

XV. **And be it enacted,** That if any person be arrested upon a *capias ad respondendum*, contrary to the intent of this act, the plaintiff in the said action shall suffer a nonsuit, and pay the defendant his or her reasonable costs and charges, to be adjudged him or her by the court from whence such process issued; and if any person be taken in execution contrary to the directions hereof, the court from whence such execution issued shall discharge him or her from his or her imprisonment; provided always, that nothing in this act contained shall extend to the benefit or advantage of any person who shall fly from justice in the county where they live, but that such persons may be arrested in any county wherever they may be found.

C H A P.
XLIII.
Plaintiff shall suffer a nonsuit, &c.

XVI. **And be it enacted,** That after the commencement of this act no commission shall issue to any person, except to the said several chief justices and associate justices, to be a justice of any county court, but only to be a justice of the peace of such county; and upon the issuing of any commission, the justices appointed therein shall assemble, as soon as convenient, at the court-house of their county, and qualify as heretofore, but if any of the persons appointed are absent at the time of meeting, they may qualify at any time before any one of them who have before qualified; and every person appointed a justice of the peace, as such shall have the same power and jurisdiction as any justice of any county court now hath by law out of court; and the justices of the peace appointed for any county, or any five or more of them, shall meet at the court-house of their county, at the time appointed by law for laying their county assessment, and they are hereby required then and there to lay the assessment of their county as heretofore, and the clerk of their county shall attend them for that purpose; and the said justices of the peace shall and they are hereby required to perform and execute, in their respective counties, all the duties and offices committed to the county courts by the law for the inspection of tobacco; and each of the said justices of the peace shall have and receive at the rate of two dollars a day while attending on the public service aforesaid, to be assessed in their county assessment.

No commission to issue except to chief justices, &c.

XVII. **And be it enacted,** That every justice appointed and commissioned in virtue of this act shall, before he acts as such, take the oaths of fidelity and support to this state, as required by the constitution and laws thereof, provided he hath not before taken the same, and also the oath of justice as required by the act of February session, seventeen hundred and seventy-seven.

Justices to take the oaths, &c.

XVIII. **And be it enacted,** That if the chief justice of any county court, appointed and commissioned in virtue of this act, shall refuse to act, or after acceptance shall resign, die, remove out of his district, or be rendered incapable to act, or if any associate justice, appointed and commissioned in virtue of this act, shall refuse to act, or after acceptance shall resign, die, be rendered incapable to act, or remove out of the county, the governor for the time being, with the advice and consent of the council, is hereby authorized and requested to appoint and commission another fit and proper person to fill such vacancy.

How vacancies are to be filled.

XIX. **And be it enacted,** That every chief justice of any county court, appointed and commissioned in virtue of this act, shall have, within the district for which he shall be appointed, all the powers and jurisdiction of a justice of the peace, except only as to the hearing and determining in the case of small debts out of the court; and every associate justice, appointed and commissioned in virtue of this act, shall have, within the county for which he shall be appointed, all the powers and jurisdiction of a justice of the peace out of court, except only as to hearing and determining in the case of small debts out of court, and sitting as a justice of the peace in the levy court.

Chief justice to have all the powers, &c.

XX. **And be it enacted,** That the said chief justice, or either of the associate justices, may, out of court, direct the clerk to enter judgments by confession, or *non sum in formatus*, and such judgment shall be as legal and valid as if entered in court during its sitting.

And may direct the clerk, &c.

XXI. **And**