

Art XX

Proceedings in Actions under £10 Sterling

In Matters either not exceeding or under Ten Pounds Sterling, any Person having a Right of Action against another, shall prepare, or procure from the Clerk of the Court of Common Pleas, a Declaration in the following Form.

" <u>Quebec</u> <u>Montreal</u> }	Day of	17
"	A. B. Plaintiff.	C. D. Defendant.

"ant.—The Plaintiff demands of the Defendant the Sum of
 " due to the Plaintiff from the Defendant, for
 " which said Sum, though often demanded, still
 "remains due, therefore the Plaintiff prays Judgment."

The Declaration shall be filed by the Clerk, who shall make a Copy thereof, and at the Foot of such Copy write out a Summons in the Language of the Defendant in the following Form, viz.

"To C. D. the Defendant in the Above Action—
 "You are hereby commanded and required to pay the Plaintiff
 "A. B. the above-mentioned Sum of together with
 "Costs, or else to appear in Person, or by Your Agent, before me,
 "at the Court House in the City of Quebec
Montreal together with your
 "Witnesses, if you have any, on the Day of
 "when the matter of Complaint against you as ascertained in
 "the above Declaration will be heard and finally determined,
 "otherwise Judgment will be given against you by Default—
 "E. F. Judge of the Court of Common Pleas."

This Summons shall be signed by one of the Judges of the Court, and a Copy thereof, and of the Declaration, served on the Defendant Personally, or left at his Dwelling House, or Ordinary Place of Residence, with some grown Person there; and the Person serving the same shall inform the Defendant, or such grown Person, of the Contents thereof. If, at the Time mentioned in the Summons, the Defendant does not appear (Proof of the Service thereof being produced in Court) the Judges, or any one of Them shall hear the cause on the part of the Plaintiff, and make such order, Decree, or Judgment, and award such reasonable Costs of Suit, as to them or him shall appear agreeable to Equity and good Conscience; but if the Defendant does not appear by himself, or his Agent, and the Plaintiff, or his Agent, does not appear, or appearing does not Prosecute, or prosecuting, fails in his Action, the Judge or Judges shall dismiss the Defendant with Costs. If the Plaintiff makes good his Charge against the Defendant, the Judge or Judges shall give Judgment accordingly, and award Costs and Execution, but the Execution shall not