

## SISTER.

When entitled to administration. 1798, No. 101, ch. 5, § 7, 13, 15.

When entitled to the whole or a share of an intestate's personal estate. *Ibid.* ch. 11, § 8, 9.

## SLANDER.

Actions of slander, which the deceased might have brought, shall not be brought by executors or administrators. 1798, No. 101, ch. 8, § 5.

## SLAVES.

See NEGROES and SLAVES; SERVANTS and SLAVES.

## SMALL DEBTS.

Where the real debt or damage does not exceed £. 10, or 1000 lbs. of tobacco, one justice of the peace where the debtor resides may try and determine the matter of controversy, and on hearing, &c. may give judgment according to the laws of the land and right of the matter. 1791, ch. 68, § 1.

Such justice may charge the constable with the body of the debtor in execution, who shall carry him to the sheriff, (with a certificate or *mittimus* from the justice, expressing the debt and cost,) to be kept until satisfaction or other end thereof. *Ibid.*

Or such justice, or any other of the county, shall, within one year from the judgment, award execution thereon, (directed to the sheriff where the debtor resides,) by warrant or *mittimus*, in the nature of a *capias ad satisfaciendum, fieri facias*, or otherwise. *Ibid.*

If upon the return of a warrant on any complaint issued by such justice the person cannot be found, the creditor may proceed in the county court for obtaining an attachment, (according to the act for issuing out attachments, &c.) for any sum exceeding 10s. or 50 lbs. of tobacco. *Ibid.*

When a defendant is brought in on warrant, the justice may allow him a certain day, (not exceeding fourteen days therefrom,) to appear before him, or any other justice of the county, at a certain place to be appointed, to answer such warrant. *Ibid.* § 2.

Such defendant, if the justice shall award it necessary, shall give security, in the nature of bail, for his appearance at the said time and place, and for paying the judgment thereon, or surrendering his person to prison in satisfaction thereof, and the justice, on default of such security, may commit the defendant to the constable, to be delivered over to the sheriff. *Ibid.*

If the defendant does not appear at the time and place appointed, judgment may be rendered against him on such default, or on an *ex parte* hearing. *Ibid.*

If after judgment against the principal debtor he does not pay the same, or render himself on execution, (returnable in forty days from the issuing,) a warrant may be issued, and recovery and execution had, against the bail as against the principal debtor. *Ibid.*

Such bail entitled to the same defence as in courts, and to the liberty of delivering up the debtor on return of the warrant, by paying the costs thereof. *Ibid.*

The constable shall give notice to the plaintiff, or his agent, if in the same hundred, of the time and place when he intends to carry the defendant before a justice. *Ibid.* § 3.

If neither attend at that time, or at a future time appointed, the justice may hear and determine the matter *ex parte*. *Ibid.*

Where the debt, &c. exceeds 20s. or 100 lbs. of tobacco, either party may appeal from the judgment to the next county court, who may, on the petition of the appellant, in a summary way, hear the allegations and proofs, and determine according to

## SMALL DEBTS.

the law of the land and the equity and right of the matter. *Ibid.* § 4.

Such determination to be made the first court, unless it shall appear that further time ought to be given. *Ibid.*

Either party may demand a trial by jury, or leave the matter to be determined by the court. *Ibid.*

No execution shall be staid on such appeal, unless the person, or some one on his behalf, shall enter into a bond, with sufficient securities, to be approved by the justice giving the judgment, in double the sum recovered, with condition in the form prescribed by this act. *Ibid.* § 5.

All warrants and executions under this act shall be returnable at a certain day, not exceeding forty days therefrom, before the justice issuing the same, or some other justice of the county, who, on application of the party, shall call on the constable for such return. *Ibid.* § 6.

If a constable admits the receipt of any debt, &c. and does not pay the same, the justice may give judgment, and award execution against him, directed to the sheriff. *Ibid.*

Witnesses shall be allowed 2/6 for each day's attendance. *Ibid.* § 7.

Where witnesses summoned do not attend, the justice may issue attachment, returnable to the next county court, who may fine the offender not exceeding 20s. to be applied towards defraying the charges of the county. *Ibid.* § 8.

The county courts shall not hold plea of any debt, &c. in cases within the jurisdiction given to justices of the peace out of court by this act, which shall not exceed £. 10 or 1000 lbs. of tobacco. *Ibid.* § 9.

This act to extend only to debts or money or tobacco due on contract, and to damages for the non-delivery of grain, or other articles contracted to be delivered. *Ibid.* § 10.

Constables not returning warrants may be fined not exceeding 7/6. *Ibid.* § 11.

If a constable returns the person taken, and fails to produce him, the justice may fine him not exceeding 7/6. *Ibid.*

Such justice may thereon appoint another day, (not exceeding fourteen days therefrom,) for producing the defendant, and on failure may enter judgment against the constable for the debt and costs, on which execution may issue, directed to the sheriff of the county. *Ibid.*

But the justice may appoint any other day for producing the defendant, if it could not be done before on account of his sickness, and may then enter judgment, and issue execution, as before, provided that before any execution, the plaintiff, or his agent, &c. shall make it appear that he has made or tendered to the constable an assignment of his cause of action. *Ibid.*

If a sheriff neglects to make return of an execution under this act, the justice who issued it may fine him not exceeding 10s. *Ibid.* § 12.

If he returns the person taken, and fails to produce him, the justice before whom it is returned may, within sixty days therefrom, enter judgment against such sheriff for the debt and costs, on which execution may issue directed to the coroner, but such judgment not to be entered without proof that the debt and costs have been demanded by the plaintiff, his agent, &c. of the said sheriff, and that he refused or neglected to pay them. *Ibid.*

Sheriffs satisfying the debt, &c. shall have the same remedy against the defendant on the judgment as the plaintiff had. *Ibid.* § 13.

The oath of constables changed, and the form prescribed. *Ibid.* § 15.

Constables empowered to take bail bonds from persons arrested, and on refusal, to lodge them in gaol, to be kept by the sheriff till the return day. *Ibid.* § 16.