

Session the Creditor might or ought to have had; and that where Judgment  
 Laws shall be rendered against several Sureties, and one of them satisfies  
 the whole, the Plaintiff, or Creditor shall be obliged to assign such  
 Judgment to the Surety satisfying the same, and that the Assignee  
 shall have, and be entituled to an Execution against the other Sure-  
 ties, against whom Judgment hath been obtained by the principal  
 Creditor, for a proportionable Part of the Debt or Damage paid by  
 such Assignee; any Law, Usage, or Custom, to the contrary not-  
 withstanding. *Provided always*, That no Defendant, or Defendants,  
 shall be precluded or debarred of his or their Remedy against the  
 Plaintiff, by *Audita querela*, or other Proceeding whatsoever; any  
 Thing in this Act to the contrary notwithstanding.

*And to the End* That no Person who shall not be found and served  
 with the usual Process, and against whom any Judgment shall be  
 rendered henceforth in the Provincial Court, by Virtue of this Act,  
 where the Debtor, Damage sued for, or any Part thereof, is now,  
 or at any Time before the Commencement of such Suit shall be paid,  
 shall be injured or surprized into such Judgment, *Be it Enacted by*  
*and with the Authority, Advice, and Consent aforesaid*, That when,  
 and as often as any Sum of Money, Quantity of Tobacco, or other  
 Goods, shall be taken in Execution, or any Land shall be extended  
 by Virtue of any Judgment in the Provincial Court, that shall be  
 rendered against any Person who shall not be arrested or taken  
 upon, and by Virtue of, the usual Process in the Case, the Person to  
 whose Use any Money, Tobacco, or other Effects, shall be levied, or  
 any Land extended, shall be obliged to give sufficient Security in the  
 Provincial Court, to restore such Money, Tobacco, Goods, or Lands,  
 to the Defendant or Defendants, at any Time within Three Years  
 from the Return of any Execution, executed in case such Defendant  
 or Defendants shall make appear, within that Time, that he, she,  
 or they had satisfied the Sum sued for, recovered, and executed;  
 and in case the Defendant or Defendants shall make appear that any  
 Part hath been satisfied as aforesaid, that then, and in such Case, the  
 Court shall award Restitution to be made to such Defendant or  
 Defendants, of so much as he, she, or they, have paid, and the Money,  
 Tobacco, or other Goods levied, or Lands extended, exceeds the real  
 Debt or Damages, and legal Costs of Suit; any Law, Usage, or Cust-  
 tom, to the contrary notwithstanding.

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 The Plain-  
 tiff to give  
 Security  
 to the De-  
 fendant,  
 to make  
 Restitution,  
 upon due  
 proof that  
 all, or any  
 Part of the  
 Debt was  
 satisfied  
 before  
 Recovery  
 thereof  
 by Law.

*And be it further Enacted*, That if any Person, who shall not be  
 taken and arrested as aforesaid, and against whom any such Judg-  
 ment shall be rendered as aforesaid, and whereof no Part shall be  
 levied or extended by Virtue of any Execution, shall at any Time,  
 within Three Years after the rendering such Judgment, make appear  
 to the Provincial-Court, that the real Debt or Damage, for which  
 such Judgment shall be rendered, hath been satisfied before the ren-  
 dering thereof, that then, and in all such Cases, the Provincial Court  
 shall and may vacate such Judgment; any Law, Usage, or Custom,  
 to the contrary notwithstanding.

In such  
 Case, the  
 Provincial  
 Court may  
 vacate  
 Judgment,  
 and