

## SESSIONAL PAPER No. 18

It should then after reciting the reasons, namely to prevent a failure of Justice And to supply a Quick and Competent Jurisdiction in Matters of small Value not at present Cognizable in either of the great Courts, give the Court of Common Pleas a Jurisdiction, which at present it has not, to hold plea in all Matters however trifling the demand may be and direct that both Courts should sit in Quebec and Montreal once in every week. (seed and Harvest time and a fortnight at Easter & Christmas excepted) thro'out the year. But that for all Matters under the sum of Ten pounds, one Judge only need be present.

In the latter case their Process should be by summons, And in all Executions where the debt and Costs does not Amount to Ten pounds Halifax Currency no Capias ad satisfaciendum to Arrest or detain the body should issue but a *feri facias* against the Goods and Chattels only (with an Express exception to Beasts of the Plow) unless the Party chuses that his Land should be sold, in which case he should sign upon the back of the Process his Consent and request for that purpose. It might not be amiss too to give the Judges a power to levy the debt where it was under Ten pounds by instalments, for it often happens that a Debtor is exceedingly distressed to pay tho' but a Moderate Sum and upon the instant of demand which yet by his Industry or by some event near taking place but which he Cannot anticipate, he might pay with ease to himself at given times.—Upon an Affidavit of this Sort We think they be allowed to mark upon the Writ *to be levied by Instalments* 20 Sh<sup>s</sup> on such a day. 20. at such other And the remainder at such other.

But these times ought to have some Limitation and perhaps should not exceed 3 Months for the last payment.

If the Judge has reason to suspect that the party secretes his Effects or has disposed of them after the Commencement of the suit in order to avoid their being taken in Execution, he should be at Liberty to issue Process against the Lands immediately. and for want of them to commit to prison till the Debt is satisfied.—The truth of which should be examined upon Affidavits. In all other matters, where the debt or Demand is above the Value of 10 pounds they should proceed as usual except that where Lands are taken in Execution, they should be made subject to the debt or demand immediately from the day of the date of the Writ, and avoid all Subsequent Sales and Mortgages or any other disposition or Incumbrance of them, but not absolutely sold for six Months, after Several Publications in the Gazette, and Notice affixed at the Church door of the Parish in which the Lands lye and other Neighbouring Parishes.—nor should the sale even then be good 'till a Report was made to one of the Judges