

ties of the offender; and for want thereof the offender to be committed to Gaol.

No fine to be imposed unless oath be made that the default has been summoned.

Fines to be paid to the Overseers of the Poor—

If the Constable do not levy execution in thirty days, and in ten days thereafter pay the debt and costs,

or if he do not take the body, in case no goods or chattels be found, within thirty days—

such Constable shall be liable for the amount of the execution.

This act not to extend to actions, in which the title of lands shall come in question, or of assault, or slander.

In actions of trespass wherein the Defendant shall plead title, such plea to be committed to writing and delivered to the Plaintiff, who may prosecute for such trespass in any Court having cognizance thereof—

to levy the same on the goods and chattels of the offender, and for want thereof, to take and convey him or her to the Gaol of the county wherein the offence shall have been committed, there to remain until he or she pay such fine, together with the costs attending the same; and the Keeper of such Gaol is hereby commanded to keep such offender in safe custody in such Gaol until such fine together with the costs shall be paid—
PROVIDED ALWAYS, That no such fine or fines shall be imposed unless oath shall first have been made before the Court, by some credible person, that such Juror or Witness, so in default, hath been lawfully summoned or subpoena'd as aforesaid: All and every of which said fines, when recovered, shall be delivered by the said Court to the Overseers of the Poor of the town or parish where the same shall be levied.

IX. And be it further enacted, That in case any Constable or other proper officer, to whom any execution shall be delivered, shall not, within *thirty days* after receiving such execution, levy the same on the goods and chattels of the person against whom such execution shall be granted, and in *ten days* thereafter pay the debt and costs so levied into the hands of the Justice who issued the same, or in case of his death or removal from office, to the person in whose favor the execution was granted; or if no goods nor chattels can be found whereon to levy, then if the said Constable or other officer shall not take the body of the person against whom such execution was granted, if to be found, within *thirty days* from the receipt of such execution aforesaid, then, and in every such case, the said Constable or other officer shall be holden to pay the amount of such execution, to be recovered by an action of debt with costs by the person in whose favor such execution was granted in which case execution shall issue forthwith—**PROVIDED ALWAYS,** That neither this act nor any thing herein contained shall be deemed or construed to extend to any action wherein the title of any lands shall in any wise come in question, or to any action of assault and battery, or of slander.

X. And be it further enacted, That when in any action of trespass to be brought by virtue of this act, the Defendant or Defendants shall justify on a plea of title, the Defendant or Defendants shall commit such plea of justification to writing, and having signed the same in the presence of such Justice, shall deliver such plea to the Justice, who shall then countersign the same and deliver it to the Plaintiff; and that it shall and may be lawful to and for such Plaintiff or Plaintiffs to commence and prosecute an action for such trespass against any such