

Continuation
of Act

vice of His Majesty's Council, at any time, or from time to time, during the continuance thereof, by Proclamation under his Hand and Seal, either temporarily or otherwise, and with regard to the whole Province, or any particular Port or Ports, or Part or Parts thereof whatsoever, to suspend the operation of this Act.

VI. *And be it further enacted*, That this Act shall continue in force, and be in operation for and in the Island of Cape-Breton, until the first day of July next, and for and in every other part of this Province until the tenth day of June next.

CAP. LIX.

An Act for the Summary Trial of Actions in the Island of Cape-Breton.

(Passed 27th day of March, 1837.)

Cape-Breton
Commissioners
Court Act re-
pealed

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act for establishing Courts of Commissioners in the said Island of Cape-Breton, shall be, and the same is hereby repealed, from and after the first Wednesday of May next, on which day, and after the passing hereof, this Act shall come into operation; and that the parties who shall have obtained Judgments before that day in any of the Courts established under the aforesaid Act, shall have power to issue Execution thereon, and to enforce the same in like manner as if such Act had not been repealed.

Recovery of
Debts not ex-
ceeding £5 in
Cape-Breton

II. *And be it further enacted*, That, from and after the first day of June next, all Debts owing by any person within the said Island, where the whole dealing or cause of action shall not exceed Five Pounds, may be sued for and recovered before one Justice of the Peace, if the balance or sum demanded do not exceed Three Pounds, and before two Justices of the Peace, if the balance or sum demanded be more than Three, and do not exceed Five Pounds; and that such Justices shall have no jurisdiction or cognizance whatever of any other causes of action, excepting only for Debts as aforesaid, and in such other cases as are now or hereafter may be provided by Law.

Regulations to
be observed

III. *And be it further enacted*, That the following regulations shall be strictly observed and kept in all civil suits to be commenced and prosecuted before Justices of the Peace in said Island, that is to say:—

1st.—Every person applying to a Justice for process shall, at or before the issuing of the same, file with the Justice before whom such process shall be returnable, a statement or particular of his demand or cause of action, or the promissory note or other instrument on which he sues, and the Defendant shall be entitled to a copy of such statement, note or instrument, when he shall require the same to be furnished to him by such Justice, without fee therefor.

2d.—The Writs of Summons, Capias and Executions, to be used by the Justice, shall be in the forms annexed to this Act.

3d.—Writs of Summons and Capias may be served by any Constable of the County where the Defendant resides, or by any other person who can read and write, and may at the instance of the Plaintiff be specially appointed by the Justice, and whose name shall be endorsed by the Justice on the Writ, at or before the delivery thereof to such person; *Provided*, that no person, other than a Constable, shall be entitled to any Fees upon the service of such Writ.

4th.—Writs of Summons and Capias, shall be served at least six days before the time of appearance, by delivering a copy thereof to the Defendant, and the Constable or other person serving the same explaining the meaning and contents thereof, if required so to do.

5th.—No person shall be arrested in any case for a Debt due by him under Twenty Shillings, nor shall any person be arrested for a Debt exceeding Twenty Shillings and less than Three Pounds, unless in addition to an affidavit of the Debt the Plaintiff or his agent shall also make oath that he verily believes the Debt will be lost if a Writ of Capias is not allowed.

6th.—The service of Process shall be authenticated by an affidavit to be made by the Constable or other person serving the same, before any Justice, certifying that he has delivered