

Province, by Action of Debt, Bill, Plaint or Information, wherein no Effoin, Protection or Wager of Law to be allowed. C H A P. XLVI.

II. 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 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 such Sheriff or Sheriffs receiving the same.

In case of breaking a Hoghead on such Seizure, the Party that hath the greatest Share of the Tobacco shall have the Cask.

III. 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 although they set not forth in the Original Writ the Cause of such Action, yet lay their 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, although 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 Effoin, Protection or Wager of Law to be allowed.

No Sheriff shall, in any Action of Trespas, take a Bail Bond exceeding 8000 lb Tobacco, where no Declaration is sent with the Writ,

on Penalty of 4000 lb Tobacco.

IV. And to the End that Public Creditors may be speedily satisfied their Debts due from the Public; **Be it Enacted, by the Authority, Advice and Consent aforesaid,** That every Public Creditor within this Province, shall be at his Election to make Application to the Governor of this Province, for the Time being, to put such Sheriff's Bond or Bonds in Suit; or otherwise may immediately have an Action of Debt against such Sheriff, in any Court of Record within this Province, for such Public Tobacco as shall be due to such Creditors.

Public Creditors may either apply to the Governor to put the Sheriff's Bond in Suit, or may immediately have Action of Debt, &c.

V. And to the End that no Officer, or other Person, may be surprized, or unjustly molested, either upon the Account of Payment or Collection of Public Dues; **Be it likewise Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid,** That any Person or Persons having Public Tobacco due to them, or Fees in any Sheriff's Hands to collect, and that do not signify to such Sheriff or Sheriffs their Dependance and Resolution of making Use of the same, on or before the Twenty-fifth Day of December in the Year the same shall be due to him or them, shall not have, take or demand, any Benefit or Advantage by this Act allowed for that present Year, and for every Year successively; nor shall the Sheriff of any respective County levy, by way of Execution, any Public Dues, or Officers Fees, upon the Body, Goods or Chattels of any the Inhabitants of this Province, except they have made

Public Dues, &c. to be demanded of the Sheriff by the 25th Dec. yearly,

and by the Sheriff at or before the 20th Feb.