

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;

C H A P. XXI.

II. And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's 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 lawful 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, and if Need be, charge the Constable with the Body of the Debtor in Execution, who is hereby obliged and impowered 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*, *Fieri facias*, or otherwise, and that in Case upon the Return of any Warrant, or any Complaint issued by any such Justice, it shall appear that the Person against whom the same shall issue, is not to be found, it shall and may be lawful 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 limiting the Extent of them, against the Goods, Chattels, 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.

Debts not above 600^l of Tobacco, or 50s. to be recovered before a Single Justice.

On Return of *Non est*, the Creditor may sue out Attachment.

III. 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 Matter 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 Discretion shall think fit, give and allow to such Defendant a future certain Day, not exceeding Ten Days, to appear before such Justice, or any other Justice of the same County, at a certain Place to be appointed, to answer unto such Warrant, such Defendant giving good and sufficient Security, if such Justice shall award it necessary, by Way of Recognizance, in the Nature of Bail, for the Defendant's Appearance at the Time and Place appointed, and paying what he shall be condemned in on the said Warrant, or surrendering his Person to Prison in Satisfaction thereof, or in Default of the Defendant's giving such Security, to commit such Defendant to the Sheriff's Custody, till he gives such Bail; and if the Defendant shall not appear, at the Time and Place appointed, Judgment may be rendered against him on such Default, or on an *ex Parte* Hearing, if the Justice does not see Cause to the contrary, and if Judgment shall be in any Manner rendered against the principal Debtor, and he does not pay such Condemnation, or render himself on Execution, to be issued returnable at the End of Thirty Days from the issuing thereof, a Warrant shall and may be issued, and Recovery and Execution had against such Bail in the same Manner as against principal Debtors: Saving to such Bail all Manner of Defence, that Special Bail in Courts of Law are entitled to, on the Return of the First or Second *Scire facias*, and the Liberty of delivering up the principal Debtor, on the Return of such Warrant, on Payment of Costs on the same Warrant:

Time allowed to procure Evidences, &c.

not exceeding 10 Days, the Defendant giving Bail.

In default of Appearance, Judgment may be given *ex Parte*.

Recovery, how to be had against the Bail.

IV. Pro-