

No Judgment to be reversed for circumstantial Error, or Writ of Error or Certiorari granted,

unless the party applying shall within thirty days make Affidavit that there is just cause for removing such Judgment.

Affidavit to be left with the Justice granting the Writ; Certiorari granted otherwise to be void.

No Execution to be stayed if the party shall give security to restore debt and costs in case of reversal.

Party prevailing to have costs.

dered by virtue of this Act, shall be reversed or set aside for any circumstantial Error where substantial Justice has been done, nor shall any Writ of Error or false Judgment be allowed; nor shall any Certiorari be granted by any Justice of the Supreme Court to remove any Judgment or proceeding by virtue of this Act, unless the party applying for the same shall within Thirty days after such Judgment make Affidavit before some Justice of the Supreme Court or Commissioner for taking Affidavits in that Court, by which Affidavit it shall clearly appear that there is just cause for granting a Certiorari to remove such Judgment either for Error therein or for some unfair practice of the Justice who tried the cause, which Affidavit shall be left with such Justice, allowing such Writ that the adverse party may obtain a copy thereof; and any Certiorari granted otherwise shall be void and of no effect; and no Execution upon any Judgment shall be stayed by any Certiorari, if the party in whose favor such Judgment shall be rendered shall give sufficient security to restore the Debt or Judgment with Costs in case such Judgment shall be reversed; and if any Judgment given under this Act be removed into the Supreme Court and be there affirmed, the party in whose favor such Judgment shall be rendered shall recover his Costs; and if such Judgment be reversed, the party procuring such Certiorari shall recover their Costs.

Executions to be directed to Constables of Parishes where Defendants reside. For want of goods Debtor to be committed to Gaol.

Execution returnable within 30 days. Constables for neglect liable to an action.

No Execution to issue where Title to Lands shall come in question, or actions of Assault and Battery or Slander.

IX. *And be it further enacted*, That all Executions to be issued by the Justices respectively, shall be directed to the Constable of the Town or Parish where the Defendant resides, commanding him to levy of the Goods and Chattels of the Debtor the amount of the Judgment, and for want of such Goods and to satisfy his Fees to commit such Debtor to the Gaol of such County, there to remain until discharged by due order of Law, which Execution shall be returnable within Thirty days, and if any Constable shall neglect or refuse to serve such Execution or to pay the Money when collected to the Creditor, such Constable shall be liable to an action to be brought by the Creditor in any Court proper to try the same, provided that no Execution shall be issued by any Justice in an action where the title to Lands shall come in question, or to any action of Assault and Battery or of Slander.

Clerk's Court in St. John to hold plea of causes cognizable before a Justice of the Peace.

X. *And be it further enacted*, That the Clerk's Court in the City of *Saint John*, shall be authorized and enabled to hold Plea and take cognizance of all causes made cognizable before any Justice of the Peace by virtue of this Act, not exceeding the sum of *Five pounds*; and that nothing in this Act shall be construed to extend to the City of *Saint John*, this Section only excepted.

Costs.

Justices Fees.

XI. *And be it further enacted*, That no greater or other Costs shall be allowed or taxed in Actions brought by virtue of this Act than the following, to wit, Justices Fees—a Summons, *Six pence*—Capias and Affidavit, *One shilling*—Trial and