

Laws of Her Majesty's Province of Newfoundland, passed in the year 1858.

21 Victoria – Chapter 11

An Act to facilitate the Recovery of Small Debts and Claims, and the Hearing and Determining of Summary Proceedings. (Passed 10th May, 1858.)

Whereas the facilitating the Recovery of Small Debts and Claims, and Hearing and Determining of Summary Proceedings on Convictions, will be of advantage to poor Suitors and others.

Be it therefore enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened, that from and after the passing of this Act, any Stipendiary Magistrate in this Island shall, within the District for which he shall be appointed, have, possess, and exercise, all such and the same authority and jurisdiction in the hearing, trying, and determining of all actions and claims for the recovery of any sum of money, as any of the Courts of Quarter Sessions now have or can exercise, and shall have the like power to sue out and enforce all processes, whether mesne or final, and in summoning and compelling the attendance of witnesses or otherwise; and any Court of Quarter Sessions may be held by any one Stipendiary Justice, for the transaction of civil business, but not further or otherwise.

II. That any such Stipendiary Magistrate shall also have and exercise the like power, authority, and jurisdiction, in the hearing and determining of summary proceedings on convictions, and the carrying out of any conviction thereon, as any two or more of Her Majesty's Justices of the Peace now exercise under or by virtue of any Law in force in this Colony : and shall have the same power and authority to require and compel the attendance of witnesses, as two Magistrates may now exercise in criminal cases.

III. That the said several Courts of Sessions or Stipendiary Magistrate, shall have jurisdiction to try and determine, in a summary manner, all claims for goods or personal chattels, or for any damage or injury thereto, where the amount sought to be recovered shall not exceed Five Pounds sterling.

IV. That any of the said Courts of Sessions, or Stipendiary Magistrate, before whom judgment shall be recovered, shall have authority to attach monies, goods, debts and effects, in the hands of any third party, and to summon and compel by warrant, if necessary, the attendance of any party for examination, and to make and enforce the observance of such order thereon, as to the said Courts or Magistrate shall appear just: Provided that no such attachment shall affect executory contracts or debts not actually due.