

Constable to take Bail for the Sum sworn to; and it shall be the duty of the Constable to take the Body of such Defendant if found in his Parish, and take security for such Debtor's appearance at the time and place specified in the Writ; and in case the Debtor shall refuse to give such security, it shall be lawful for the Constable by Mittimus signed by any Justice of the Peace, to commit such Debtor to the Gaol of the County, and the Keeper of such Gaol shall retain such Debtor in custody till discharged by order of Law.

Constable to take the Body of the Defendant & Bail for his appearance.

Debtor refusing Bail to be committed to Prison.

VI. *And be it further enacted*, That every Justice of the Peace holding a Court for the trial of causes by virtue of this Act, shall keep a book in which he shall fairly enter all causes, whether tried before himself or with a Jury; and all Judgments entered on default of the Defendant's appearance, in which case he shall assess the Damages or Debt as shall appear to him just; and whenever it shall appear to him that Justice cannot be done for want of some material Witness, such Justice may in his discretion upon Affidavit adjourn the hearing of the cause until such Witness may be had, if the party has used all proper diligence to procure the same (not exceeding three Months) and if the application for such adjournment be on the part of the Defendant, such Justice at his discretion may grant it upon such Defendant putting in good Bail to abide final Judgment; and no Justice shall in any case admit the Oath of either party or any Affidavit taken ex parte, unless both parties agree to admit such Evidence.

Justice to enter in a Book all causes tried before him—and all Judgments entered on default, and in case of default to assess damages.

Justice may on Affidavit adjourn the hearing of the cause for want of a material witness, not exceeding 3 Months.

Oath of Parties or ex parte Affidavit not to be admitted but by consent.

VII. *And be it further enacted*, That whenever upon action of Trespas the Defendant shall justify on plea of Title, the Defendant shall commit such plea of Justification to writing, and the same shall be signed and the Justice shall countersign the same, and deliver the plea to the Plaintiff, and the Plaintiff may commence an Action for such Trespas in any Court having cognizance thereof: And if upon such Trial the Plaintiff recover Damages against the Defendant, such Defendant or Defendants shall be liable to pay the Plaintiff double Costs; and such plea before the Justice signed as aforesaid, shall be conclusive Evidence that the Defendants relied on their Title to justify such Trespas; and every Justice to whom such plea shall be tendered, before receiving the same shall require from the Defendants a recognizance with one sufficient surety in the sum of *Twenty pounds*, conditioned that if the Plaintiff shall commence an Action before the next Court having cognizance thereof, for recovery of Damages for such Trespas, such Defendants shall appear and put in special Bail in such Court within Twenty days after the first day of the then next Term of said Court; and whenever such plea shall be tendered and the Defendants shall not forthwith enter such recognizance, the Justice shall proceed in the same manner as if such plea had not been tendered.

Defendant justifying shall commit such plea to writing, which shall be countersigned by the Justice and delivered to the Plaintiff, who may commence his action in any Court having cognizance; and if the Plaintiff recovers the Defendant shall pay double costs.

Plea to be conclusive Evidence that Defendant relied on Title to justify. Justice to require from Defendant a recognizance to appear and put in special Bail, &c. for default of which Justice to proceed.

VIII. *And be it further enacted*, That no Judgment rendered