

And be it further Enacted by the Authority aforesaid That if any Action of Escape be brought against any Sheriff or any Suit or Action against any Justice or Justices for their Performing their duty in pursuance of this Act he or they may plead the general issue and give this Act and the Special Matter in evidence and if the Plaintiff be non-Suit or discontinue his Action or Verdict pass against Such Plaintiff or Judgment upon Demurrer the Defendant Shall have and recover Double Costs.

Liber H. S.
No. 1
[Actions of
Escape]

Provided also that nothing in this Act Shall extend or be Construed to extend to bar any Creditor or Creditors of the before mentioned Prisoners from having and maintaining an Action of escape against any Sheriff who hath permitted any escape before the making this Act.

[Proviso, as
to escape]

Provided nevertheless That in case any of the said Prisoners shall at any time after making such Oath or Affirmation as aforesaid be Convict of Wilfull and corrupt perjury thereupon or of a Wilful breach or Non Compliance with the Tenor of such Oath or Affirmation as aforesaid that then the said Prisoner Shall upon such Conviction as aforesaid be wholly deprived of any benefit intended to him her or them by this Act and Shall from thenceforth be liable to be prosecuted for any Debt or Damages Whatsoever in the same manner as if this Act had never been made any thing to the Contrary Notwithstanding

[In case of
Perjury]

Provided also that the respective Sheriffs of the Counties aforesaid Shall be first paid and Satisfied their Imprisonment Fees before any Creditor or Creditors Shall have or receive any Share or part of the Estates of the said Prisoners respectively or of the Produce thereof.

[Sheriffs
fees to be
first paid]

And be it further Enacted That after Public Notice given by Advertizements sett up at the Court house Door of the County Thirty days at the Least of the sale of any of the said Prisoners Lands and five days at the Least of the Sale of any of the said Prisoners other Estate the Said Sheriffs to whom any of the said Estates Real or Personal Shall be surrendered and delivered up in pursuance of this Act Shall sett up and expose such Estates to Sale by way of Public Venduc in the Presence of one Justice of the Peace, and the produce Arising by such Sale shall be by the said Sheriffs in Manner following paid and satisfied (that is to say) after Satisfaction of the aforesaid Imprisonment Fees that the Estate and Interest of the aforesaid Prisoners respectively upon which their Judgment Creditors or any Claiming or that shall claim under them by Assignment or otherwise have or Shall have any Lien or the Produce thereof Shall be in the first Place after Satisfaction of the Sheriffs as aforesaid applied to the Discharge of the said Creditors according to the order and priority of their Judgments and the Lien Arising therefrom and that the residue of the Estate

[Notice to
be given of
the sale of
the Prisoners
Estates, &c]