

No. 20 An Act for the Speedy recovery of small Debts out of Court before
 one Justice of the Peace
 [No. XXI] Liber H. S. No. 1
 P. 509
 [Passed the 21st of November] [Preamble]

Whereas the recovery of Small debts before one Justice of the Peace out of Court has been found at great Satisfaction and Ease to the Good People of this Province and that the Jurisdiction of one Justice of the Peace by the law heretofore made is not sufficiently extended to Suit their Conveniency and benefit It is therefore humbly Prayed that it may be Enacted

[Debts not above 600th of Tobacco or 50s. to be recovered before a single justice]

And be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That in all Cases where the real Debt or Damage doth not exceed Six hundred Pounds of Tobacco or fifty Shillings Current Money it shall and may be Lawfull for any one Justice of the Peace of each respective County wherein the Debtor doth reside to try hear and Determine the Matter of Controversy between the Creditor and Debtor and upon full hearing of the Allegations and Evidences of both Parties shall give Judgment According to the Equity and Right of the Matter & if need be Charge the Constable with the Body of the Debtor in Execution who is hereby Obliged and empowered to carry the Person so committed to the Sheriff of the County together with a Certificate or Mittimus from such Justice wherein shall be certified the Debt and Cost whereof such Person shall be convict by him to be Safely kept until Satisfaction or other end thereof or Otherwise that such Justice or any other Justice of the Peace for the same County shall within twelve Months from the Time of the Rendition of said Judgment award Execution thereon directed to the Sheriff of the County by Warrant or Mittimus in the Nature of a Capias ad Satisfaciendum fierifacias or Otherwise and that in Case upon the return of any Warrant or any Complaint Issued by any Justice it shall Appear that the Person against whom the same shall issue is not to be found it shall and may be lawfull for the Creditor to Proceed in the several and respective County Courts for Obtaining an Attachment according to the Directions of the Act for issuing out Attachments in this Province and limitting the extent of them against the Goods Chattells and Credits of such Persons for any sum exceeding one hundred Pounds of Tobacco or ten shillings in Current Money any Act or Acts to the Contrary Notwithstanding

[Time allowed to procure evidences, &c.]

And Whereas many times Witnesses may be wanting or the Parties not Prepared to make Good their Allegations immediately on the Appearance of a Defendant so that a further Time may be Necessary to examine into the matters of Controversy Be it therefore enacted That when any Defendant shall be brought on a Warrant before any Justice of the Peace such Justice may if he in his Dis-