

C A P. XIII.

An ACT for the Trial of ACTIONS in a summary Way.

Amended by 43d of Geo. 3d, c. 3.

**W**HEREAS the Recovery of Small Sums has heretofore been tedious, and very expensive, by disproportional Costs: *And Whereas* the Trial of Causes in a summary Way, so far as the same has been in practice, has been found useful, and a means of determining many Suits with little Costs:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the Publication hereof, the Justices of His Majesty's Supreme Court of Judicature shall be and they are hereby empowered, in all Actions of Debt, Case, Trover, Trespass, or Detinue (and all other Actions wherein the Title of Lands shall not be drawn in Question,) and which shall or may be brought before them, and wherein the Sum or Damages demanded shall not exceed *Twenty Pounds*, of lawful Money of this Island, to proceed in a summary Way, upon the Appearance of both Parties, or upon it being proved in open Court, upon Oath, by one competent Witness, that the Defendant had been duly served with the usual Process of the said Court; After which the said Court shall proceed to examine the Merits of such Causes by Witnesses (wherein no dilatory Plea shall be allowed,) and to determine either for the Plaintiff or Defendant, according to Law and Equity, and to make up Judgment accordingly.

In all Causes in Action of Debt, &c.

the Sum Total whereof not to exceed 20l, Justices of Supreme Court to proceed in a summary Way.

II. *And be it further enacted,* That the Defendant or Defendants in such Actions shall, on the Trial or Hearing thereof, have the Benefit of all Matters in his, her, or their Defence, that he, she, or they might have had, if he, she, or they had been sued in the ordinary Forms of common Law, heretofore and now practised in the said

Defendant, on Trial of such Actions, to have the same Benefit that he might have if sued in ordinary Form of common Law, or at Equity, and Justices