

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 law 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 is hereby obliged and empowered 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 convicted, 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 one year 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 *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 person, for any sum exceeding one hundred pounds of tobacco, six shillings sterling, or ten shillings current money, any act or acts to the contrary notwithstanding.

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,

IV. Be it 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 fourteen 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; so be issued returnable at the end of forty 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 return of such warrant, on payment of costs on the same warrant.

Justice may allow a future day for appearance, on defendant's giving security, &c.