

appear thereto, and such proceedings shall be had thereon, so far as the same may not be inconsistent with any of the provisions of this act, as are usual in the case of a defendant's appearing to a "*capias ad respondendum*."

Sec. 5, And be it enacted that, if any party defendant being duly summoned shall not appear to the *subpoena*, at the court to which the same shall have been made returnable, the plaintiff or plaintiffs may, on filing a Declaration together with his, her or their proven account, move the court for a judgment, and the court may thereupon enter judgment for such sum of money as to the said court may appear to be due: provided that the party against which judgment may have been so entered shall be allowed until the fourth day of the succeeding term, to show cause to the court for striking out said judgment; and in case the court shall order the same to be stricken out, that then the defendant or defendants shall appear to said action, in person or by attorney, and plead to the same; and the trial of said action may be had at the same term, unless the court shall deem it proper to continue the cause to the next term.

Sec. 6, And be it enacted that if any plaintiff or plaintiffs, after the fourth of July aforesaid, having obtained a judgment or decree against any person or persons, and a "*Fieri-facias*" issued thereon being returned "*nulla bona*," shall allege in writing and on oath, that the said plaintiff or plaintiffs has or have reason to believe that such person or persons aforesaid has or have concealed his, her, or their property, or in any wise defrauded said creditor or creditors, the said plaintiff or plaintiffs may file interrogatories to be answered by the debtor or debtors aforesaid; and that then an issue or issues may be made and a jury trial be had, either at the same term of the court, or at the term succeeding, as the court in its discretion may direct: and that in case a verdict be found against the debtor or debtors aforesaid upon such trial, then said debtor or debtors shall thenceforth be excluded from the benefit of this act.

Sec. 7. And be it enacted, That with respect to any debt or claim within the jurisdiction of magistrates, courts, or of a single justice of the peace, after the fourth of July aforesaid, there shall be substituted, in lieu of a *warrant* a *summons* in which the debt or claim shall be set forth, and the proceedings thereon shall be the same as practised heretofore, so far as the same may not be inconsistent with any of the provisions of this act; and that if any defendant or defendants having been duly summoned shall not appear to the summons at the return thereof, the plaintiff or plaintiffs may prove his, her, or their claim, and the said magistrates court or justice may render judgment thereon, and a "*fieri facias*" may be issued on said judgment after the expiration of sixty days from the date thereof.

Sec. 8, And be it enacted that, if any plaintiff or plaintiffs after the fourth of July aforesaid, having obtained before a magistrates' court, or a justice of the peace, a judgment for money due from any defendant or defendants, and a "*fieri-facias*" issued thereon