

July 1732

(30)

An ACT for the speedy Recovery of small Debts out of Court, before a single Justice of the Peace

FOR AS MUCH as it is requisite, That there be some Remedy for the Recovery of small Debts; and it being thought that the Jurisdiction of a single Justice of the Peace, by the Law heretofore made, is not extensive enough,

*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 such Cases, wherein 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 shall award Execution on such his Judgment, (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 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 suing out Attachments in this Province and limiting the Extent of them, against the Goods, Chattels, and Credit of such Persons, for any Sum exceeding Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight Pence in Money; and that nothing in the Act for the better Administration of Justice, in the several Courts of this Province; and for the speedy Recovery of Debts, &c. or any other Law to the contrary, notwithstanding.*

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That an Act of Assembly, made at a Session of Assembly, held at the City of Annapolis, on the Twenty Sixth Day of April, Anno Domini Seventeen Hundred and Fifteen, intituled, An Act for the speedy Recovery of small Debts out of Court, before a single Justice of the Peace, &c. and is hereby abrogated, repealed, and made void.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of the several County Courts within this Province, shall not hold Plea of any Debt or Damage, which shall not exceed Six Hundred Pounds of Tobacco, or Fifty Shillings Current Money; any Law, Usage, or Custom to the contrary notwithstanding.

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