

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 1770, in the Tenth Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and there continued by several Prorogations until the Sixth Day of October, 1774, in the Fourteenth Year of his said Majesty's Reign, being the Second Session of the Fifth General Assembly convened in the said Province.*

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**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 Summary Trial of Actions."**

Whereas it is thought, that the extending the powers of the justices of peace in causes for the recovery of small debts, may greatly contribute to the ease and relief of many poor people in this province.

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 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.

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.

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.

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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.

V. And be it enacted, that the summons in such causes as relate to the township of Halifax, shall be directed to the provost marshal or his deputy, and in such causes as relate to the other townships in the province, the said summons shall be directed to the provost marshal, or his deputy or the constable of the township, where the plaintiff or defendant shall dwell, and shall be by the said provost marshal, 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.

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 expense 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.

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.

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 Summons.

To \_\_\_\_\_

“You 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 \_\_\_\_\_”