

Laws of His Majesty's Province of Upper-Canada; Passed in the First Session of the Provincial Parliament of Upper Canada, Met at Newark, on the Seventeenth Day of September in the Thirty-Second Year of the Reign of our Sovereign Lord George the Third (1792). Niagara: Gideon Tiffany, Printer to the King's Most Excellent Majesty, 1795.

32 George III – Chapter 6

An Act for the more easy and Speedy Recovery of small Debts.

Whereas it will contribute to the conveniency of the inhabitants of this province to have an easy and speedy method of recovering small debts, Be it therefore enacted by the kings 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 any two or more justices of the peace, acting under and by virtue of his majesty's commission within the respective limits of their said commissions, to assemble, sit and hold a court of justice, to be called a court of requests, on the first Saturday and third Saturday in every month, at some fixed place within their respective divisions, which division shall be ascertained and limited by the justices assembled in their general quarter sessions or the greater part of them, and the place for holding the said court, shall be fixed by the justices acting in and for the said division or the greater part of them; and the said justices are hereby declared, constituted and appointed to be commissioners to hear and determine all such matters of debt as are herein After mentioned, and shall have power and authority by virtue of this act to give judgment and decree, and award execution thereupon, with such costs as shall be herein after specified, against the goods and chattels, of all and every the person and persons against whom they shall give any judgment or decree, as to them shall seem just in law and equity.

II. And be it further enacted by the authority aforesaid, That from and after the first day of February next, it shall and may be lawful to and for every inhabitant within the limits of this province, who then or thereafter shall have any debt or debts owing to him, her or them, not exceeding the sum of forty shillings Quebec currency, by any person or persons whatsoever inhabiting the said province, to cause such debtor or debtors 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 debtor or debtors, or by service of the same on the person of such debtor, to appear before the said justices of the said court; and that the said justices shall after such summons as aforesaid, have full power and authority by virtue of this 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 forty shillings, Quebec currency, in question before them, as they shall find confident 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.

III. And for the more due and regular proceeding in the said court, it is hereby further enacted, that it shall and may be lawful, for the said justices to administer an oath to the plaintiff or defendant, as well as to such witnesses as shall be produced by each party, and to all the officers of the said court, when the said justices shall think it meet.

IV. And be it further enacted by the authority aforesaid. That in case any person or persons shall make oath or give evidence, in any cause depending before the said justices in the said court, whereby he or they, shall commit wilful or corrupt perjury, and thereof be duly convicted according to law, that such person or persons shall suffer the pains and penalties inflicted on wilful or corrupt perjury, by the statute passed in the fifth year of the reign of queen Elizabeth.

V. And be it further enacted by the authority aforesaid, That no person or persons, shall be capable of acting as a commissioner or commissioners in the execution of the power given by this Act, until such time as he or they, shall respectively have taken an oath, to the following effect:

"I A. B. do swear, that I will faithfully, impartially and honestly, according to the best of my judgement, hear and determine, such matters and things as shall be brought before me, by virtue of an Act of the legislature of this province, entitled an Act for the more easy and speedy recovery of (mail debts, without favor or affection to "either party."

"So HELP ME GOD."

And be it further enacted by the authority aforesaid, That the several fees and sums of money herein alter limited arid expressed, and no more, shall and may be taken; for every summons, six pence; for every judgment, two shillings and six pence; for every execution, two shillings; for every subpoena, six pence; for every copy of judgment, if demanded, one shilling;—the allowance to all and every of the witnesses to be left to the discretion of the justices, but not to exceed two shillings and six pence per day to each witness;—and for serving every summons or subpoena, within one mile of the justices house, one shilling; and for every mile in traveling to execute the same, when the distance exceeds one mile, four pence; for serving writ of execution, serving and selling effects, and making return, two shillings.