

1. IN all cases where the real debt or damage doth not exceed 10*l*. current money, or 100*lb*. of tobacco, any one justice of the peace of each respective county wherein the debtor doth reside, may 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, give judgment according to the laws of the land, and the equity and right of the matter; and, if need be, charge the constable with the body of the debtor in execution, who shall 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 1 year from the time of the rendition of said judgment, award execution thereon, (directed to the sheriff of the county where the defendant resides) by warrant or mittimus, in the nature of *capias ad satisfaciendum, fieri facias*, or otherwise; and in case, upon the return of any warrant, on any complaint, issued by any such justice, it shall appear that the person against whom the same shall issue is not to be found, the creditor may proceed in the 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 person, for any sum exceeding 10*s*. or 50*lb*. of tobacco. Nov. 1791, c. 68, § 1.

2. When any defendant shall be brought on warrant before any justice of the peace, such justice may, if he shall think fit, give and allow to such defendant a future certain day, not exceeding 14 days, to appear before him, or any other justice of the same county, at a certain place to be appointed, to answer unto such warrant, such defendant giving good security, if 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 him to the constable, to be delivered over to the sheriff's custody till he gives such bail; and if the defendant shall not appear, 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 40 days from the issuing thereof, a warrant shall be issued, and recovery and execution had, against such bail, 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 1*st*. or 2*d*. *scire facias*, and the liberty of delivering up the principal debtor, on return of such warrant, on paying costs thereon. *ibid.* § 2.

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