

Laws of His Majesty's Province of Upper-Canada in North America. West Niagara: Titus G. Simons, Printer to the King's Most Excellent Majesty, 1797.

37 George III – Chapter 6

An Act to extend the Jurisdiction, and regulate the proceedings of the District Court, and Court of Requests.

Be it 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 the jurisdiction of the several courts constituted and appointed under, and by virtue of a certain act passed in the thirty-fourth year of his majesty's reign, entitled "an act to establish a court for the cognizance of small causes in each and every district of this province," shall be extended from the sum of fifteen, to the sum of forty pounds lawful money of this province, in such actions of contract only as relate to mere matters of debt, and are brought for the sole purpose of recovering some sum, or sums of money, the amount of which is already liquidated, or ascertained, either by the nature of the transaction itself, or by the act of the parties, and not for any other purpose or intent whatever.

II. And be it further enacted by the authority aforesaid, That the said court shall have cognizance of all questions of property in personal chattels, where the value of the thing claimed does not exceed the sum of fifteen pounds; and shall also award damages to the like amount, in all matters of trespass, where the title to land does not come in question, and where future rights will not be bound by the decision of the said court.

III. Provided nevertheless, That nothing herein contained shall be taken, or construed to extend the jurisdiction of the said court to actions in the nature of actions of assault and battery, or false imprisonment, or in any wise to affect the jurisdiction of the court of king's bench.

IV. And be it further enacted by the authority aforesaid, That no person whatsoever shall claim, or be entitled to any other or greater fee for any business done by him in the said court either as attorney, sheriff, clerk, crier, or judge, than is set down for him in the said act; or any fee for any other business done by him in the said court, other than the business which is prescribed and directed by the said act, nor shall any such fee be allowed in any bill of costs.

V. And be it further enacted by the authority aforesaid, That where judgment shall be by default no writ of enquiry shall issue to the sheriff; but the amount of the debt shall be

ascertained at the same time, and in the same manner as the same would or might have been ascertained in case the defendant had appeared to the declaration, or summons, which are hereby declared to be one and the same, and not several or distinct proceedings in the said court.

VI. And be it further enacted by the authority aforesaid, That the sum of two shillings and sex pence shall be allowed for the service of the said declaration, or summons; but that no milage whatever be allowed for the same, either in the said district court, or in the court of requests; and hat an affidavit of the service of such process may be made before any of his majesty's justices of the peace other than the plaintiff himself, in case he shall be one of such justices.

VII. And be it further enacted by the authority aforesaid, That the justices of assize and *nisi prius*, in their circuits in each and every district of this province, shall be, and they are hereby authorized and empowered to act as visitors of the said district courts, and also of the several courts of request within the said districts, in like manner as is now done by his majesty's court of king's bench.