

subject to stay of twelve months as to every other mode of execution on the same; and where any such judgment shall be in part for spirituous liquors sold as aforesaid, or on any such cause of action as aforesaid, (such part not exceeding in principle the sum of thirty dollars,) no *capias ad satisfaciendum* or execution, as to such part, shall issue against the body of the debtor; nor shall any other execution issue before the lapse of twelve months from the date of such judgment; and as to the residue of the amount of such judgment, said judgment shall be deemed and taken as if it were rendered exclusively for the amount of such residue; and the said justice of the peace or said county court shall in rendering such judgment, or affirming it, distinguish the said parts of claim, or cause of action respectively, on which judgment shall be rendered or affirmed as aforesaid.

*And be it enacted,* That on any judgment aforesaid, or affirmance, for any sum not exceeding thirty dollars and exceeding ten dollars as aforesaid, exclusive of interest and costs, no execution whatsoever shall issue against the body of the debtor, if a resident as aforesaid, by *capias ad satisfaciendum* or otherwise, against his body before the expiration of forty days from and after the day of rendering such judgment.

*And be it enacted,* That no debtor shall be entitled to the benefit of the provisions of the first or the last foregoing section of this act who shall appear to the said justice or court on evidence or by interrogatories oral or in writing, administered on oath to such debtor, to have monies in his possession; or in his control, available for immediate payment, sufficient to pay the said judgment, or to pay a part of it, and shall not tender such part, or who shall appear on evidence or examination as aforesaid, to have contracted the debt or liability on which judgment shall have been rendered by any deceit or wilful misrepresentation, or who shall appear as aforesaid to be a habitual drunkard, or to have wilfully failed to make any earnings after contracting the debt or liability aforesaid or to have wasted them in spirituous liquors, or who shall refuse to answer any interrogatories as aforesaid administered concerning the property, earnings, and application of the earnings of such debtor.

*And be it enacted,* That every plaintiff on any claim sought to be recovered before a justice of the peace, within the limitations of amount mentioned in this act, shall be