

returnable at a certain day, not exceeding 40 days after the test thereof, before the justice issuing the same, or some other justice of the peace for the same county, who shall, upon application of the party, 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, the justices shall give judgment, and award execution forthwith, against such constable, directed to the sheriff of the county where the said constable resides.—*ibid.* § 6.

7. Witnesses shall be allowed 2s. 6d. current money *per* day for attendance.—*ibid.* § 7.

8. Where witnesses do not attend according to summons, the justice, before whom such witness ought to have attended, shall enforce obedience to his process by attachment of contempt, to be made returnable before the justices of the next county court, who shall take cognizance thereof, and shall, at their discretion, fine the offender any sum not exceeding 20s. current money for every such offence, to be applied towards the county charge.—*ibid.* § 8.

9. The jurisdiction given to justices of the peace by this act, shall not exceed 10l. current money, or 1000lb. tobacco.—*ibid.* § 9.

10. 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.—*ibid.* § 10.

11. If any constable to whom any warrant is delivered, shall not make return thereof according to the command of the same, the justice who issued it, upon application of the plaintiff, or of his agent or attorney, and proof made of the delivery, by the confession of the said constable, or by the oath, or affirmation, of the said plaintiff, his agent or attorney, or other credible witness, shall call such constable before him, and, unless a good excuse is offered, fine him for his said neglect not exceeding 7s. 6d. and if he shall make due return of any warrant, by which it shall appear that he has taken the defendant, and shall fail to produce him to the justice before whom returned, the said justice shall fine the said constable for such offence not exceeding 7s. 6d. and such justice may appoint another day, not exceeding 14 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, the said justice, at the request of the plaintiff, his agent or attorney, shall 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; but 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