

C H A P.  
XXVIII.

Form of the  
Recogni-  
zance,

“ John Doe, Plaintiff, against Richard Roe, Defendant.  
“ You A. B. and C. D. and either of you, do undertake for the said Richard  
“ Roe, Defendant in to be levied on your, and either of your,  
“ Lands and Tenements, Goods and Chattels, to the Use of the said John Doe,  
“ the Plaintiff, upon Condition, That if the said John Doe do obtain Judgment  
“ in an Action of , depending in the Provincial Court against  
“ the said Richard Roe the Defendant, that then the said Richard Roe shall  
“ pay the Condemnation of the Court thereupon, or deliver himself to the Custody  
“ of the Sberiff of County, in Satisfaction thereof; or you or  
“ one of you will do it for him. They acknowledge themselves to be content there-  
“ with, this Day of before me  
“ To the Honourable the Justices of the Provincial Court.”

which shall  
be transmitted  
to the Pro-  
vincial Court,  
&c.

Saving Fees  
to the Offi-  
cers.

Fee to the  
Justices tak-  
ing such Bail.

Provincial-  
Court to  
make Rules  
for justifying  
such Bails,  
&c.

Justices tak-  
ing Special  
Bail, may ex-  
amine the  
Sureties upon  
Oath.

One or more  
County Justi-  
ces may take  
Special Bail  
on Actions  
brought in  
the County  
Court, ac-  
cording to the  
same Method.  
The Justice's  
Fee, 2 s. 6 d.  
County  
Courts vested  
with the like  
Power of re-  
ceiving such  
Bail, &c, as  
the Provin-  
cial.

Which said Recognizance of Bail, so taken as aforesaid, shall be transmitted to the Justices of the said Provincial Court sitting, when and where such Action or Suit shall be depending; together with a Warrant of Attorney, signed by the said Defendant so giving Bail, directed to some or any one of the Attorneys of the Provincial Court aforesaid: Which Recognizance of Bail, so taken as aforesaid, the said Court shall receive upon an Appearance enter'd for the said Defendant by any one of the Attorneys of the said Court, pursuant to such Warrant; Saving to the several Officers their lawful Fees as have been received for the taking Special Bail in Court: And shall be of like Force and Effect, as if the same were taken, *de bene esse*, before the Justices of the Provincial Court during their Sitting. For taking of every such Recognizance of Bail, such Justices of the Provincial Court, or President, or any Two Justices of the County Court, that shall take such Bail, shall receive only the Sum of Five Shillings, and no more.

V. And be it further Enacted, by the Authority aforesaid, That the Justices of the Provincial Court shall make such Rules and Orders, for the justifying of such Bails, and making the same absolute, as to them shall seem meet, so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in Person in the Provincial Court to justify him or themselves.

VI. And it is hereby further Enacted, by the Authority, Advice and Consent aforesaid, That such Justices of the Provincial or County Courts, before whom any Recognizance of Bail may happen to be taken, shall have, and Power is hereby given them to examine the Sureties upon Oath, touching the Value of their respective Estates, for the better Satisfaction of the Justice or Justices that shall take the same Bail; any Law, Usage, Custom, or Practice to the contrary notwithstanding.

VII. And be it further Enacted, That any Justice or Justices of any County Court shall and may, on Application to them made by any Person or Persons whatsoever, on any Action brought, or hereafter to be brought, in any County Court of this Province, take any Special Bail, according to the Rules before directed for taking Special Bail to any Actions brought in the Provincial Court; For the taking of which said Recognizance of Bail in the County Court, the said Justice shall receive as a Fee or Reward, the Sum of Two Shillings and Six-pence, and no more: And the said Justices of the several County Courts, upon receiving the Bail to be given as aforesaid, shall act and do in all Things according to the Power by this Act given to the Justices of the Provincial Court aforesaid; and the Bail so by them taken, shall be as effectual to all Intents and Purposes in the County Court, as the Bails before directed, shall be in the Provincial Court; any Law, Statute, Usage, Custom, or Practice to the contrary notwithstanding.

Examined and Compared with the Original Act, REVERDY GHISELIN,  
THOMAS BACON.