

vered a copy thereof to the Defendant, and explained the meaning and contents thereof, if required so to do; and without such affidavit, or the Defendant personally appearing to answer the suit, the Justice shall not proceed therein.

7th.—When the parties, Plaintiff and Defendant, reside in the same Township, the Suit shall be brought before a Justice residing therein. *Provided*, there is a Justice residing in such Township, and if not, the Suit shall be brought before the Justice residing nearest to the limits of such Township.

8th.—The hearing of all Suits shall be commenced between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, and shall always be open to the public.

9th.—In all cases where the Plaintiff's demand or cause of action is not confessed by the Defendant in person, or in writing under his hand, the same shall be established, whether the Defendant appear or no, on the oath of one credible witness, except only where the Plaintiff sues on a Promissory Note, in which case, if the Defendant do not appear, it shall be sufficient when there is a subscribing witness to prove his hand-writing by himself, or any other witness, and when there is no subscribing witness to prove the making of such Note by the Defendant.

10th.—Whenever the Defendant shall establish a sett-off, arising out of a Debt, and equal to the demand proved by the Plaintiff or any other sufficient defence thereto, the Defendant shall have judgment entered for him with costs. If the sett-off be less than the Plaintiff's Debt, the Plaintiff shall have judgment for the residue only with costs; and if it shall exceed the Plaintiff's demand as proved, and the whole amount of such sett-off do not exceed Five Pounds, the Defendant shall have judgment for the excess or balance, with costs.

11th.—Whenever a Defendant shall prove that he hath tendered the amount before Suit, and shall pay the same at or before Trial, into the hands of the Justice, he shall be entitled to a judgment for his costs, to be paid him out of such money.

12th.—When any Judgment shall exceed Twenty Shillings, either party may appeal to the Supreme or Inferior Court at the next term of the one or the other, which is to happen and be held next after such Judgment has been given in any of the Counties respectively in said Island; and such party appealing or his agent, when he himself is absent, shall make and file an affidavit in writing, which the Justice shall administer, that he is really dissatisfied with, and feels aggrieved by, such Judgment on the merits, and does not appeal therefrom solely for the purpose of delay; and such party appealing, or his agent, when he himself is absent, shall likewise enter into a bond with two sufficient sureties, in a penalty of double the amount of such Judgment, and with a condition thereto annexed, that the party so appealing shall abide by, and perform the Judgment of the Court to which such appeal shall be made and allowed, and which said bond and condition shall be in the form annexed to this Act.

13th. When such affidavit and bond are duly made or offered to be made, at any time within one month after Judgment, the Justice shall allow such appeal to the Supreme or Inferior Court, according as the next sitting of the one or the other is to happen, and be held first; after the allowance of the appeal and execution, if not issued, shall be thereafter entirely stayed; and on the first day of the next sitting or term of the Supreme or Inferior Court to which such appeal hath been allowed, unless he shall receive notice in writing, signed by both parties or their agents to the contrary, the Justice shall retain and file to, and with the Clerk of such Court, all the papers and proceedings in the cause, with a transcript of the Judgment and the appeal bond, and affidavit aforesaid; and the party appellant shall enter such appeal upon the docket of Sub-summary Causes in said Court, and the Court shall proceed to examine the witnesses and hear the said Cause in a Summary way, or shall order a Jury therein, if they shall think fit, and final Judgment shall be given on such appeal, with the like costs, as are now allowed in Sub-summary Causes, and execution shall be issued thereon for the amount of the Judgment and costs—which Judgment, in the event of the original Judgment being reversed after the same hath been enforced, shall include the full amount levied by virtue thereof; but if the party appellant shall not enter his appeal in such case, the original Judgment shall be affirmed, at the instance of the opposite party, on the last day of the Term, with Sub-summary costs, and execution shall be issued thereon.

14th.—Every Execution on any Judgment shall be returnable in thirty days from the day on which it is issued.