

II. *Provided nevertheles*, 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.

Proviss. when at 15s. or under.

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 Majesty's troops.

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.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That in all causes where the sum in demand shall exceed three pounds, the Provost Marshal, 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 Majesty'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 Marshal, 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 Marshal, 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 Marshal, 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 Marshal 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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ment shall not appear, but nevertheless two sufficient persons to be approved of by the plaintiff and Court shall offer to become and give bail in manner aforesaid, in such case the bail for appearance only, shall be discharged, and such defendant or defendants shall be entitled to all the privileges of law, and in no other case whatsoever, unless consented to and agreed upon in open Court between the plaintiff and defendant, or their Attornies in their behalf.

CAP. VII.

Expired.

An ACT in further addition to, and amendment of, and for continuing the several Acts of the General Assembly of this Province, therein mentioned, relating to the Duties of Impost and Excise on Wines, Beer, Rum, and other distilled Spirituous Liquors.

CAP. VIII.

Expired.

An ACT for continuing several Acts that are near expiring.

CAP. IX.

Expired.

An ACT in further amendment of, and addition to, the several Laws relating to the Duty on Licensed Houses.

CAP. X.

Expired.

An ACT for farming the Duties of Impost and Excise on Beer, Rum, and other distilled Spirituous Liquors, and Wines, Brown Sugar, and Molasses, at the several Districts therein mentioned.

CAP. XI.

Expired.

An ACT in amendment of, and for continuing an Act, made in the Fifteenth year of His present Majesty's reign, entitled, an Act for granting to His Majesty an Excise on Molasses, and Brown Sugar, sold within, or brought into, this Province, and for the more effectual improving and extending the Trade of this Colony to the West-Indies.
