

mons or Warrant to the Constable of the parish where the Defendant dwells,

commanding him (if a Summons) to summon the Defendant to appear at a time not less than ten days from issuing the same—(and if a Warrant) to take and bring the Defendant forthwith before such Justice—

Upon return of the Summons, if duly served, or bringing the Defendant before the Justice by Warrant—the Justice to proceed to hear the cause—and give Judgment in four days thereafter.

First process against Freeholders to be by Summons which shall be served ten days before the return.

Constable serving such Summons to indorse thereon the time and manner of service. If the Defendant does not appear at the time and place appointed, and it shall appear that the Summons was duly served, the Justice to proceed to try the cause in the same manner as if he had appeared. If the Summons was served by leaving a copy

every such Justice of the Peace, upon application to him made for the recovery of any such debt, damages or demands, shall issue a Summons or Warrant as the case may require, directed to the Constable or other proper officer of the town or parish where the Defendant dwells or can be found, commanding him, when a Summons is issued, to summon the Defendant to appear before such Justice at a certain time and place in the same Summons to be expressed, not less than *ten days* from the time of issuing such Summons, to answer the Plaintiff of the plea in the same Summons to be mentioned; and when a Warrant is issued then commanding the Constable or other officer to take the Defendant and bring him or her forthwith before such Justice to answer the Plaintiff of the plea in the same Warrant to be mentioned; and upon the return of such Summons if the same be duly served, or upon bringing the Defendant before such Justice by virtue of any such Warrant, the same Justice shall proceed to hear and determine the allegations and proofs of the parties, Plaintiff and Defendant, and within *four days* thereafter give judgment thereon in such manner as shall appear to him to be agreeable to law and equity, together with costs of suit as hereafter allowed.

II. *And be it further enacted*, That the first process against all Freeholders and Inhabitants having families (except as hereafter is excepted) shall be by Summons, which shall be served at least *ten days* before the time of appearance mentioned therein, by reading the same Summons to the Defendant and delivering to him or her a copy thereof when required, if he or she shall be found, and if not by leaving a copy thereof at his or her house or place of abode, in the presence of some one of the family of suitable age and discretion, who shall be informed of the contents thereof; and the Constable or officer serving such Summons, shall upon the oath of his office, indorse thereupon the time and manner he executed the same, and sign his name thereto. And in case the Defendant does not appear at the time and place appointed in such Summons, and it shall appear, by the return indorsed thereon, that the Summons was duly served upon the person of the Defendant in the manner aforesaid, and no sufficient reason shall appear to the Justice why the Defendant does not appear at the time appointed, then the said Justice who issued the said Summons shall proceed to hear, try and determine the cause in the same manner as if the Defendant had appeared; but if such Summons was served only by leaving a copy thereof at the house or place of abode of the Defendant as aforesaid, and the Defendant does not appear