

## CHAP. V.

*An Act to extend the Jurisdiction of the Court of Requests.*

[Passed 22d March, 1816.]

**W**HEREAS it will contribute to the conveniency of the Inhabitants of this Province to extend the Jurisdiction of the Courts of Requests.

Preamble.

I. Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "an Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "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 by the authority of the same, that the Second Clause of "an Act passed in the thirty-second year of His Majesty's Reign, entitled "an Act for the most easy and speedy recovery of small Debts" shall be and the same is hereby repealed.

2d Clause of 32d Geo. 3d repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the first of April next, it shall and may be lawful for every Inhabitant within the limits of this Province, who then or thereafter may have any Debt or Debts owing to him, her or them, not exceeding the sum of five pounds Currency of the Province, by any Person or Persons whatsoever, inhabiting the said Province, to cause such Person or Persons to be warned or summoned by a writing under the hand of a Justice of the Peace, acting under and by virtue of His Majesty's commission, to be left with some Grown Person at the dwelling-house or place of abode of such Person or Persons or by service of the same, on the Person of such Debtor, to appear before the Justices of the said Court, and the said Justices after such summons as aforesaid, shall upon proof of such summons, having been so left or served, at least four days previous to the day of appearance, have full power and authority by virtue of the said Act, to make or cause to be made, such Acts, Orders, Decrees, Judgments, and Proceedings between such Plaintiff, and his, her, or their Debtors defendants touching such Debts not exceeding the sum of Five Pounds, Currency of this Province, in question before them as they shall find consistent with equity and good conscience, and all such Acts, Orders, Decrees, Judgments, and Proceedings, shall be entered in a Book to be kept for that purpose, Provided always, that nothing herein contained shall extend or be construed to extend to authorise such Justices as aforesaid, to give any judgment for a larger sum than Forty Shillings lawful money of this Province, unless the same shall have been previously ascertained by acknowledgment of the Defendant in writing or other proof than that of the oath of the Prosecutor, and provided also, that nothing in this Act contained, shall extend, or be construed to extend, to authorise the summoning of any defendant or defendants, before any other Court of Requests within any District or County, other than that which shall be established by the Magistrates in Quarter Sessions as by law directed for the division in which such defendant or defendants shall at the time of issuing such summons be resident.

After 1st Apl. 1816 every Inhabitant having any Debt, not exceeding £5 Cy. due by any person inhabiting this Province, is authorized to cause such Person to be summoned by a writing signed by a Magistrate, to be left at the house of such person, or by service of the same on such Debtor, & on proof of the service of that summons the Justices of the Court are authorized to make such Orders, Decrees &c. as they shall find consistent with Equity, and such orders shall be entered in a book for that purpose:—Provided that the said Justices shall not give any Judgment for a larger sum than 40s. unless the same shall have been proved by the acknowledgt. of the Deft. in writing; or other proof than the Oath of the Prosecutor

No Deft. to be summoned before any other Court of Requests than that for the Division in which such Deft. resides.

## FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

No Plea to be holden in said Court for a Debt at a Tavern for Spirituous Liquors, or for any Gambling debts.

III. Provided always, *And be it further enacted by the authority aforesaid*, That nothing in this Act contained shall extend or be construed to extend to authorise the holding Plea, in such Court for any Debt contracted at a Tavern for spirituous liquors or for any Gambling Debt whatever.

No Execution to issue until 40 days after Judgt. if the sum exceeds 40s.

IV. *And be it further enacted by the authority aforesaid*, That no Writ of Execution for seizing and selling Effects shall issue until forty days after Judgment has passed where the sum exceeds forty shillings.

## CHAP. VI.

*An Act to provide for a limited time for the appointment of a Provincial Aid-de-Camp within this Province.*

[Passed 22d of March, 1816.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**E Your Majesty's most dutiful and loyal subjects the Commons of Upper-Canada in Provincial Parliament assembled, being desirous of testifying the respect entertained for the character and services of His Excellency Lieutenant Governor Gore, by providing for the appointment of a Provincial Aid-de-Camp. Beseech Your Majesty, that it may be enacted, and 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 Upper-Canada, constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "an Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, entitled "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 by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to nominate and appoint a fit and proper Person to fill the situation of Provincial Aid-de-Camp, within this Province.

Governor to nominate and appoint Provincial Aid de Camp.

The said Aid de Camp to receive for his Services 10s. per day, and in time of Peace 5s. per day in lieu of usual Allowances.

II. *And be it further enacted by the authority aforesaid*, That the said Aid-de-Camp shall be entitled to receive for his services at the rate of Ten Shillings Army Sterling per day, and an additional allowance in time of Peace, of Five Shillings Army Sterling per day, in lieu of the usual allowances.

The full amount of the Pay & Allowances to be paid by the Rec. Genl. in Discharge of Warrt. issued by the Gov. &c.

III. *And be it further enacted by the authority aforesaid*, That the full amount of the pay and allowance authorised by this Act, shall be paid by the Receiver-General, in discharge of such Warrant or Warrants as shall from time to time for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty through