

said Court shall appoint a day for the hearing thereof; and if the party appellant shall not appear to prosecute the same the first term, such appeal shall be dismissed, with costs; but if the party appear, then the said Court shall proceed to try the said cause in a summary way, and to give Judgment thereon, and award costs, whether for the appellant or appellee as the Judgment may be, which Judgment shall be entered up as other Judgments in Summary Causes are in the said Court; and no Writ of *Certiorari*, or *Habeas Corpus cum causa*, shall be allowed or brought to remove any Judgment given in such causes upon appeal as aforesaid.

V. *And be it further enacted*, That it shall and may be lawful for any Justice of the Peace, where the debt shall not exceed three pounds, upon application to him, and on oath being made in writing before him, of such debts, in the way usually practised where debts are of greater value, to issue a Capias to arrest the body of the debtor or debtors, and hold them to bail for his or their appearance, and to make the same returnable in four days; at the expiration of which he shall proceed to trial, unless the defendant shall consent to try the same sooner, and give Judgment thereon as in ordinary cases.

Capias may be issued by Justices.

VI. *Provided always*, That no person shall be arrested in any case, for a debt due by him under twenty shillings, nor for any larger debt not exceeding three pounds, unless, in addition to the affidavit of the debt, the party applying shall also make oath, that he verily believes, unless such Capias is allowed, the debt will be lost.

Proviso.

VII. *And be it further enacted*, That the forms of Writs to be issued by the Justices of the Peace shall be as follow:

FORM OF THE SUMMONS.

To either of the Constables

You are hereby required to summon A. B. of to appear before on the day of at o'clock in the to answer to C. D. in the sum of and make return hereof on or before said day.
Witness hand and seal, the

Form of Summons to be issued by Justice of Peace.

CAPIAS.

To either of the Constables of

You are hereby commanded to take A. B. of and him safely keep, so that you have him before at on the of to answer to C. D. in Hereof fail not, and have then there this Writ. Given under Hand and seal, at the day of of

Form of Capias

EXECUTION.

To

WHEREAS, Judgment hath been awarded against A. B. of at the suit of C. D. for the sum of and more for costs; these are to command and require you to levy from off the goods and chattles of the said A. B. the said sums, making together by sale of the said goods and chattles, and for want thereof, you are hereby commanded to take the body of the said A. B. and him commit to His Majesty's Jail in there to remain till he pay the sum above mentioned, with your fees, or that he be discharged by the said C. D. or otherwise by order of Law. Hereof fail not, and make return of this Writ to within ten days. Witness Hand and seal, the

Form of Execution.

Which said Writs of Execution, Summons or Capias, shall be directed to either of the Constables for the County or District where such Justice shall reside.

Writs—to whom directed.

VIII. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor

Three Commissioners may be appointed to