

An Act for the Direction of the Sheriff's Office, and Restraining their Ill Practices within this Province. D^o 92.

BE it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of His Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That no Sheriff, Under Sheriff, or Deputy Sheriff, shall seize any Tobacco unstript, or seize or mark any Merchants or others Tobacco, received, marked, and nailed, for any Cause whatsoever, but only for Levies due to the Publick County and Parish, or for the Forty *per* Pole to the Minister. And the several Sheriffs are hereby empowered to break the Lock of any Tobacco-house, or other Houses, where Tobacco is or shall be secured, with Design to prevent the said Sheriff from seizing such Tobacco for Levies and Dues, as aforesaid: And any Sheriff, so seizing or marking any Hoghead or Hogheads of Tobacco, containing more than what is justly due, for Levies and Dues, as aforesaid, without Satisfaction to the Person to whom such Tobacco doth belong, as by giving Credit, or suffering him to take the Overplus out of such Hoghead of Tobacco, at the Choice of the Party paying or owing the same, shall pay for every such Default the Sum of Two thousand Pounds of Tobacco; one Half to His Majesty, His Heirs and Successors, for Support of Government, the other Half to the Party grieved; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, to be allowed. And if it shall so happen, that at any time any Sheriff shall seize any Hoghead of Tobacco, which shall weigh more than such Levy or Levies, or Dues, as aforesaid, shall amount unto, if the remaining Part, due to the Party or Parties from whom they shall receive such Levy or Levies, or Dues, as aforesaid, be the greater Quantity; then, and in every such Case, the Sheriff or Sheriffs shall take out of the said Hoghead, such Quantity or Quantities of Tobacco due to him for such Levy or Levies, or Dues, as aforesaid, and the said Hoghead, and the remaining Part of the Tobacco, shall be and remain with the Party or Parties paying the same: But if the remaining Part of such Hoghead of Tobacco, so seized, as aforesaid, and belonging to the Party or Parties paying the same, shall be the less Quantity than is due to the said Sheriff or Sheriffs, as aforesaid; then, and in every such Case, the Owner or Owners of such Tobacco shall take out of the Overplus of such Tobacco, and the Hoghead, with the remaining Part, shall belong to the Sheriff or Sheriffs receiving the same.

AND whereas many Litigious Persons have, and for the future may commence Actions of Trespas upon the Case, rather out of Spite and Malice, than any real Cause of Action; and altho' they set not forth in the Original Writ the Cause of such Action, yet lay the Damage to a vast Sum, to deter Persons from being Bail: For Prevention whereof for the future, Be it Enacted by the Authority, Advice, and Consent aforesaid, That in all Actions of Trespas upon the Case, where Damages are laid to be above Four thousand Pounds of Tobacco, if no Declaration be sent with the Writ, expressing the true Cause of Action, the Sheriff shall not require a Bail-Bond, exceeding the Sum of Eight thousand Pounds of Tobacco, altho' the Damages be marked on the Writ for any greater Sum whatsoever: And any Sheriff offending herein, shall forfeit the Sum of Four thousand Pounds of Tobacco; the one Half thereof to His Majesty, His Heirs and Successors, for the Support of Government, the other Half to the Party grieved; to be recovered in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, to be allowed.

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