

The Provincial Statutes of Lower-Canada, Being the third session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1807.

47 George III – Chapter 13

An Act for the more easy recovery of small Debts in certain parts of this Province. (16th April, 1807.)

Whereas an easy and expeditious method for the recovery of small Debts of the nature herein after mentioned, within the Townships and Seignories [Seigneuries] herein after specified, would be of great advantage to the inhabitants residing within the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that, from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by any Commission or Commissions to be by him issued under the Great Seal of this Province, to authorise and empower such or so many of his Majesty's Justices of the Peace acting in and for such Townships and Seignories respectively, as to him shall seem meet, to take cognizance of such causes and suits as are herein after specified, and for that purpose it shall and may also be lawful to and for such Justice or Justices, upon request or application to him or them made, to grant and issue, or cause to be granted and issued a summons to one or more person or persons (which summons shall be in the form herein after mentioned) and shall not be returnable in a less delay than two days, and to hear, try and determine, as shall appear to him or them agreeable to equity and good conscience, all causes and complaints brought before him or them, and arising within the Townships of Dunham, Stanbridge, Sutton, Potton, Sheffird, Stukely, Compton and Hatley, or within the Seignories of Foucault and Saint Armand, and in such other Townships and newly settled Seignories as the Governor, Lieutenant Governor or upon administering the Government of this Province, for the time being, shall in his wisdom see fit, concerning the recovery of debts not exceeding in amount the sum of Five Pounds, current money of this Province, of the following nature, that is to say, for goods sold and delivered, work and labour done, money lent and advanced, money paid, laid out or expended to or for the use of any person or persons, or on acknowledgements commonly called or known under the description of Bons, or on such Note or Notes of hand (only) in which the party or parties to whom such Note or Notes shall have been made payable, shall sue the maker or makers of the same, but not in cases in which any party or parties so suing shall claim as indorsee or otherwise than as aforesaid.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said Justice or Justices, in any of the cases aforesaid in which judgment shall pass for the plaintiff or plaintiffs, to order and adjudge the defendant or defendants, in any suit to be instituted under the authority of this Act, to pay costs to the plaintiff or plaintiffs, but such costs shall not in any case exceed the sum of Fifteen Shillings current money; And it shall be further lawful for the said Justice or Justices, and he or they are hereby required, in case the said plaintiff or plaintiffs, in any such suit so to be instituted as aforesaid, shall become non suit or discontinue his, her or their suit, or that judgment shall pass for the defendant or defendants, to order and adjudge such plaintiff or plaintiffs to pay costs to the defendant or defendants, but such costs shall not in any case exceed the sum of fifteen shillings, like money.

III. And be it further enacted by the authority aforesaid, that if any person or persons shall refuse or neglect to pay and satisfy such sum or sums of money within eight days after judgment obtained, together with such costs as upon such complaint as aforesaid shall be adjudged upon, the same being demanded, such justice or Justices shall, by warrant under his or their hand and seal, or hands and seals (which warrant shall be in the form herein after mentioned) cause the same to be levied by distress and sale of the goods of the party or parties so refusing or neglecting as aforesaid, together with all costs and charges attending such distress and sale, but which shall not in any case exceed the sum of seven shillings and six pence, current money.

IV. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the full day of January which will be in the year of our Lord one thousand eight hundred and ten, and from thence to the end of the then next Session of the Provincial Parliament, and no longer.

V. Provided always, and it is hereby declared and enacted by the authority aforesaid, that nothing herein contained shall be construed in any manner to derogate from the rights of the Crown to erect, constitute and appoint Courts of Civil or Criminal Jurisdiction within this Province, and to appoint, from time to time, the Judges and Officers thereof as His Majesty, His Heirs or Successors shall think necessary or proper for the circumstances of this Province, or to derogate from any other right or prerogative of the Crown whatsoever.

FORM OF SUMMONS.

Township (or Seignory) of _____

To all and every the Bailiffs, Huissiers, Constables and other officers within the Township (or Seignory) of _____ Greeting

In His Majesty's name, you are hereby commanded to summon A. B. of _____ if he may be found within the precinct of the said Seignory (or Township) of _____ to be and appear before _____ of His Majesty's Justices of the Peace residing in the said Township (or

Seignory) at the dwelling house of _____ on _____ the ____ day of _____ as _____ of the clock in the _____ noon, then and there to answer to C. D. of _____ who demands of the said A. B. the sum of ____ for _____ and do you make due return of this Summons with your doings thereon to _____ on or before the said day _____ Witness _____ hand and seal this _____ day of _____ in the _____ year of his Majesty's reign and in the year of our Lord 18____.

FORM OF WARRANT OF EXECUTION

Township (or Seignory) of _____

To all and every the Bailiffs, Huissiers, Constables and other officers within the said Township (or Seignory) of _____

Whereas A. B. of _____ did on the _____ day of _____ before _____ of his Majesty's Justices of the Peace residing at _____ recover judgment against C. D. of _____ for the sum of _____ for his debt and _____ for his costs, of which execution remains to be done _____ You are therefore hereby commanded, in his Majesty's name, to levy of the goods, chattels and effects of the said C. D. (except his beasts of the plough, his implements of husbandry, the tools of his trade and one bed and bedding, unless the other goods and chattels shall prove insufficient, but not in any case the bed and bedding) the aforesaid sum and costs together with _____ for the expenses of this execution, returning to the said C. D. the overplus, if any there be, after having fully satisfied the aforesaid sums. _____ Witness _____ hand and seal this ____ day of _____ in the _____ year of his Majesty's reign, and in the year of our Lord 18____.