

for the more easy and speedy recovery of small debts, are instructed to state to the Committee on the part of the Council, that the House, from a sincere desire to preserve harmony, and for no other reason, have concluded to wave their objection to that part of the amendment proposed, which goes to the expunging of the third Section of the Bill.

“That after mature consideration, the House cannot consent, that the jurisdiction of the Justices’ Court, shall be restricted to the recovery of debts only, for the following reasons,

“1. That by the Laws of England, the Sheriffs in their several County-Courts have held, and do now in many places hold, plea of all personal actions where the debt or damages do not amount to *forty shillings*.

“2. That by the Charter of the City of Saint John, and the Charters or Letters Patent for erecting and constituting the several Counties in this Province, Courts were established, having jurisdiction of all actions, cases and causes wherein the sum or thing demanded should not exceed the sum or value of *forty shillings*, to be proceeded in and determined before a Justice of the Peace and the County-Clerk, agreeably to the usage and practice of the County-Courts in England.

“3. That by an Act passed in the first Session of the first General Assembly of this Province “It is enacted that no person whatsoever shall commence any suit or action, by bill, plaint, or in any other manner whatsoever, or shall pursue or prosecute any such bill, plaint, action or suit, where the sum or thing in demand, suit or controversey, does not exceed the sum of *forty shillings*, in any Court of Law within this Province, except the Clerk’s Courts of the respective Counties, or the City Court of the City of Saint John.” That by an Act passed afterwards, the powers of the Clerk’s Courts were taken away, and transferred to the several Justices of the Peace, who had power to hear and determine all causes whatsoever cognizable in the said Clerk’s Courts: That this power has been by several Laws of the Province continued in the said Justices to this time.

“4. That the amendment now proposed, of restricting the Jurisdiction of the Justice to the recovery of debts only, if concurred in, would leave the Province without any Court, having power to try all other causes usually cognizable before the County Courts in England, where the damages are under *forty shillings*.

“5. That if the Bill does not pass into an Act, the Clerk’s Courts will, upon the expiration of the Law for the recovery of small debts, be repossessed of their former powers and jurisdiction, which extend to all cases and causes cognizable before the county Courts in England; and the amendments now under consideration must, in that case, be lost.

“The Council, having concurred in opinion with the House of Assembly, that the sum or value of the action cognizable before a Justice, should continue at the sum of *five pounds*, it is the earnest hope and expectation of the Assembly, that upon re-consideration, the proposed amendment (being an alteration of the Law which has existed so long, and which is so perfectly consonant to the English Constitution) will not be persisted in, to the loss of the Bill, as the House cannot, for the reasons before assigned, concur with the Council in the amendment.”

Ordered, that the same be communicated to the Committee of free conference on the part of the Council.