



BY AUTHORITY.

THE following, being Chapter 76 of the Consolidated Statutes, and Schedule of the Acts of which such Chapter is a consolidation, and Table of Fees to be taken under such Chapter, are published by Order of the Governor in Council, dated 1st June, 1876, under Sections 14 and 20 of the Chapter of the Consolidated Statutes relating to the Promulgation and Repeal of Statutes; and from and after the publication hereof, the said Chapter 76 is hereby brought into operation, the Acts referred to in the said Schedule repealed, and the Table of Fees is in force and effect.

CHAPTER 76.

JUSTICES' CIVIL COURTS.

1. Every Justice shall have jurisdiction in the County in which he resides and for which he may have been appointed a Justice of the Peace, over the following civil actions:—

First.—Actions of debt, including any claim for a sum certain due upon a specialty, where the sum demanded does not exceed twenty dollars.

Second.—Actions of tort to real or personal property, where the damages claimed do not exceed eight dollars; but no Justice shall have jurisdiction over civil actions where the Queen is a party, or where the title to land shall come in question, or the action is for the recovery of a debt exceeding twenty dollars, unless the same be reduced by payment or abandonment to that sum, or where the action is for debt against personal representatives, trustees of absconding debtors, assignees of bankrupts, or Banking or Insurance Companies.

2. Excepting as aforesaid, actions cognizable before a Justice may be brought by and against all persons, including Attorneys of the Supreme Court.

3. A person applying to a Justice for a writ, shall before the issuing thereof file with him the particulars of demand, a copy of which shall be annexed to the copy of the writ, and therewith served upon the defendant; and every defendant having a set-off shall file the same with the Justice, and serve the plaintiff with a copy thereof two days at least before the day of trial, which service may be made personally or by leaving such copy at the last or usual place of abode of the plaintiff, or with some adult member of his household; and in case the plaintiff resides out of the County, then it shall be sufficient to leave a copy of such set-off with the Justice in manner aforesaid, without any further service of the same.

4. Every Justice shall keep a book in which he shall enter all processes issued by him, and when issued, all causes brought before him, the names of the parties, and the judgments rendered by default or otherwise; it shall also be his duty to take fully the evidence on trials, and to read over to each witness the evidence given by him, and the witness shall subscribe his name thereto.

5. No process shall be issued for an infant (except an infant for wages) until a next friend be appointed (A) for him. Upon application made the Justice shall appoint a suitable person, to be named by the infant, and such person shall consent in writing to act as his next friend, and he shall be responsible for costs; but no action shall be maintained against an infant upon any debt or contract unless for necessities.

6. No Justice shall hold a Court for the trial of any action under this Chapter, unless the plaintiff or defendant, or some one of the plaintiffs or defendants, resides in the Parish where such Justice resides, or un-

less the plaintiff or defendant, or some one of the plaintiffs or defendants, is a non-resident of the County; and no Justice shall hold a Court for the trial of any action under this Chapter in any other Parish than that in which he resides, except as provided by the twenty ninth Section.

7. If a defendant make a tender before action brought, he shall pay the money into the hands of the Justice before or at the hearing, or it shall be of no avail; and a defendant in a suit in a Justices' Civil Court may pay to the Justice at any time before the trial a sum of money as compensation for the debt or damages claimed, which the plaintiff may accept in full, and may take judgment and issue execution for the costs incurred up to the time of such payment. If the plaintiff proceed with the suit after notice of such payment, and does not recover a greater sum than the amount so paid, he shall not be entitled to any costs incurred after such notice, but such subsequent costs shall be paid by the plaintiff, and shall be deducted by the Justice out of such money or out of the costs payable to the plaintiff; and if the same be insufficient he shall have execution for the balance as on a judgment for defendant.

8. Processes shall be signed by the Justice himself, and shall be either a Summons (B) or Capias directed to any constable of the County in which the Justice resides; provided always, that a summons against a Corporation shall be served on the Mayor or Warden, President, head officer, Clerk, Secretary, Treasurer, or the accredited agent or officer of any Company transacting business within the Province.

9. The summons shall be directed as aforesaid, commanding the constable to summon the defendant before the Justice who issued it, at a time not less than six days nor more than thirty days from the issuing thereof, and at the place therein specified, to answer the plaintiff for the cause of action in the Summons mentioned: The Summons shall be served six days at least before the return day thereof, as follows: If the defendant can be found, by delivering to him a copy thereof; or if he cannot, by leaving the same at his place of abode, with some adult member of his household. The constable or other person shall return the process with an endorsement thereon, signed by him, of the manner in which he served the same, verified by his oath, if required; and the proceedings against Corporations shall be commenced by summons, and continued as near as may be in all particulars as herein provided for in suits against individuals.

10. Upon the plaintiff making affidavit (C) of his cause of action, and stating therein that after giving full credit for all payments and off-sets, the defendant is indebted to him in a sum not exceeding twenty dollars, nor less than two dollars, as the case may be, that he is afraid of losing his debt, and the defendant is of the age of twenty one years, the Justice shall issue a capias (D) against such defendant, if neither a Member of the General Assembly nor a female.

11. The capias shall be directed to any constable of the County wherein the Justice resides, commanding him to take the defendant, and bring him forthwith before such Justice, unless he give good bail (D) to appear at the time and place where the cause is to be heard; and all processes in actions before Justices of the Peace in civil suits may be served and executed by constables appointed or elected for any particular Parish in any part of the respective Counties in which the Parish for which the said constable may have been elected or appointed is situated.

12. The capias shall be served by arresting the defendant, and giving him a copy thereof, after which the capias shall be returned (D) to the Justice, with the mode of service endorsed upon it.

13. After the defendant is arrested the constable shall take bail for his appearance, who shall subscribe a memorandum endorsed on the capias that they have become so, but if no bail be offered he shall carry the defendant before the Justice who issued the capias, or in case of his sickness or absence, before some other Justice of the County; and the defendant when brought there shall either deposit (D) the sum sworn to and costs, or give bail in the manner aforesaid, or be committed to gaol by warrant (E) of the Justice, but the deposit shall be applied to the payment of the plaintiff's judgment. If there be an overplus it shall be returned to the defendant on demand; but the plaintiff may at any time waive bail and proceed as on summons.