

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1802.* Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1802.

42 George III – Chapter 7

**An Act, in addition to an Act, to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the summary Trial of Actions. Passed the 5th of March, 1802.**

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That no Defendant shall be held to Bail in any Action hereafter to be brought in any Inferior Court of Common Pleas or Mayor's Court in the City of Saint John, unless the Plaintiff's cause of Action shall amount to upwards of Five pounds, and Affidavit thereof made and filed as heretofore accustomed.

II. And be it further enacted, That in all Actions hereafter to be brought in the said Courts wherein the Sum or matter in demand shall not exceed Twenty pounds, the Declaration shall be inserted in the Writ, and the said Courts shall proceed thereon in a summary way, in the same manner as is directed in and by the said Act in matters not exceeding Ten pounds, in which Actions no dilatory plea shall be allowed, and no Judgment shall be reversed or set aside for any circumstantial Error or defect of form or pleading, or rendering Judgment, where substantial Justice shall appear to have been done.

III. And be it further enacted, That no Defendant or Defendants in any Action hereafter to be brought, shall remove such Action into the Supreme Court by *Habeas Corpus*, unless the matter in demand shall exceed Twenty pounds. Provided Always, that either party after Judgment given, may bring a Writ of Error to remove such Judgment into the Supreme Court.

IV. And be it further enacted, That all Actions hereafter to be brought, wherein the Sum or matter in demand shall not exceed Twenty pounds, shall be heard and determined in the Inferior Court of Common Pleas, in the respective Counties and Mayor's Court in the City of Saint John, and no other Court shall hold Plea or Jurisdiction of the same, unless the Title to Lands shall come in question.

V. And be it further enacted, That the said Act, except where the same is hereby altered, shall be and continue in full force, any thing herein contained to the contrary notwithstanding.