

power and authority to hear and determine *all actions, cases and causes where- in the sum or thing demanded should not exceed the value of forty shillings*, had (as the Assembly seem to suppose) power to try besides causes for the recovery of debts only, '*all other causes usually cognizable before the County Courts in England, where the damages are under forty shillings.*' These Courts being revived by the expiration of the temporary Acts above-mentioned, still retain the same power and authority, which power and authority the Bill now under consideration, as proposed to be amended, in no degree alters or in any manner affects.

"By the first section of this Bill, as proposed to be amended, it is provided 'that all and every person and persons who now have or hereafter shall have any debt or debts owing unto him, her, or them, not exceeding *five pounds*, shall or may cause the debtor or debtors to be proceeded against for the recovery of such debt or debts before any one of His Majesty's Justices of the Peace in the several and respective Counties in this Province, in which such debtor or debtors respectively shall reside or may be found.'

"This clause merely gives to the Justices of the Peace a concurrent jurisdiction with the Clerk's Courts of the Counties, and the City Court of Saint John in causes *for the recovery of debts not exceeding forty shillings*, and so far as respects the recovery of debts exceeding *forty shillings* and not exceeding *five pounds*, a concurrent jurisdiction with other Courts, leaving the authority of all the other Courts established by Law in the Province, exactly as it would be, if this Bill should not be enacted; the Bill providing in the 11th section as amended 'that in case of the commencement of any action or suit, *in any other than the Justices Court*, for any debt not exceeding *five pounds*, and recoverable by virtue of the provisions in the Bill, the plaintiff by reason of a verdict or judgment in his favor or otherwise, shall not have or be intitled to any costs whatsoever,' and making adequate provision for the defendants indemnity, if the verdict or judgment should be in his favor; thus leaving to the suitor, agreeably to the true principle of the English constitution and Laws in such cases, 'the choice of the Tribunal before which he would institute his action.'

5. "The Council think it not altogether irrelevant to observe on this occasion that the County Court, like the Hundred Court and Court Baron, have fallen into disuse in England with regard to the trial of actions therein; and that in the only instance in which the proceedings in those Courts for the trial of actions have been attempted to be revived by the establishment of a special county Court in the county of Middlesex, under the statute of the 23, Geo. 2, '*for the easy and speedy recovery of small debts in that county where the debt or damages shall not amount to the sum of forty shillings*, twelve suitors in rotation and the county Clerk are made the Judges of the Court, the times of holding the Court in the several districts in the county are established; it is required 'that the Clerk shall be of the degree of an utter Barister of three years standing at the Bar, and be approved by the Lord Chancellor, the Lord Chief Justice of the Court of King's Bench, and the Lord Chief Justice of the Court of Common Pleas for the time being, or two of them, and that each of the Clerks deputies, shall be likewise of the degree of an utter Barister of three years standing at the bar; and that it is only in cases of *actions of debt or actions upon assumpsit to be brought in the Superior Courts*, against persons within the jurisdiction of the special County Court, in which the jury upon the trial shall find the damages under *forty shillings*, that the plaintiff is not to be intitled to his costs, unless