

II. *And be it further enacted*, That if any Dwelling-House, Store, or other Building, shall be erected, constructed, covered or roofed, contrary to this Act, except as herein before excepted, the Proprietor or Proprietors thereof shall, for every such offence, forfeit and pay the sum of twenty pounds; and the further sum of ten pounds for every month such offence shall be and continue; and the Workmen who shall build, construct, raise, erect or roof, such Dwelling-House, Store or other Building, contrary to this Act, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered, with costs of suit, by any person who shall sue, or prosecute for the same to effect, by bill, plaint or information, in His Majesty's Supreme Court of this Province: the one half thereof to the person so prosecuting, and the other half to the use of the Poor of the said Town of Halifax.

Penalties for  
violations of  
Act

III. *Provided always*, That nothing in this Act shall extend, or be construed to extend, to any Wooden Buildings, that may hereafter be erected within sixty feet from the east side line of Water-Street, into the Harbour, or the westward of Barrack-Street, Pleasant-Street, in the south suburbs, and Gotengin-Street, in the north suburbs. *And provided always*, That nothing herein contained shall extend, or be construed to extend, to prevent any person from erecting any Wooden Building, or addition to a Wooden Building, who shall have made, contracted for, or procured, any frame for a Wooden Building, or addition to a Wooden Building, before the first day of March, in this present year, provided such frame shall be erected and put up on or before the first day of June next, after the passing of this Act. *And provided always*, That nothing herein contained shall prevent any person from repairing or roofing any Wooden Building, which shall have been built before the passing of this Act.

Proviso

Repair of Wood-  
en Buildings

## CAP. XXX.

### An ACT for the Summary Trial of Actions.

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for any person or persons who have debts owing to him 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 make up final judgment between the parties, and shall allow the Defendant to produce his Account against the Plaintiff, or any Receipt or other Discharges, for payment made, either in 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 confession of the Debtor, to ascertain the debt due, and to decree the payment thereof, and to award costs as he shall find, whether for the Plaintiff

Debts not ex-  
ceeding L5.  
how recovered

Debts not ex-  
ceeding L3.  
how recovered

or

Judgment	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.
Execution	II. <i>And be it further enacted</i> , 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 Debt as aforesaid, it shall and may be lawful for such Justice or Justices to issue Execution against the Goods, Chattles or Body, of such Debtor, for the sum awarded, with costs: which Execution shall be returnable in twenty days from the day on which it shall be issued, any law, usage or custom, to the contrary notwithstanding. <i>Provided always</i> , That no person shall be arrested in any case, for a Debt due by him under Twenty Shillings, nor for any larger Debt not exceeding three pounds, unless, in addition to the Affidavit of the Debt, the party applying shall also make Oath that he verily believes that unless a Writ of Capias be allowed the Debt will be lost.
Proviso	
Service of Summons or Capias	III. <i>And be it further enacted</i> , That the Summons or Capias shall be served on such Defendant at least three days previous to the day on which such Writ shall be made returnable as aforesaid.
Forms of Writs, &c.	IV. <i>And be it further enacted</i> , That the forms of the Writs of the Summons, Capias and Executions, to be used by the Justices of the Peace, under this Act, shall be the same, in every respect, as those described in an Act, made and passed in the forty eighth year of the reign of His late Majesty King George the Third, entitled, An Act for the Summary Trial of Actions.
Fees	V. <i>And be it further enacted</i> , That the Fees to be taken and received in all Causes before such Justice or Justices shall be as follow : <p style="text-align: center;"><i>Justice's Fees.</i></p> <p>On Writ of Summons—Two Shillings.  On Capias and Affidavit—Two Shillings and Six Pence.  On Judgment—One Shilling.  On Execution—One Shilling.</p> <p style="text-align: center;"><i>Constable's Fees.</i></p> <p>Service—One Shilling.  Travel—Three Pence per Mile.  <i>Witnesses.</i>—Each Two Shillings and Six Pence, and travel Three Pence per Mile.  Subpœna—One Shilling.</p>
Debts not exceeding £20 how recovered	VI. <i>And be it further enacted</i> , That all Actions, for the recovery of any Debt, between Five Pounds and Twenty Pounds, shall be brought in the Supreme and Inferior Court of Common Pleas, within this Province, which said Courts are empowered to try the same in a summary way, by witnesses, to examine the merits of such Causes, and to make up Judgment accordingly. <i>Provided always</i> , That, when either of the parties shall desire it, the Court shall order a Jury to try the same.
Proviso	
Fees	VII. <i>And be it further enacted</i> , That the Fees, to be hereafter received in the said Supreme and Inferior Court, in all Causes between Five Pounds and Ten Pounds, shall be as follow : <p style="text-align: center;"><i>Attornies' Fees.</i></p> <p>On Writ—Five Shillings.  Trial and Judgment—Four Shillings.  Subpœna—One Shilling  Execution—Two Shillings and Six pence.</p> <p style="text-align: right;"><i>Judges'</i></p>

*Judges' Fees.*

On Judgment only, the whole Court—Two Shillings and Six Pence.

*Prothonotary's Fees.*

On Writ—One Shilling.

On Judgment—One Shilling and Six Pence.

VIII. *And be it further enacted*, That if any Justice or Justices, Judge or Judges, Attorney or Attornies, Prothonotary or Prothonotaries, shall ask, demand or receive, any greater or other Fees than are herein allowed, he or they shall forfeit and pay a fine of Ten Pounds, together with costs, to be recovered in any Action or Suit, by him or them that will sue for the same, in any Court of Record within the County where such greater Fee or fees than are herein allowed, shall have been received: which Court of Record shall hear and determine such Action in a summary way.

Demanding greater Fees than are allowed by this Act

IX. *And be it further enacted*, That the Commissioners of the several Courts heretofore established within this Province, shall have power to issue Executions on the several Judgments which may have been obtained heretofore, in their respective Courts, and to proceed to collect the money due on such Judgments in the same manner as if the Act for the Summary Trial of Actions, made and passed in the fifty-eighth year of the reign of His late Majesty King George the Third, was in full force and effect.

Execution of Judgment given in Commissioners Court

X. *And be it further enacted*, That this Act shall be in force for one year, and from thence to the end of the next Session of the General Assembly.

Continuance of Act

## CAP. XXXI.

An ACT to authorise the Sale of the Old Court-House and Jail, and the Lot of Land on which the same stand, at Guysborough, in the County of Sydney.

**W**HEREAS a New Court-House and Jail have lately been erected at Guysborough aforesaid, and the Old Court-House and Jail in that place are no longer required for any public purposes, and are in such a decayed and ruinous state, as to render a sale of them, and also of the Lot of Land on which they stand, expedient and requisite, in order that the proceeds of such sale may be applied towards the payment of the sum of Money remaining due, for the Building of the said New Court-House and Jail:

Preamble

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That Thomas Cutler, Esq. Senior Justice of the Peace in and for the said County of Sydney; and Timothy William Hierlihy, Joseph Marshall, and John Cunningham, Esquires, also Justices, as aforesaid, in and for the said County; and David M'Queen, Esquire, High-Sheriff of the said County, or such of them as shall be living at the time of the sale hereinafter directed, shall be, and they are hereby, invested with full power and authority to sell the Lot of Land before mentioned, with the said Old Court-House and Jail thereon, at Public Auction, to the highest bidder; after giving thirty days Public Notice of the time and place of making such Sale; and to Sign, Seal, and Deliver, to the Purchaser or Purchasers thereof, a Deed or Deeds thereof, upon payment of the consideration money for the same; which Deed, or Deeds,

Persons authorised to sell the Lot of Land and Court House at Guysborough—to give a Deed—and pay the proceeds to Treasurer of the County.