

CAP. XI.

An ACT to continue in force the several Acts therein mentioned.

Expired

CAP. XII.

An ACT for the Summary Trial of Actions.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Supreme Court and the Inferior Courts of Common Pleas within this Province, be and are hereby empowered, in all causes of action brought before them, the sum total whereof shall not exceed twenty pounds, to proceed in a summary way, by witnesses, to examine the merits of such causes, and make up judgment accordingly.

Recovery of Debts not exceeding 20l. in a summary way before Supreme and Inferior Courts.

Provided always, That when on the examination of the witnesses the matter of fact shall appear doubtful, or either of the parties shall desire it, the Court shall order a Jury to try the same.

In doubtful cases a Jury may be called.

II. And be it further enacted, That it shall be lawful for any person or persons, who have debts owing to him, her or them, by any other person or persons where the whole dealing or cause of action shall not exceed five pounds, to sue for the same in the manner following, that is to say, if the sum demanded shall not exceed three pounds, to cause such debtor to be summoned to appear before any one Justice of the Peace of the County or District where the debtor shall reside; and if the sum demanded shall be more than three pounds, but does not exceed five pounds, to cause such debtor to be summoned to appear before any two Justices of the Peace of the County or District, where the debtor shall dwell; and the said Justice or Justices after such summons issued and duly served, is and are hereby empowered to proceed to and make up final judgment between the parties, and shall allow the defendant to produce his account against the plaintiff, or any receipts or other discharges for payment made either in the whole or in part; and the said Justice or Justices shall examine and enquire into the merits of both accounts and of such discharges, and by such other proof as to him or them shall seem requisite, or upon the confession of the debtor, to ascertain the debt due, and at his or their discretion to decree the payment thereof, at such different times and periods as he or 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 he or they shall find, whether for the Plaintiff or Defendant, without appeal, unless the debt or cause of action shall amount to twenty shillings or upwards; any law, usage or custom, to the contrary notwithstanding.

Recovery of debts not exceeding 3l. before one Justice

Recovery of debts not exceeding 5l. before two Justices.

III. And be it further enacted, That if any debtor, after being duly summoned to appear, shall without just cause, to be allowed of by the said Justice or Justices, refuse or neglect to perform such decree or judgment as shall be made concerning such debts as aforesaid, it shall and may be lawful for such Justice or Justices, to issue execution against the goods and chattels or body of such debtor, for the sum awarded, with costs: which execution shall be returnable in fourteen days from the day on which it shall be issued; any law, usage, or custom, to the contrary notwithstanding.

Non-attendance of debtors when summoned.

IV. And be it further enacted, That if any plaintiff or defendant, when the debt or cause of action

Appeal allowed plaintiff or defendant