

cil request it may be distinctly understood that this is not to be regarded as a precedent on any future occasion.

2. "The Council, from an anxious desire to preserve a perfect harmony between the two Houses; reluctantly yielded their assent to the extension of the jurisdiction of the Justices to sums not exceeding *five pounds*, but upon the express and indispensable condition that this jurisdiction should be restricted to the recovery of debts only.

3. "The Council cannot account for the reference made by the Assembly on this occasion to the Sheriffs Courts in England, in which *the Freeholders of the County are the real Judges* and the Sheriff the ministerial officer, and which in many other very important respects bear so little resemblance to the Justices Courts contemplated in the present Bill.

4. "With regard to the observation of the Assembly 'that the amendment now proposed of restricting the jurisdiction of the Justice to the recovery of debts only, if concurred in, would leave the Province without any Court having power to try all other causes usually cognizable before the County Courts in England when the damages are under *forty shillings*;' the Council beg leave to observe,

"That a perpetual Act was passed in the twenty-sixth year of the reign of his present Majesty intituled 'An Act for regulating the Courts of Law established in the several Counties for the trial of Actions to the value of *forty shillings*;

"That these Courts by the City Charter and the Letters Patent erecting the several Counties had jurisdiction of *all actions, cases, and causes wherein the sum or thing demanded should not exceed the sum or value of forty shillings*;

"That the foregoing Act was repealed by the 18th Section of a temporary Act passed in the 35th year of His Majesty's reign, for two years, intituled 'An Act for the more easy and speedy recovery of small debts,' which gave to a Justice of the Peace jurisdiction of *all actions of debt, detinue, account, covenant, trespass, and trespass on the case, wherein the sum due or thing demanded should not exceed the value of three pounds*;

"That the foregoing temporary Act was continued by the Act 37, Geo. 3, passed 18th February, 1797, for five years;

"That on the 18th February, 1802, the same temporary Act expired, by which the foregoing perpetual Act 26, Geo. 3, C. 10, was revived and became in full force;

"That on the 5th March, 1802, an Act was passed intituled, 'An Act for the easy and speedy recovery of small debts, and for regulating the proceedings thereon,' by which it was enacted, 'that all actions wherein the sum or thing in demand should not exceed *five pounds*, should be heard and determined before any one of His Majesty's Justices of the Peace in the respective Counties in this Province, and that no other Court should hold Plea or jurisdiction of the same';

"This Act left the foregoing perpetual Act of the 26, Geo. 3, C. 10, in full force, excepting so far as it might be *virtually* repealed by the provisions of this Act of the 42, Geo. 3, as there was no *express* repeal or mention of it in the same Act;

"That this Act of the 42, Geo. 3, was continued by the Act of the 45, Geo. 3, until the 1st day of this instant month of March, when it expired by its own limitation, and left the said Act of the 26, Geo. 3, as it still remains, in full force.

"If then the Clerk's Courts of the respective Counties and the City Court of the City of St. John, referred to in the Act of the 26, Geo. 3, by virtue of their power