also*, That any Person aggrieved by the Restrictions prescribed by this Act, may apply to the Governor, Lieutenant Governor or Commander in Chief, and His Majesty's Council, who are hereby authorized and empowered to grant such Relief therein, as shall appear to them to be requisite and necessary.

C A P. V.

5 Geo. 3. cap. 1.
7 Geo. 3. cap. 2.
14 Geo. 3. cap. 5.

An Act in further Amendment of, and in Addition
to an Act, made in the Fifth Year of His present
Majesty's Reign, intituled, *An Act for the Sum-
mary Trial of Actions.*

Preamble.

W H E R E A S it is thought, that the extending the
Powers of the Justices of Peace in Causes for the Reco-
very of small Debts, may greatly contribute to the Ease
and Relief of many poor People in this Province.

I. Be

I. *Be it Enacted by the Governor, Council and Assembly,* That it shall be lawful for any Persons, who have Debts owing to them, by any Person where the whole dealing or Cause of Action does not exceed Three Pounds, to cause such Debtor to be summoned to appear before two Justices of the Peace of the County or District where either of them shall dwell, and the said Justices after such Summons are hereby impowered to make such Orders and Proceedings between such Parties, Plaintiffs and their Debtors Defendants, touching such Debts as they find to stand with Equity and good Conscience, and shall allow the Defendant to produce his Account against the Plaintiff, or any Receipts or other Discharges for Payments made, either in the whole or in Part, and the said Justices shall examine and enquire into the Merits of both Accounts, and of such Discharges, and by such other Proof as to them shall seem requisite, to ascertain the Debt so due, and at their Discretion to decree the Payment thereof, at such different Times and Periods as they shall think fit and proper, agreeable to the Circumstances of the Debtor, and with as little Prejudice as possible to the Creditor, and to award Costs as they shall find whether for the Plaintiff or Defendant without Appeal, unless the Debt or Cause of Action shall amount to upwards of Twenty Shillings, any Law, Usage or Custom to the contrary notwithstanding.

Manner of Proceeding before two Justices in Suits where the whole dealing or cause of Action does not exceed £3.

No Appeal unless Debt be upwards of 20s.

II. *And be it also Enacted,* That if any Defendant after being duly summoned to appear, shall without just Cause to be allowed by the Justices, refuse to appear, or shall not perform such Order as the Justices shall make concerning such Debts as aforesaid, it shall be lawful for such Justices to issue a Warrant of Distress against the Goods and Chattels of such Defendant, and for Want of such Goods or Chattels whereon to levy the Sum due with Costs, as herein after mentioned, such Justices shall commit such Defendant to Goal for any Time, not exceeding two Months, according to the Amount of the Debt, or until he performs such Order.

Defendant not appear on Summons or refusing to perform Order.

Warrant of Distress to be issued against Goods, &c. and for want of Goods, &c. to be committed. not exceeding two Months.

III. *And be it also further Enacted,* That no Action for any Debt where the whole dealing or cause of Action does not exceed Three Pounds shall be brought against any Person in any Court of Law in this Province, except by Appeal.

Where no suit Debt or whole Dealing does not exceed £3. to be brought in any other Court.

IV. *Provided,* That nothing in this Act shall extend to any Debt for any Rent upon any Lease of Lands or Tenements, or any other real Contract or Specialty, or any Contract concerning Matrimony.

Certain Debts not liable to be sued by this Act.

V. *And be it Enacted,* That the Summons in such Causes as relate to the Township of *Halifax*, shall be directed to the Provost Marshall or his Deputy, and in all such Causes as relate to the other

Manner of directing the Summons.

other Townships in the Province, the said Summons shall be directed to the Provost Marshall, or his Deputy or the Constable of the Township, where the Plaintiff or Defendant shall dwell, and shall be by the said Provost Marshall, his Deputy or the Constable, read to the Defendant, or in his Absence a Copy thereof, shall be left at his House, Lodging or last Place of Abode, at least Three Days before the Trial.

Fees allowed to
Justices and others.

VI. *And be it also Enacted,* That for the serving the said Summons the Provost Marshal, his Deputy or Constable shall have one Shilling and two Pence per Mile Travel, and for the Service of the Warrant of Distress or of Commitment to Goal, one Shilling, with two Pence per Mile Travel, and one Shilling Poundage, on levying and selling the Distress, and that the whole Expence to be charged by the Justices for the Summons, Judgment and Execution, shall not exceed Four Shillings and Ten Pence, *that is to say,* Two Shillings and Six Pence for the Summons, One Shilling for the Judgment, and One Shilling and Four Pence for the Warrant of Distress or Commitment, any Law, Usage or Custom to the contrary notwithstanding.

Where Sum sued
for does not exceed
5s. no Costs.

VII. *And be it Enacted,* That where the Sum sued for does not exceed Five Shillings, there shall no Cost be awarded against the Defendant.

Penalty on Persons
taking greater Fees.

VIII. *And be it also Enacted,* That if any Person or Persons whomsoever shall ask demand or take any greater or other Fees for the Services mentioned in this Act than are hereby established, he or they shall forfeit and pay the Sum of Five Pounds, and be prosecuted as in Cases of Extortion, one Moiety of the said Fine to be unto His Majesty, for and towards the Support of the Government of this Province, and the other Moiety to the Informer, Complainant, or him that shall sue for the same in any Court of Record in this Province.

FORM of the S U M M O N S.

To

Form of Summons.

“ **Y**OU are hereby required to Summon, A. B. of
 “ to appear before us on the Day of at
 “ o’Clock in the to Answer to C. D. in the Sum
 “ of and make return hereof, on or before said Day.

“ Witness our Hands and Seals the