

adjudged by the justice from whose judgment such appeal shall be made, as also all cost and damage that shall be awarded by the court before whom such appeal shall be heard, tried and determined, then the said bond to be and remain in full force and virtue, otherwise to be of none effect.

Warrants,
&c. to be
made re-
turnable at
a certain
day, &c.

SEC. 6. *And be it enacted*, That all warrants and executions in virtue of this act shall be made returnable at a certain day, not exceeding forty days after the test thereof, before the justice issuing the same, or some other justice of the peace for the same county, who are hereby authorized and required, upon application of the party, to 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, it shall and may be lawful for the justices to give judgment, and award execution forthwith, against such constable, directed to the sheriff of the county where the said constable resides.

Allowance
to witnesses

SEC. 7. *And be it enacted*, That witnesses shall be allowed two shillings and six-pence current money per day for each day's attendance, and no more.

SEC. 8. Repealed by 1801, ch. 42.

Justices not
to hold plea
&c.

SEC. 9. *And be it enacted*, That the justices of the several county courts within this state shall not hold plea in the said courts of any debt or damage in cases within the jurisdiction given to justices of the peace out of court by this act, which shall not exceed ten pounds current money, or one thousand pounds of tobacco, any law, usage or custom, to the contrary notwithstanding.

Jurisdiction is also restricted by 1809, ch. 76.

Provido.

SEC. 10. *Provided always*, That 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.

See 1824, ch. 296.

Constable
may be
fined, &c.

SEC. 11. *And be it enacted*, That if the constable to whom any warrant is delivered shall not make return thereof according to the command of the same, it shall be lawful for the justice who issued the said warrant, upon application of the plaintiff, or of his agent or attorney, and proof made of the delivery of the said warrant, by the confession of the said constable, or by the oath, or affirmation, as the case may require, of the said plaintiff, his agent or attorney, or any other credible witness, to call such constable before him, and, unless a good excuse is offered, fine him for said neglect any sum not exceeding seven shillings and six-pence; and if any constable shall make due return of any warrant, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him