

on the Banks of *Newfoundland*, and in Great Britain or Ireland; which Court shall determine such Suits and Complaints of a general nature according to the Law of *England*, as far as the same can be applied to Suits and Complaints arising in the Islands and Places aforesaid; and the said Court shall be a Court of Record, and shall be holden by a Chief Justice to be appointed by His Majesty, who shall have full power and authority to enquire of, hear and determine all Crimes and Misdemeanors, Suits and Complaints cognizable in the said Court, and such Court shall have such Clerks and Ministerial Officers as the Chief Justice shall think proper to appoint; and such Salary shall be paid to the said Chief Justice as His Majesty, His Heirs and Successors, shall approve and direct, and such Salaries be paid to the Clerks and Ministerial Officers aforesaid as shall be approved by the Chief Justice, with the consent of the Governor of the Island of *Newfoundland*; which several Salaries shall respectively be in lieu of all other Profits and Emoluments whatsoever.

The Governor, with advice of Chief Justice, may institute Surrogate Courts, &c.

And be it further Enacted, That it shall be lawful for the Governor of the Island of *Newfoundland* from time to time to institute Courts of Civil Jurisdiction, to be called "Surrogate Courts," in different parts of the Island of *Newfoundland* and the Islands aforesaid, as occasion shall require, with full power and authority to hear and determine in the like summary way all Suits and Complaints of a Civil nature arising within the Island of *Newfoundland*, and on the Islands of *Saint Pierre* and *Miquelon*, and on the Islands and Seas aforesaid, and on the Banks of *Newfoundland*, and in Great Britain or Ireland, which Courts shall respectively be Courts of Record, and shall determine according to the Law of *England*, as far as the same can be applied to Suits and Complaints arising in the Islands and Places aforesaid; and the said Courts respectively shall be holden by a Surrogate to be appointed from time to time by the Governor of the said Island, and shall have full power and authority to hear and determine all Suits and Complaints cognizable in the said Court; and the said Court shall have such Clerks and Ministerial Officers, with such Salaries as the Governor shall appoint, which Salaries shall be in lieu of all Profits and Emoluments whatever.

Mode of Proceedings.

And be it further Enacted, That it shall be lawful for the said Supreme Courts and Surrogate Courts respectively, where any Suit or Complaint shall be depending therein, to cause to appear from day to day all Persons interested in the matter in dispute, and to examine upon Oath such of them as it shall be deemed proper for better discovering the truth, and thereupon and after due consideration of all circumstances to make such Order Judgment or Decree therein, and award such Damages and Costs as the case shall require; and that in all cases where the cause of any Suit or Complaint shall not exceed Five Pounds, the Party who is to answer such Suit or Complaint shall be made to appear in Court by Summons; and in all cases where such Summons shall be disobeyed, or where the cause of any Suit or Complaint shall exceed Five Pounds, and shall be sworn to in an Affidavit made by the Plaintiff, then that the Party who is to answer such Suit or Complaint may be caused to appear, by Attachment of his or her Goods Debts or Effects, or by Arrest of the Person, and that the execution of any Order Judgment or Decree may be enforced by Attachment of the Goods Debts or Credits of the Party, or by Arrest of the Person against whom such Order Judgment or Decree shall be made; and that it shall and may be lawful for the said Chief Justice and Surrogates respectively to authorize some person in his or their absence respectively to issue Process, and do all acts appertaining to the said Supreme Court and Surrogate Courts respectively, save and except the enquiring