

VI. **And be it enacted,** That all warrants and executions, in virtue of this act, shall be made returnable at a certain day, not exceeding forty days after the test thereof, before the justice issuing the same, or some other justice of the peace for the same county, who are hereby authorized and required, upon application of the party, to call upon the constables for such returns, and, in case of non-payment by any constable who admits the receipt of any debt or demand, it shall and may be lawful for the justices to give judgment, and award execution forthwith, against such constable, directed to the sheriff of the county where the said constable resides.

CHAP. LXVIII. Warrants, &c. to be made returnable at a certain day, &c.

VII. **And be it enacted,** That witnesses shall be allowed two shillings and six-pence current money *per* day for each day's attendance, and no more.

Allowance to witnesses.

VIII. **And be it enacted,** That in all cases where witnesses do not attend according to summons, the justice, before whom such witness ought to have attended, shall and may enforce obedience to his process by attachment of contempt, to be made returnable before the justices of the next county court, who are hereby authorized and required to take cognizance thereof, and shall and may, at their discretion, fine the offender any sum not exceeding twenty shillings current money for every such offence, to be applied towards defraying the charges of such county.

Justice may enforce obedience to his process, &c.

IX. **And be it enacted,** That the justices of the several county courts within this state shall not hold plea in the said courts of any debt or damage in cases within the jurisdiction given to justices of the peace out of court by this act, which shall not exceed ten pounds current money, or one thousand pounds of tobacco, any law, usage or custom, to the contrary notwithstanding.

County courts not to hold plea in certain cases, &c.

X. **Provided always,** That this act shall be deemed, construed and understood, to extend only to debts, or sums of money or tobacco, due on contract, and to damages for the non-delivery of grain or other articles contracted to be delivered.

Proviso.

XI. **And be it enacted,** That if any constable to whom any warrant is delivered shall not make return thereof according to the command of the same, it shall be lawful for the justice who issued the said warrant, upon application of the plaintiff, or of his agent or attorney, and proof made of the delivery of the said warrant, by the confession of the said constable, or by the oath, or affirmation, as the case may require, of the said plaintiff, his agent or attorney, or any other credible witness, to call such constable before him, and, unless a good excuse is offered, fine him for his said neglect any sum not exceeding seven shillings and six-pence; and if any constable shall make due return of any warrant, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him to the justice before whom the warrant shall be returned, it shall be lawful for the said justice to fine the said constable for such offence any sum not exceeding seven shillings and six-pence, and such justice may appoint another day, not exceeding fourteen days from the return day of the said warrant, for producing the body of the defendant; and in case the said constable shall not produce the body of the defendant on the appointed day, it shall be lawful for the said justice, at the request of the plaintiff, his agent or attorney, to enter judgment for the plaintiff for the amount of his debt, and costs, against such constable, on which judgment an execution may be issued by the said justice, directed to the sheriff of the county as aforesaid; provided, that it shall always be in the discretion of such justice, on due proof made that the constable could not produce the body of the defendant, because the said defendant was too ill to be removed, or for any other good cause, to appoint any other reasonable time for producing him, in which case he shall have power to enter judgment, and to issue execution against the said constable on default of producing the body of the defendant, in the manner before directed; and provided also, that before any execution shall be issued against the said constable, the plaintiff, or his agent or attorney, shall make it appear to the satisfaction of the said justice that he has

Constable may be fined for not making a return, &c.