

the Collectors to transmit recognizances to the Treasurer.

to take such recognizances shall forthwith transmit them to the Treasurer of the Province by the first safe conveyance.

Prosecution for the same.

III. *And be it also further enacted*, That the Treasurer, upon receipt thereof, shall cause the same to be prosecuted in His Majesty's Supreme Court at Halifax, and the recognizance being duly filed, and the confession of the debt being acknowledged, no imparlance shall be granted, but judgment shall be made up thereupon, and execution shall issue to levy the debt upon the goods, chattels, and estate of the debtor; and for the more speedy recovering the same, the said action may be entered at any time during the term in which such Court is held, or in any time during the vacancy of said terms, before the Chief Justice, or in his absence before either of the other Judges of the said Court, who shall thereupon order judgment to be made up as of the last term, and execution to issue thereon.

Execution to be levied within 60 days.

IV. *And be it further enacted*, In order to prevent any delay of justice, That the Provost Marshal or his deputy, upon his receiving the writ of execution, shall within sixty days from the date thereof, cause the same to be duly levied, or otherwise shall make a legal return thereof into Court, with his doings thereon, upon pain of answering for any failure or neglect agreeable to the laws in such cases made and provided.

#### CAP. IV.

An ACT for the making perpetual an Act, made in the Sixteenth year of His present Majesty's reign, entitled, an Act in addition to, and amendment of, an Act made in the Third year of His said Majesty's reign, entitled, an Act to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the rivers in this Province.

Temporary Acts 16th Geo. 3d. cap. 10, made perpetual.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made in the sixteenth year of His present Majesty's reign, entitled, An Act in addition to, and amendment of, an Act made in the third year of His present Majesty's reign, entitled, An Act to prevent Nuisances, by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province, shall be, and the same is hereby made perpetual, any proviso or limitation in the said Act notwithstanding.

#### CAP. V.

An ACT to prevent the Forestalling, Regrating and Monopolizing, of Cord Wood, in the Town of Halifax.

For Acts in amendment or addition to this Act see 38th Geo. 3d and 40th Geo. 3d.

Penalty for monopolizing cord wood.

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, whatsoever person or persons shall buy, or cause to be bought, any cord wood coming by land or water to the town of Halifax, to be sold again, except at the distance of ten miles from Halifax, or shall make any bargain, contract, or promise, or shall make any offer in any way or manner whatsoever, to any person or persons for the having or buying the same, or any part thereof, for the enhancing the price, or dearer selling any kind of cord wood coming by land or water, to Halifax aforesaid, shall forfeit and pay for every cord of wood so bought or received ten shillings per cord, over and above the price so given, or paid, upon conviction before two of His Majesty's Justices of the Peace, and be levied (in case of refusal of payment) by warrant of distress and sale of the offender's goods and chattels, and be applied towards the support of the poor of the said township. II

II. *Provided nevertheleſs*, That when the price of cord wood ſhall be at the rate of fifteen ſhillings per cord or under, any perſon or perſons ſhall and may be at liberty to purchaſe cord wood to ſell again, without incurring the penalties of this Act.

III. *And Provided alſo*, That nothing in this Act contained ſhall extend to prevent the Barrack Maſter or perſons employed by him from purchaſing cord wood for the uſe of His Ma- jeſty's troops.

Proviſo. when at 15s. or under.

Not to prevent the purchaſe of wood for the troops.

## CAP. VI.

An ACT to amend, render more effectual, and reduce into one Act, the ſeveral Acts made by the General Aſſembly of this Province, concerning Bail.

For Acts in amendment or addition to this Act ſee note on 8th Geo. 3d. cap. 7.

**B**E it enacted, by the Lieutenant Governor, Council and Aſſembly, That in all cauſes where the ſum in demand ſhall exceed three pounds, the Provoſt Maſtral, or Sheriff, or his Deputy, may arreſt, impriſon or hold to bail, any debtor or debtors, or attach the goods, chattels or eſtate of ſuch debtor or debtors, upon the plaintiff in ſuch actions, his attorney or agent, making and ſubſcribing an affidavit in writing before a Judge of the Court from whence ſuch writ ſhall iſſue, or in the abſence of ſuch Judges, before any one of His Maſteſty's Juſtices of the Peace, that the defendant is juſtly indebted to the plaintiff in any ſum exceeding three pounds, which affidavit ſhall be filed in the office of the Clerk of the Court, from whence the writ ſhall iſſue, and the ſum ſpecified in ſuch affidavit ſhall be indorſed on the back of the ſaid writ in the form following, by oath for (in words at length) for which ſum ſo indorſed, the Provoſt Maſtral, Sheriff, Coroner, or their deputies, ſhall take bail or make attachment as aforeſaid, and for no more; any law, uſage or cuſtom, to the contrary notwithstanding.

Cauſes where demand exceeds 3l. attachment to be made of goods, &c. or debtor arreſted.

Upon plaintiff making affidavit to the ſum indorſed on the writ.

II. *And be it further enacted*, That if ſuch action ſhall be brought by any agent, factor or attorney, in the name of his principal, if abſent, upon producing an affidavit of the debt of this principal duly authenticated, according to the laws of England or the uſage and practice of the plantations in ſuch caſes, and upon the ſaid affidavits being reſpectively filed as aforeſaid, then the ſaid Judge, ſhall indorſe the ſum ſo ſworn to, and bail ſhall be required, or an attachment be made accordingly.

If plaintiff be abſent, his attorney may file his affidavit.

III. *And be it alſo further enacted*, That when any perſon or perſons ſhall be arreſted by virtue of any writ or original proceſs, the Provoſt Maſtral, Sheriff, or his deputy, ſhall be obliged and are hereby reſpectively required, upon ſufficient bail being offered, to let ſuch defendant or defendants go at large, upon his or their firſt executing a bond with two ſufficient ſureties to the ſaid Provoſt Maſtral, or Sheriff, with a condition thereunder written, for the perſonal appearance only of the defendant, on the firſt day of the Court to which ſuch writ is returnable, and if ſuch defendant ſhall not appear accordingly, or give in ſufficient bail to abide the final event of the ſuit, judgment ſhall be entered againſt the defendant by default, and the Provoſt Maſtral or Sheriff, ſhall then and there in Court, upon the requeſt of the plaintiff or his attorney, aſſign the bail bond, by indorſing his name thereon for the benefit of the plaintiff, to be in ſuit or otherwiſe recover the penalty thereof, which aſſignment ſhall not debar the plaintiff from proceeding to final judgment and execution the ſame Court, againſt the defendant or defendants in the ſaid action, as in caſes wherein default is made; but whenever it ſhall happen that the defendant or defendants in the ſaid action ſhall appear according to the tenor of the condition of the bond, and there abide by the order of the Court, or give bail to the ſatisfaction of the plaintiff, and approbation of the Court, to abide by the final iſſue and determination of the ſuit, or if the defendant from ſome impediment

Upon bail being given the defendant to go at large.

Defendant not appearing to give bail to abide the final event of the ſuit, judgment to be entered againſt him by default, and bail bond aſſigned.

On Defendants appearing or giving ſpecial bail, bail bond diſcharged.

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