

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1791. Saint John, NB: Christopher Sower, Printer to the King's Most Excellent Majesty, 1791.

31 George III – Chapter 4

An Act for the Recovery of Small Debts.

Whereas it is necessary for the effectual administration of justice in suits for the recovery of debts to the value of forty shillings in the respective counties within this province that further regulations be made.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That all jurisdiction, power, authority, fees and rights given to or exercised by any Clerk or Clerks of the Clerks Courts and every of them, be fully and absolutely taken away and determined, and that all the jurisdiction, power and authority so given and exercised as aforesaid, by the several Clerks aforesaid, be transferred to, and vested in any and every Justice of the Peace in the several counties. And that such Justice of the Peace in the several counties shall have full power, authority and jurisdiction to issue any issues or processes, and to hear and determine all causes whatsoever cognizable in the said Courts respectively, fully and absolutely to all intents and purposes whatsoever—Provided always, that no original issues shall issue to compel the appearance of any defendant or defendants in any cause whatsoever out of the limits of the town or parish where such defendant resides, in case there be any Justice of the Peace resident in such town or parish.

II. And be it further enacted, That in case no Justice of the Peace shall reside in the same town or parish with the said defendant, then the said defendant shall be summoned to appear before the Justice residing nearest to the place of his abode.

III. And be it further enacted, That the Justice or Justices shall hold their court on the first Tuesday of every month and no oftner, unless the plaintiff shall make it appear that the defendant is about to remove from said town or parish.

IV. And be it further enacted, That there shall be eight days between the issuing and return, and four days between the service and return of each writ or summons, the service of which shall be proved by the oath of any person serving the same.

V. And be it further enacted, That for every writ or summons, the Justice issuing the same shall have and receiver four pence, and for every trial and judgment one shilling, and for every execution six-pence and no more—and no other or greater fees shall be taken by any Justice in any cause or under any pretence whatsoever, and that the whole amount of costs to be taxed in anyone action shall not exceed five-shillings.

VI. Provided always, That the right of the party to a trial, by jury shall remain as directed in and by an passed in the twenty -sixth year of His present Majesty's reign, entitled, "An Act for regulating

the Courts of Law established in the several counties for the trial of causes to the value of forty shillings," any thing herein to the contrary contained notwithstanding: And also provided that nothing in this act contained shall extend or be construed to extend to that part of the county of Saint John, which is within the limits and jurisdiction of the city of Saint John; but that the City Court of the city of Saint John, and the Clerk thereof shall have the same authority, power, and jurisdiction within the limits of the said city as if this act had not been made, any thing herein before contained to the contrary notwithstanding.

VII. And be it further enacted, That this act shall continue and be in force for and during two years and no longer.