

CAP. XI.

An ACT for the Summary Trial of Actions.

WHEREAS experience has proved that the Trial of Causes in a Summary Way, has been beneficial to the Inhabitants of this Province, in as much as the same is attended with but little Expence :

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint five fit and proper persons in each County or District within this Province, which five fit and proper persons so appointed, or any three of them, shall be a Court for the purposes of this Act.*

Summary Courts.

II. *And be it further enacted, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to grant Commissions to such persons, giving all necessary power, and declaring therein who shall preside at any meeting of the said Court, in whose name all Writs and Process shall be tested.*

Persons appointed to hold them.

III. *And be it further enacted, That three or more of the persons to be appointed as aforesaid, after being sworn before some one of the Justices of the Court of Common Pleas, for the faithful discharge of their duty, shall meet on the first Monday in every Month, within the County or District for which they shall be appointed, and are hereby empowered in all Actions, not exceeding Ten pounds, to proceed in a Summary Way, to try the same by examining the parties, and witnesses, on oath, and to determine the same with the least possible delay, and to give Judgment thereon.*

Trials.

IV. *And be it further enacted, That when the sum for which Judgment is given, shall exceed five pounds, either party may appeal to the Supreme Court, and Execution shall be stayed, if the party appealing shall give sufficient security to abide by the Judgment of the Supreme Court had therein ; and the Supreme Court shall try the Cause over again in a Summary Way, or by a Jury, if the Court think it necessary.*

Appeal.

V. *And be it further enacted, That the said Court may give Judgment on the verbal or written confession of any defendant, made before them, in open Court, and entered by their Clerk, for any sum not exceeding ten pounds.*

Judgments.

VI. *And be it further enacted, That the said Court shall appoint a Clerk, who shall issue Writs of Summons, Capias, Attachments, and Executions, according to such forms as shall be established by the Supreme Court, which Court shall have power to change the said forms whenever it may be thought expedient ; and the said Clerk shall be sworn to the due execution of his office, and shall faithfully record all proceedings.*

Clerk.

Writs.

VII. *And be it further enacted, That persons imprisoned under the process of the said Court, shall be entitled to their discharge, according to the provisions of the several Acts of this Province, relating to Insolvent Debtors.*

Insolvent Debtors.

VIII. *And be it further enacted, That no Action shall be brought in the Supreme Court, or in any Inferior Court of Common Pleas, where the whole dealing or cause of action shall not exceed ten pounds.*

Jurisdiction of Court limited.

IX. *And be it further enacted, That the said Court, to be constituted as aforesaid, shall not try or give Judgment on any Action, in which the Title of Lands are in question ; but all Actions of Trover, of Assault and Battery, Trespass on Lands, where the Title is not in question,*

Suits which may be brought