A BILL.

An Act to grant Jurisdiction to Justices of the Peace in Civil Cases.

No Courts Except in Victoria.

Whereas there are no courts for the collection of debt held in any district of this Colony, except in Victoria city;

Delay in Collection of Small Debts.

And whereas the accumulation of business in the Courts held in Victoria causes great delay in the collection of small debts;

Population and Settlements greatly increased in Country since Courts first at Victoria.

And whereas the population of the Colony has greatly increased, and numerous settlements have been formed throughout the Colony, since courts were first established at Victoria for the collection of debt;

Distance of Settlements from Victoria.

And whereas such settlements are distant in some cases one hundred and twenty miles from Victoria;

No Provision for Collecting Debts in such Settlements.

And whereas no provision exists whereby debts can be collected in such settlements, nor without entering suit in Victoria;

Debtors delay Payment.

And whereas, from the great distance of the widely dispersed settlements of the Colony from Victoria, great opportunity is afforded to debtors to delay payment of their debts;

Debtors leave the Colony without paying Debts.

And whereas such debtors, from the non-existence in such settlements of courts with jurisdiction in civil cases, may leave the Colony without making satisfaction for their debts;

Necessity of Remedy.

And whereas it is necessary to provide a remedy for the same;

Jurisdiction an Effectual Remedy, with or without Jury, under $250.

And whereas, by conferring on Justices of the Peace throughout the Colony jurisdiction in civil cases, either with or without a jury, where the debt or whole cause of action does not exceed two hundred and fifty dollars, an effectual remedy may be provided against the evils referred to hereinbefore;

Such Remedy to provide for Speedy Collection of Debt.

And whereas it is expedient to establish such remedy to provide for the more speedy settlement of such civil cases throughout the Colony;

Enacting Clause.

Be it, therefore, enacted by the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and House of Assembly, of Vancouver Island and its dependencies, as follows:—

Jurisdiction of Justices $250, in District where Debt was contracted or Defendant resides.

1. From and after the passing of this Act, in actions for debt where the whole dealing or cause of action does not exceed two hundred and fifty dollars, every Justice of the Peace of the district wherein the defendant resides, or wherein the debt was contracted, shall have jurisdiction, subject always to the following provisions of this Act.

Victoria, Cowichan, Nanaimo, Comox, and Alberni Districts.

2. For the purposes of this Act, the districts of Victoria City, Victoria County, Lake, South Saanich, North Saanich, Esquimalt Town District, Esquimalt County, Metchosin, Highland, and Sooke shall constitute one district, under the name of Victoria District. The districts of Shawnigan, Cowichan, Comiaken, Somenos, Quamichan, Chemainus, and Salt Spring Island, shall constitute one district, under the name of Cowichan District. The districts of Nanaimo, Cedar, Cranberry, Mountain, shall constitute one district, under the name of Nanaimo District. The district known as Comox, that is to say, starting from the centre of the mouth of Quallaham River, thence northerly, including all islands on the coast, to Willow Point, thence westerly twenty miles; thence in a straight line southerly to the western end of Horne Lake; thence, through the centre of said lake and centre of said river, to the place of beginning, shall constitute one district, under the name of Comox District. The district known as Alberni, including a territory of twenty miles square, whose centre is Observatory Rock, in Stamp Harbor, shall constitute a district, under the name of Alberni District.

Jurisdiction of Justices when Defendant resides out of Districts named in Section 2, also when the Debt was not contracted in any District named in Section 2.

3. When the defendant does not reside in any of the districts created by the previous section, but resides contiguous thereto, and where the debt was not contracted in either of the districts created by the previous section, the Justice or Justices residing nearest to the defendant shall have jurisdiction, subject always to the provisions of this Act, in actions for debt when the whole dealing or cause of action does not exceed two hundred and fifty dollars.

No power to sue Executors, &c.

4. Justices shall have no power to sue executors or administrators.

Two Justices residing within Six Miles of each other in a District to try causes of $100, *and not exceeding* $250.

5. In actions for debt where the whole dealing or cause of action exceeds one hundred dollars, and does not exceed two hundred and fifty dollars, and where two Justices reside within six miles of each other in the district within which such actions may be brought, then in such case the cause shall be tried before two Justices.

A Jury may be had where action is for a sum above $50, *if applied for two days before Trial.*

6. Where the whole cause of action exceeds fifty dollars, and does not exceed two hundred and fifty dollars, either party may obtain a jury by applying to the Justice or Justices therefor, at least two days before the return day of the writ or process.

Summons and Capias not to issue except the Plaintiff files Particulars of his Cause of Action by Note, &c.; Justice to keep Note, &c.; Justice send Statement, Note, &c., to Court above in case of Appeal.

7. No Justice shall issue any writ of summons or *capias* unless the party applying therefor shall file a statement in writing, containing the particulars of his cause of action, or the promissory note, or other instrument on which he is suing, a copy of which statement, note, or other instrument shall be furnished to the defendant by the Justice, if required. Where final judgment shall be passed thereon, the statement, note, or other instrument shall be retained by the Justice, and in cases of appeal shall be transmitted with the papers in the cause.

Writs to be directed to and served by a Constable.

8. All writs shall be directed to and be served and executed by a constable of the district or place wherein the writ is made returnable.

Copy of Summons to be delivered to Defendant Five Days before Return.

9. A copy of the summons or *capias* shall be delivered to the defendant at least five days before the return day thereof, and the constable serving the same shall, if required, explain such writ to the defendant.

Return of Writ—how made by Constable.

10. The constable shall make return of such writ, with his doings thereon, on or before the return day; and, if required by the Justice, shall make an affidavit of the manner in which he has served the same.

Affidavit of Service when Defendant does not appear.

11. When the defendant does not personally appear, the Justice shall not proceed in the cause, unless the constable shall make an affidavit "That he has delivered a copy of such writ to the defendant;" and if by the defendant at the time of service required so to do, "That he explained the contents thereof to the defendant."

No Arrest by Capias for a Debt under Fifty Dollars, nor for a Debt less than Two Hundred and Fifty Dollars unless under a Special Affidavit.

12. No person shall be arrested for a debt under fifty dollars, nor for any debt less than two hundred and fifty dollars, unless the affidavit contain an allegation that the plaintiff verily believes that unless such writ be granted, the debt will be lost through the defendant leaving the Colony.

Females or Minors not to be arrested on Capias.

13. No female or minor shall be arrested on a writ of *capias* issued by a Justice.

Persons arrested admitted to Bail.

14. Any person arrested on any such writ shall be admitted to bail by the officer, in the same manner as in other cases of arrest.

Causes to be tried between 10 *a.m. and* 6 *p.m.*

15. All causes shall be tried between the hours of ten o'clock in the forenoon, and six o'clock in the afternoon, of the day on which the process is made returnable.

Causes may be continued by Justices, if necessary.

16. When, from the number of causes to be tried, a cause cannot be heard and determined within the time specified in the preceding section, or when sufficient cause on affidavit is shewn, the Justice may continue the cause till some further time, not exceeding eight days, of which continuance he shall notify the parties plaintiff and defendant.

Jury—how summoned.

17. Where a jury has been demanded, the Justice shall issue a *venire*, directed to a constable not being of kin to either party, or interested in the suit, commanding him to summon a jury of three qualified persons to act as *petit* jurors, from the district or place wherein the action is to be tried, to appear at the time and place therein to be specified.

Fine for Non-Attendance of Jurors.

18. Any juror so summoned, who shall neglect to appear, and shall not shew cause to the Justice or Justices in some sufficient excuse therefor, shall forfeit five dollars, to be levied by warrant of distress upon his goods, such warrant to be issued by the Justice or Justices upon the oath of the officer that he had summoned the juror at least twenty-four hours before the time appointed for his appearance.

Jurors—how sworn; Proceedings until Verdict.

19. The jury shall be sworn by the Justice or by one of the Justices in open court, well and truly to try the cause according to the evidence; and the evidence of the witnesses produced shall be made and delivered in the hearing and presence of the Justice or Justices, and jury so impannelled; and having heard the directions of the Justice or Justices, the jury shall, if they require it, retire to some convenient room under the charge of some constable, or in case no constable shall be in attendance, such other person as shall by such Justice or Justices be appointed for the purpose, who shall be sworn "to keep such jury together without meat or drink, and not to allow anyone to speak to them nor speak to them himself, without leave of the Justice or Justices;" and when agreed, the jury shall return their verdict, whereupon judgment shall be given accordingly.

Challenges may be made; Jury, how filled up.

20. Either party may challenge for cause any of the jurors, and if the challenge be allowed, or any of the jurors do not appear, the Justice or Justices shall direct the constable forthwith to summon any person, duly qualified and not liable to be challenged, to fill up the jury.

Proof to be on oath, where action not confessed.

21. In all cases under this Act, where the plaintiff's demand or cause of action is not confessed by the defendant in person or in writing under his hand, the same shall be established, whether the defendant appear or not, on the oath of one witness.

Plaintiff's Proof confined to his Statement filed.

22. The plaintiff shall not be permitted to give evidence of anything not contained in the statement filed by him previous to the issue of the writ.

Defendant before his Trial to file his Set-off; his Proof to be confined thereto.

23. The defendant before the trial of the cause shall file with the Justice a statement of the particulars of any set-off he may have, and he shall be precluded from giving in evidence by way of set-off anything not contained in the statement. The Justice, if required, shall furnish the plaintiff with a copy thereof.

If Defendant prove a Set-off under Two Hundred and Fifty Dollars or equal to or above Plaintiff's demand, as proved, he shall have judgment accordingly.

24. Whenever the defendant shall establish a set-off equal to or exceeding the demand of the plaintiff, or any other sufficient defence thereto, the defendant shall have judgment. If the set-off be less than the plaintiff's demand, the plaintiff shall have judgment for the residue only, with costs; and if the set-off exceeds the plaintiff's demand, as proved, and the whole amount of such set-off do not exceed two hundred and fifty dollars, the defendant shall in that case have judgment for such excess.

If Defendant tender Amount due before Suit brought, and pay the same, he shall have judgment, with costs.

25. When it shall appear that the defendant had tendered the amount due before suit brought, such defendant may, before the trial, pay the same into the hands of the Justice, and shall thereupon be entitled to his costs, which shall be deducted by the Justice out of the money so paid into his hands.

Successful Party to have Costs.

26. The party succeeding shall, in all cases, be entitled to his costs.

Execution—how issued, where Justice is dead, resigned, or absent.

27. Where judgment has been awarded, the Justice or Justices before whom the suit was tried, and in case of the death, resignation, or removal of such Justice or Justices, any other Justice, and when such cause has been tried before two Justices, in case of the death, resignation, or removal of one of them, the remaining Justice shall issue execution against the goods and chattels, and for want thereof, against the body of such person, for the sum awarded, with costs.

Return of Executions.

28. All executions shall be made returnable within thirty days.

Executions not to issue after One Year, except on Affidavit, in Special Cases.

29. No execution shall issue after the lapse of one year from the time of giving judgment, unless it shall be made to appear by affidavit that a balance is still due thereon, and that due diligence has been used to levy the same, in which case further executions may issue for the balance at any time within three years after the rendering of the judgment.

Duty of Constable levying Execution on Personal Property.

30. The constable to whom the execution shall be delivered shall proceed forthwith to levy for the sum due, and shall take sufficient of the party against whom the execution is issued to satisfy the same, and shall cause an advertisement, describing the goods taken, and specifying the time and place of sale, to be posted up in two or more public places in the district or place wherein such sale is to be held, at least five days before the time appointed for such sale.

Sale—how conducted; return of Execution; Money, to whom payable; Sale may be adjourned for want of Buyers; Unsold Goods returned.

31. At the time and place so appointed, if the amount remain unpaid, the officer acting therein shall sell the goods at auction to the highest bidder, and shall forthwith return the execution, with his doings thereon, to the Justice who issued the same, and pay the debt and costs levied thereon to the plaintiff or his agent duly authorized, after

deducting the fees of levy and sale, returning the surplus, if any, to the person against whom the execution issued, or his agent duly authorized, or in his absence, to the Justice, for the use of such party; and if the goods shall remain unsold for want of buyers, the constable may adjourn the sale for any period not less than twenty-four hours, nor more than six days, and may in such case proceed to advertise anew, and sell the same after the return day of the execution. Immediately after such sale he shall make return and payment, as above specified; and whatever goods remain unsold, after satisfying the execution and expenses, shall be restored.

Constables not to purchase.

32. No constable shall, directly or indirectly, purchase any goods at any sale made by him under this Act, and every such purchase shall be absolutely void.

For want of Goods the Constable to commit the party.

33. For want of goods whereon to levy, the Constable, unless otherwise directed, shall commit the person against whom the same is directed, to jail.

Appeal and manner of proceeding thereon.

34. In case of an appeal the appellant, or in his absence his agent, before the appeal shall be allowed, shall make an affidavit in writing that he is dissatisfied with the judgment and feels aggrieved thereby, and that such appeal is not prosecuted solely for the purpose of delay, and shall file the same with the Justice; and the party so appealing, or in his absence his agent, shall within two days thereafter enter into a bond with two sureties, in a penalty double the amount of the judgment, with a condition that the appellant shall enter and prosecute his appeal and perform the judgment of the Court, or shall, before the first day of the term of such Court, pay the amount of the judgment, together with all costs thereon subsequently accruing, and such Justice, or if the action be before two Justices then the first one applied to therein, if thereto required, shall prepare the affidavit and appeal bond, which appeal if applied for at any time within ten days after judgment in such cause, such Justice or Justices shall be bound to grant, returnable to the next term of the Supreme Court held nearest to the district or place in which the trial was had, and execution if not issued when the appeal is applied for, and the appellant, or his agent, shall make, or be ready to make, the affidavit, shall be stayed; but in such case if the defendant have given bail, his bail shall continue liable notwithstanding his personal appearance, until they shall render him, or he shall give an appeal bond, within the ten days therein prescribed.

Justice to return all Papers in the Cause to the Registrar, unless by Consent of Parties in Writing.

35. In case of appeal the Justice, unless he shall receive a notice in writing, signed by both parties, or their agents, to the contrary, shall return to the Registrar of the Supreme Court, before the opening of the court, on the first of the next term, in the district or place nearest to that in which the trial was had, all papers in the cause, with a transcript of the judgment, and the affidavit and bond whereon the appeal was allowed.

Fine for Constable neglecting to return Writ of Summons.

36. Any constable neglecting to serve or make return of a writ of summons or *capias*, besides being liable to an action on the case for any damage that may have been sustained, shall forfeit ten dollars.

Fine and Proceedings where Constable neglects to return a Writ of Execution.

37. Any constable neglecting to return an execution for the space of ten days after the return day thereof, unless with the consent of the party in whose favor it was issued, or to pay over within five days the moneys received thereon, or to pay the surplus, if any, on demand, shall forfeit ten dollars, and may also be sued in an action for money had and received; and the Justice shall have jurisdiction, though the sum claimed exceed two hundred and fifty dollars.

Directions to Justices relative to Issuance of Summons, &c., &c.

38. All writs of summons, capias, subpœna, and venire, require but one seal, and the same, as well as all executions in cases before two Justices, are to be prepared by the Justice first applied to in the suit. In all cases the capias is to be indorsed by the Justice first applied to, who is to prepare the affidavit also. In all suits triable before two Justices, the summons and capias must be signed by two Justices, and the execution in such case to have two seals, and to be signed by the two Justices that issue the mesne process and tried the cause. Writs of subpœna and venire, and the subpœna ticket, are to be signed by one Justice only; all affidavits are to be taken before, and

all oaths under this Act to be administered by one Justice only; and in all suits before two Justices, all acts required to be done by one Justice only are to had and done by and before the Justice first applied to, who is to be the keeper of all papers in the cause, and to make return of the proceedings therein in cases of appeal.

Forms to be used are in Schedule A.

39. The forms that shall be used under the provisions of this Act, are those that are in Schedule A, to this Act annexed.

Scale of Fees are in Schedule B.

40. The fees that shall be taken and levied under this Act, are those that are in Schedule B, to this Act annexed.

Stipendiaries to pay Fees taken them into the Treasury.—Non-Stipendiary Justices to keep the Fees for their own use as their Remuneration.

41. All fees taken by any Stipendiary Justice for his services under the provisions of this Act, shall be paid into the Treasury of the Colony, for the use of Her Majesty; but all fees taken by any Non-Stipendiary Justice for his services under the provisions of this Act, shall be kept by such Non-Stipendiary Justice, as remuneration for his services.

Short Title.

42. This Act may be cited for all purposes as "The Magistrate's Court Act, 1863."

SCHEDULE A.

SUMMONS.

District of ss.

To any of the constables of the said district.

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

Witness hand and seal, the day of , 18

E. F., J.P. [Seal.]
G. H., J.P. [Seal.]

CAPIAS.

District of ss.

To any of the constables of said district.

You are hereby required to take A.B., of , and him safely keep, so that you may have him before , at , on the day of , at o'clock in the noon, to answer to C. D. in the sum of , whereof fail not, and to have there then this writ, with your doings thereon.

Witness hand and seal, at , the day of , 18

E. F., J.P. [Seal.]
G. H., J.P. [Seal.]

Note, on the back of the capias, and copy thereof, to be endorsed the sum sworn to in words at full length, as follows:—

By oath, for the sum of E. F., J.P.

EXECUTION.

District of ss.

To any of the constables of the said district.

Whereas judgment hath been awarded against C. D., of , at the suit of A. G., for the sum of , and more, for costs: These are, therefore, to command you to levy from off the goods and chattels of the said C. D. such sums, making together , by sale of such goods and chattels, after duly advertising the same, and for want thereof you are hereby re-

quired to take the body of the said C. D., and him commit to Her Majesty's jail [*or where there is a lock-up, house, or other place of confinement, in any district nearer the residence of the party to be arrested, insert the name of it in place of the jail*] in , the keeper whereof is required to take the said C. D. into his custody, and him safely keep until he pay the sum abovementioned, with your fees, and jailor's fee, or that he be discharged by the said A. B., or otherwise by due course of the law. Whereof fail not, and make due return of this writ, with your doings thereon, to , within days.

Witness hand and seal, the day of , 18

E. F., J.P. [Seal.]
G. H., J.P. [Seal.]

SUBPŒNA.

District of ss.

To J. K., L. M, N. O., and P. Q. [*According to the number.*]

You and every of you are required to appear at , on the day of , at the hour of o'clock in the noon, to give evidence on the part of the [*Plaintiff or Defendant, as the case may be*] in a suit now depending between A. B., plaintiff, and C. D., defendant, and then and there to be tried, which you are not to omit under penalty of the law, in such cases made and provided.

Dated the day of , 18

E. F., J.P. [Seal.]

Subpœna Ticket for each Witness.

Between A. B., plaintiff, and C. D., defendant.

J. K. is required to give evidence in this suit, on the part of the [*Plaintiff or Defendant, as the case may be.*] at , on the day of , at o'clock in the noon.

Dated the day of , 18

E. F., J.P.

VENIRE.

District of ss.

To any of the constables of the said district.

You are hereby required to summon three persons duly qualified to sit as jurors, who are not of kin to either of the parties, to come and be present at , on the day of , at o'clock in the noon, to make a jury between , plaintiff, and , defendant.

Dated the day of , 18

E. F., J.P. [Seal.]

AFFIDAVIT TO OBTAIN A CAPIAS.

A. B., of , in the district of , maketh oath and saith that said C. D. is justly indebted to the deponent in the sum of , after giving full credit, to the best of deponent's knowledge or belief, for all payments or offsets, and that the cause of action does not exceed two hundred and fifty dollars.

Sworn at , the day of , before me,

E. F., J.P.

RETURNS TO THE FOLLOWING WRITS:

TO A SUMMONS.

"The within process was duly served on the said C. D., on the day of , by me." O. P., Constable.

If required, the following affidavit to be made by the officer serving the process:

O. P., of , in the district of , maketh oath and saith that he did, on the day of , personally serve the defendant in the annexed process named, with a true copy thereof, and at the same time acquainted with the contents thereof.

Sworn before me, at , the day of , 18 O. P.

E. F., J. P.

TO A CAPIAS.

The within named defendant was arrested and served with a copy of the within process, on the day of , and was admitted to bail by me.

O. P., Constable.

TO A VENIRE.

I have summoned the within jurors as jurors for the trial of the within cause, namely: G. H., J. K., L. M., and N. O. O. P., Constable.

TO AN EXECUTION.

I have levied the debt and costs as within directed. O. P., Constable.

For want of goods and chattels whereon to levy, I have taken the body of the within named C. D., and committed him to jail, as directed. O. P., Constable.

I have levied the sum of , part debt and costs within mentioned, the remainder not satisfied. O. P., Constable.

I could not find any goods or chattels, or the body of the said C. D. O. P., Constable.

OATHS TO BE TAKEN BY WITNESSES, JURORS, AND CONSTABLES, ON TRIALS.

Witnesses.

The evidence you shall give to the Court [*Or the Court and Jury*] sworn touching the matter in question, shall be the truth, the whole truth, and nothing but the truth. So help you God.

Constable or other Person appointed to attend Jury.

You shall keep every one of the jury sworn, and now about to make up their verdict, in some convenient place without either meat or drink. You shall not suffer any person to speak to them, nor shall you speak to them yourself, except it be to ask if they are agreed on their verdict, without leave of the Court. So help you God.

Jurors.

You shall well and truly try this cause between A. B., plaintiff, and C. D defendant, and a true verdict give according to the evidence. So help you God.

BAIL BOND ON CAPIAS

Know all men by these presents that we [*Names, Places of Residence, and Profession, or Calling, of the Defendant and his Bail.*] are held and firmly bound unto [*Name of the Plaintiff in this Suit, adding his Place of Residence and Profession or Calling.*] in the sum of [*Twice the Amount sworn to and endorsed on the Capias.*] to be paid to the said [*Name of Plaintiff.*] his certain attorney, executors, administrators, or assigns, for which payment we bind ourselves, and every one of us by himself, our and every of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated the day of , 18

The condition of the foregoing obligation is such that if the above bounden [*The Defendant.*] shall appear before [*Name of the Justice or Justices issuing the Capias.*] on the day of , [*Insert the Day appointed for the Trial*] to answer to the suit of the above named [*Name the Plaintiff.*] in the sum of [*Here insert the Sum sworn to.*] then the above obligation to be void.

Signed, sealed, and delivered, in the presence of [*Seals.*]

AEFIDAVIT TO BE MADE BY THE PARTY APPEALING.

In the court before [*Name the Justice or Justices before whom the Trial was had.*] Justices of the Peace, between A. B., plaintiff, and C. D., defendant.

A. B., [*The Party making the Appeal.*] of , in the district of , the abovenamed [*Plaintiff or Defendant, as the case may be; or if the party for whom the appeal is made be absent, say "Agent for the abovenamed Plaintiff," or Defendant, as the case may be.*] maketh oath and saith that he is really dissatisfied with, and feels aggrieved by, the judgment given in this cause, and that he does not appeal therefrom solely for the purpose of delay, but that justice may be done therein.

Sworn at , the day of , 18 , before me, J.P.

[*To be signed by the Party appealing, or in his absence, the Agent.*]

BOND TO BE GIVEN ON APPEAL BEING MADE.

Know, all men, by these presents, that we, A. B., C. D., and E. F., [*Names of the Appellant, if he be present, or, if absent, of the Agent, and the Sureties, with their Places of Residence.*] are held and firmly bound to G. H., [*The Party against whom the Appeal is allowed.*] in the sum of [*Double the amount of the Judgment, Debt, and Costs.*] to be paid to

the said G. H., his certain attorney, executors, administrators, or assigns, for which payment we bind ourselves, and every of us by himself, our and every of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated the day of , 18

Whereas a certain cause between the above bounden A. B. [*If the Party Appellant be the principal in the Bond, or if he be absent, then say between—name the Appellant.*] and the above named G. H., in which the said [*Name the Appellant.*] was [*Plaintiff or Defendant as the case may be*] tried before [*Name the Justice or Justices before whom the trial was made.*] Justice of the Peace for the district of , on the day of , and judgment was given in favor of the said G. H., for the sum of , debt and costs, and an appeal therein hath been demanded on behalf of the said [*Name the Party appealing.*]

Now the condition of the above obligation is such that if the said [*Name the Appellant.*] at the next sitting or term of the Supreme Court, to be held at [*Name the District or Place.*] shall duly enter and prosecute his said appeal, and shall proceed therein to final judgment, and shall abide by and fulfill the judgment of the said Court, to be given in such appeal, or shall, previous to the first day of the sitting of such Court, pay the full amount of judgment in such cause, together with all costs subsequently accruing thereon, then the above obligation to be void.

Signed, sealed, and delivered in the presence of M. N., O. P., and Q. R. [*Seals.*]

SCHEDULE B.

JUSTICES' FEES.

Each Summons or Capias, or Copies thereof	$1 00
Affidavit for a Capias, and Swearing	0 25
Subpœna and Tickets	0 50
Trials and Judgment in all Causes	0 50
Venire	0 50
Returning Papers on Appeal to Supreme Court	0 50
Each Execution	0 50
Affidavit of Service of Summons, when required, and Swearing	0 25
Affidavit on Appeal, and Swearing	0 25
Appeal Bond	1 00

All fees taken in any suit wherein the services and presence of two Justices are required, as well as for the execution therein, except for returning the papers on appeal, to be decided between the two Justices acting therein, as follows: Two-thirds to the Justice first applied to, and the remaining third to the other Justice.

CONSTABLE'S FEES.

Serving Summons and making Return	$0 50
Serving Capias and making Return	0 50
Bail Bond	0 50
Summoning a Jury	0 50
Summoning each additional Juror, where there are not sufficient By-standers	0 10
Serving Subpœna—each Witness	0 25
Serving Execution	0 50
Per Centage on Execution on Sale of Goods, for each $100	5 00
Per Centage on Execution, where the Amount is paid in money, for each $100	2 50
All Travelling to be computed from Residence of Justice to Residence of Defendant on Summons, Capias, or Execution; and from Residence of Officer to Residence of Witness on Subpœna, each mile, where necessarily done	0 10
In Cases of Execution levied on the Body, Travelling to be computed from Residence of Officer to that of Defendant, and thence to Place of Confinement, each mile	0 10

WITNESSES' FEES.

Each day in actual Attendance	$1 25
All Travelling to be computed from the Residence of the Witness to the Place of Trial, and thence back again, per mile	0 10

If the witness, at the time of being served with the subpœna, demands his fees, he shall not be bound to attend unless fees equal to one day's attendance and his mileage, as above, be tendered to him at the time, or at such other reasonable time, before the day of trial, as to admit of his attendance with certainty.

JURORS' FEES.

Each Juror, on any Trial	$0 50