

C H A P.  
XXI.Constable to  
give Notice  
to the Plain-  
tiff of the  
Time, &c.Judgment *ex*  
*Parti.*, on De-  
fault of Ap-  
pearance.

IV. **Provided** always, and it is hereby Enacted, That the Constable shall give Notice to the Plaintiff, or his Agent, where either of them lives in the same Hundred, of the Time and Place he intends to carry the Defendant before a Justice; and in case neither the Plaintiff, having Notice as aforesaid, nor any Person for him, nor the Plaintiff, nor any Person for him, when such Plaintiff lives out of the same Hundred, and hath not appointed any Agent in that Business, with or without Notice, shall appear on the Return of the Warrant, or shall make Default in not appearing at the Time and Place appointed, when there shall be an Appointment by the Justice of a future Day for an Hearing, the Justice before whom any Defendant shall be brought on a Warrant as aforesaid, or before whom he shall appear on an Appointment as aforesaid, shall and may hear and determine the Matter of Controversy *ex Parte*.

*Superfedeas*  
may be taken.

V. **And** be it further Enacted, That from and after the End of this present Session of Assembly, it shall and may be lawful for the Justice before whom any such Judgment is had, or any other Justice of the Peace of that County, to take a *Superfedeas* of such Judgment, in the same Manner, and for the same Time, as is by Law directed for any Two Justices to take of any Judgments, or Executions on Judgments, rendered in the several County Courts of Law of this Province.

Such small  
Debts not to  
be sued in  
the County  
Court.

VI. **And** be it likewise Enacted, That the Justices of the several County Courts within this Province, shall not hold Plea in the said Courts, of any Debt or Damage which shall not exceed Six Hundred Pounds of Tobacco, or Fifty Shillings in Current Money; any Law, Usage, or Custom, to the contrary, notwithstanding.

The Act of  
1715, *ch.* 12,  
repealed.

VII. **And** be it likewise Enacted, That an Act of Assembly, made at a Session of Assembly, held at the City of *Annapolis*, on the Twenty-sixth Day of *April*, Anno Domini Seventeen Hundred and Fifteen, entitled, *An Act for the speedy Recovery of small Debts out of Court, before a single Justice of the Peace*, be, and is hereby abrogated, repealed, and made void.

Parties ag-  
grieved may  
Appeal to the  
next County  
Court.

VIII. **Provided** always, That in Case either Plaintiff or Defendant shall think him or herself aggrieved, by the Determination of any Magistrate, where the Sum shall exceed Thirty-three Shillings and Four-pence, or Four Hundred Pounds of Tobacco, he or she shall be at Liberty to appeal to the next County Court, before the Justices thereof, who are hereby, upon the Petition of the Appellant, in a summary Way, to hear the Allegations and Proofs of both Parties, and determine upon the same, according to the Equity and Right of the Matter, the same Court in which the said Petition shall be exhibited, without any further Continuance or Delay, unless it shall appear to the Satisfaction of the said Court, that further Time ought to be given to the Party applying for the same, to enable the said Court to determine the Cause, according to the Equity and Right of the Matter.

In case of  
*Superfedeas*,  
Bonds to be  
taken.

Condition.

IX. **Provided** also, and be it further Enacted, That no Execution upon any Judgment, to be rendered by any Justice, shall be stayed, or delayed, or any *Superfedeas* upon such Judgment granted, upon any Appeal, unless the Person appealing, or some other on his or her Behalf, shall immediately upon making such Appeal, enter into Bond with sufficient Sureties, such as the Justice by whom Judgment shall be given, shall approve of, in double the Sum recovered, with Condition, " That if the Party appealing shall not  
" Prosecute his Appeal at the next County Court, with Effect, according to  
" the Directions of the Act, entitled, *An Act for the speedy Recovery of small*  
" *Debts out of Court, before one Justice of the Peace*, and also pay and satisfy  
" the Party in whose Behalf the Judgment of the Justice shall be given, his  
" Executors, Administrators, or Assigns, in case the said Judgment shall be  
" affirmed,