

he shall name in such allegation, and shall verify said allegation by oath, the justice shall take no further cognizance of the case.

34. Where any judgment rendered by a justice of the peace, or any supersedeas on such judgment, shall have continued for more than three years without being satisfied, the same may be revived by a scire facias, returnable on a certain day not exceeding forty days from the issuing thereof; and scire facias may be issued by a justice when either of the parties die or marry after a judgment has been rendered by a justice.

35. Such scire facias may be issued by any justice of the peace of the county or city where the judgment was rendered, either on the original judgment or upon an authenticated copy thereof, and shall be returnable before the justice issuing the same, or before any other justice who may be named therein.

36. Before issuing a replevin, the justice shall require and take from the party demanding such writ, a bond to the party holding the property, with one or more securities, whom the said justice shall, in his conscience, believe to be worth double the value of the specific articles of property intended to be replevied; with condition that if the above bound ——— do and shall well and truly prosecute the said writ of replevin with effect, and also shall and will return the goods and chattels aforesaid, if the same be adjudged, and in all things abide by and perform the judgment of the said justice, or of such other justice of the peace in and for the said county as shall decide in the premises, then the said obligation to be void, else to be and remain in full force and virtue in law.

37. The plaintiff suing out a replevin, or any other person on his behalf, may give the bond required by the preceding section; but the securities, in all cases, ought to be ample.

38. If the summons in replevin shall be returned served, and the defendant shall fail to appear, the justice shall fix a day of trial, not less than six nor more than fourteen days from the return day, and shall proceed to try such replevin *ex parte* on the day so fixed if the defendant does not appear; or if the summons is returned non est, the justice shall renew the same, returnable not less than ten days from the issuing thereof, and if such renewed summons be returned non est, the justice shall proceed as