

XIX. And be it enacted, that the Treasurer, and also every Clerk and Bailiff, who shall receive monies in the execution of their duty, shall give security for such sum, and with so many sureties, and in such manner and form as the Governor of this Province shall see reason to direct, for the due performance of their several offices, and for the due payment of all monies received by them under any provision of this Act.

The Treasurer and Clerks of Division Courts to give security.

XX. And be it enacted, that the Judge of every Division Court established under this Act, shall have power, jurisdiction, and authority to hold plea of all debts and contracts when the subject matter of the demand shall not exceed the sum of Ten pounds, and to hear and determine the same in a summary way; and every such Judge shall have power to make such orders, judgments, and decrees thereupon, as shall appear to him to be just and agreeable to equity and good conscience; and that upon any contract for the payment of a sum certain in labour, or in any kind of goods or commodities, or in any manner otherwise than in money, it shall be lawful for the Judge, after the day is passed on which the goods or commodities should have been delivered, or labour or other things performed, to give judgment for the amount in money, as if the contract had been so originally expressed: Provided always, that no action shall be brought or tried in any such Division Court, for any gambling debt, nor for any spirituous or malt liquors drunk in a Tavern or Ale-House, nor for any cause involving the right or title to real estate: Provided also, that nothing in this Act contained shall be construed to constitute and create the said Division Courts, Courts of Record.

Of what cases the Division Courts shall take Cognizance.

Sums certain payable in goods, &c.

Proviso.

XXI. And be it enacted, that the plaintiff, in any suit brought in any Division Court, shall enter a copy of his account or demand in writing, which shall be numbered according to the order in which it shall be entered, and thereupon a summons bearing the number of the account or demand on the margin thereof, shall be issued, which shall be in substance, in the form of the schedule to this Act annexed, according to the nature of the demand; and a copy of such summons, to which shall be attached a copy of such account or demand, shall be served on the defendant, eight days at least before the day on which the Division Court shall be holden at which the cause shall be tried; and delivery of such copies of summons and account or demand to the defendant, or delivery thereof to his wife or servant or any grown person, being an inmate of his dwelling house or usual place of abode, trading or dealing, shall be deemed a good service of such summons. Provided always, that personal service on the Debtor of such summons shall be necessary in all cases where the amount sued for exceeds the sum of forty shillings.

Mode of commencing action in any Division Court.

Service of the Summons.

XXII. And be it enacted, that no such summons shall be issued, unless the Plaintiff shall, at the time of entering his account or demand, deposite with the Clerk of the Court, for every claim not exceeding twenty shillings, the sum of one shilling,

Plaintiff taking out any summons to deposite with the