

appear at the time and place appointed in such Summons, and no sufficient reason shall appear to the Justice why the Defendant does not appear, then the said Justice shall issue a warrant against such Defendant in the manner aforesaid, and proceed as above directed, unless the Plaintiff shall elect to have a new Summons against such Defendant. And in all cases where sufficient reason shall appear to the Justice why the Defendant does not appear at the time and place appointed in the Summons, the Justice shall give the Defendant such further time as he shall think reasonable, and at such time as so given, the Justice shall and may proceed as aforesaid.

at the Defendant's place of abode, and he does not appear at the time appointed, and no reason be assigned therefor, then the Justice to issue a Warrant. Where sufficient reason shall appear for the Defendant not appearing, the Justice to give further time.

III. PROVIDED ALWAYS, *and be it further enacted*, That in all cases where a Warrant shall be issued by virtue of this act, and upon service thereof the Justice who issued the same shall be absent or unable to hear and try the cause, it shall and may be lawful for the Constable or other officer serving such Warrant, to carry the Defendant before the next Justice of the county where the Justice who issued the Warrant shall reside, and such other Justice shall take cognizance of, and hear, try and determine the cause in the same manner as he could or might have done, if he had issued the Warrant by virtue of which the Defendant shall be taken; but in all other cases where any process shall be issued in pursuance of this act and served on the Defendant for any debt or demand of what nature soever, the cause shall be tried before the Justice who first issued such process and not before any other Justice; and the Defendant if he or she has any account or demand against the Plaintiff in such action shall and may plead and set off the same against the debt or demand of the Plaintiff.

When a Warrant shall be issued and upon service the Justice issuing the same be absent or unable to try the cause the Constable to take the Defendant before the next Justice who shall try the cause.

In all other cases the cause to be tried before the Justice issuing the process. The Defendant having any demand against the Plaintiff may plead and set off the same.

IV. *And be it further enacted*, That if any Plaintiff or his or her Attorney so applying for process shall prove upon oath, to the satisfaction of the Justice, that if such process be by Summons against any such Freeholder or Inhabitant having a family, the Plaintiff will be in danger of losing his debt or demand thereby, then the Justice shall issue a Warrant in such manner as is above directed.

Plaintiff proving upon oath that if process be by summons he will be in danger of losing his demand—then the Justice to issue a Warrant.

V. *And be it further enacted*, That where the parties shall agree to enter an action before any Justice, without any process, the Justice shall proceed to trial in the same manner as if a Summons or Warrant had issued.

Parties may agree to enter an action without process—

VI. *And be it further enacted*, That, in all cases where a Warrant shall be issued, if the Plaintiff or Defendant shall require

When a Warrant shall be issued, if either