

An Act to facilitate the recovery of certain commercial and other debts founded upon instruments or promises in writing, and for other purposes.

WHEREAS it is necessary to provide a more summary and expeditious mode of recovering certain mercantile and other debts than now exists, and to provide for the relief of debtors in certain cases; Therefore Her Majesty, &c., enacts as follows : Preamble.

5 I. Summary proceedings as hereinafter prescribed may be taken for the recovery of any sum of money actually due in the following cases: When summary proceedings may be taken.

1st. Upon any bond, mortgage, obligation and promise in writing for the payment of a sum of money only and for value or consideration had and received, against the obligor and in favor of the obligee. Upon obligations in writing.

10 2nd. Upon a negotiable promissory note, against the maker, endorser, or guarantor, and in favor of the holder who has received the same in good faith before maturity, for a valuable consideration and without notice of any defence. Promissory notes.

15 3rd. Upon a draft, check, or bill of exchange, against the drawer, indorser, acceptor or guarantor, and in favor of the holder who has received the same in good faith before maturity, for a valuable consideration and without notice of any defence. Bills of Exchange, &c.

20 4th. Upon any judgment rendered by any Court of Civil Jurisdiction in Upper Canada, in the British dominions or in any foreign State, which can form the basis of an action in Lower Canada, against the judgment creditor. Foreign Judgments.

25 5th. Upon any account for goods sold and delivered, against the purchaser and in favor of the vendor, but only when such vendor is a Merchant or Trader, and such goods were sold in the ordinary course of his trade or business. Accounts for Goods sold and delivered.

II. The summary proceedings mentioned in the next preceding section, may be had before a Judge of the Superior Court and shall apply to all demands founded on the causes of action in the said section mentioned, of which the said Superior Court has cognizance. Such proceedings may be had before a Judge of S. C.

30 III. The proceedings shall begin by a declaration shewing the cause of action to be one of those mentioned in the first section, to which shall be annexed the original bond, mortgage, obligation or promise in writing, when the same shall not have been passed before a Notary, or a Notarial How proceedings shall be commented.