

583 Small Debts Courts.—The fees for the inferior or Small Debts Courts in all the Provinces are about the same as those given above for Ontario, and the process for entering cases and for defence similar, therefore the following two sections, together with the preceding one, will give the general information desired.

If the debtor puts in a defence and the case comes to trial it would be better in the most of cases to employ a lawyer to conduct the case at court, but up to that point there is nothing in these petty cases for a lawyer to do. If the case goes to court, however, it is better to have a lawyer, for judges do not like clients to handle their own case.

584 Defences.—When any person is served with a summons they should not let the few Latin words in it scare them. The summons will always state the number of days in which a defence must be entered or judgment may be given by default. If the defendant has anything to gain by defending the suit, he has the right to set up any one or more of several pleas against the claim made against him.

In cases where the debt is outlawed and the defendant intends to take the benefit of the Statute of Limitations, he must state in his dispute note that the claim is barred by Statute, as it is over six years old (or as the case may be), otherwise judgment will be given against him by some judges.

585 Statement of Defence.—The statement of defence is called a "Dispute note," of which the following will serve as a guide to those unfamiliar with the forms. The name of the court and Province, of course, may be changed to suit. It may be sent by post or delivered personally to the clerk.

No.....

In the (No.) Division Court of the County of.....

Between (give name), Plaintiff,

and (give name), Defendant.

Take notice, I dispute the Plaintiff's claim in this case. (Here specify the grounds of defence, statutory or otherwise.)

Dated this day of, A.D. 19.....

(Signature.)

To the Clerk of the said court,
and to the said Plaintiff.

In setting out the grounds of defence state them shortly and distinctly, using a separate paragraph for each separate defence you intend to make, if more than one, as follows :

1. That the plaintiff owes you a debt, which you claim should be set off against it ; or,

2. That you have performed your part of the contract ; or,

3. That you have offered to perform it, but that the other party refused to accept it ; or,

4. That you have a counter-claim as an offset to part or to the whole claim of the other ; or,

5. That the claim had become outlawed, as it was more than six years old ; or,