

X. And be it further Enacted, That a Copy of the Oath, or Affirmation, of such Importer, certified by the Naval Officer, shall be deemed and taken to be good and effectual in Law, in any Dispute or Controversy concerning such Felons or Offenders, as if given *Viva Voce*, at the Time of such Dispute or Controversy; any Law, Usage or Custom to the contrary notwithstanding.

C H A P. XXIII.
A Copy of such Oath, &c. shall be good Evidence.

XI. And be it likewise Enacted, That any Provincial Justice or Justices of the Peace within this Province, upon the Application of any Person or Persons to them, or upon any Suspicion of any Felon, or other Offender, being imported or brought into this Province, shall and may examine upon Oath (or Affirmation if a Quaker) any of the Crew of any Ship or Vessel, or any other Person, touching their Knowledge of any such Felon, or other Offender: And that such Examination or Examinations, Deposition or Depositions, shall be as good and effectual in Law, as if the Examinants or Deponents were present, and delivered their Testimony *Viva Voce*; any Law, Statute or Usage to the contrary notwithstanding.

Any Magistrate, may examine Sailors on Oath concerning Felons.

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

C H A P. XXIV.

A Supplementary ACT to the * Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law. *Lib. L. N^o 5. fol. 249.*

Passed 2^d Nov. 1728.
* 1714, ch. 4.

FORASMUCH as it is represented to this General Assembly, as a very great Aggrievance to the good People of this Province, that there is not a sufficient Provision made against the Arresting the Inhabitants thereof, when they shall happen to be found about their necessary Affairs, out of the County where they reside;

Preamble.

II. Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for any Person whatsoever, to cause any Inhabitant of this Province, to be Arrested out of the County where he or she doth reside, by virtue of any *Capias ad Respondendum*, or *Capias ad Satisfaciendum*, for any Debt, Damage or Costs, until the Sheriff, or Coroner of the County where such Defendant shall reside, shall have returned a *Non est Inventus*, on a *Capias ad Respondendum*, or *Capias ad Satisfaciendum*, issued at the Request of the said Person against the said Defendant.

No Inhabitant shall be arrested for Debt, &c. out of the County wherein he resides, before a *Non est* be returned

III. And be it further Enacted, by the Authority aforesaid, That if any Person be Arrested upon a *Capias ad Respondendum*, contrary to the Intent of this Act, the Plaintiff in the said Action shall suffer a Non-suit, and pay the Defendant his or her reasonable Costs, Charges, and Damages, to be adjudged him or her, by the Court from whence such Process issued: And if any Person be taken in Execution, contrary to the Directions hereof, the Justices of the Court from whence such Execution issued, shall discharge him or her, from his or her Imprisonment; and in a summary Way adjudge to him or her, his or her reasonable Damages, Costs and Charges; and cause the same to be discounted by the Plaintiff, out of his or her Judgment obtained against the said Defendant; any Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

In case of such Arrest the Plaintiff shall be Non-suit, &c.

and the Defendant, if taken in Execution, shall be discharged, &c.

IV. And whereas it appears that small Benefit is reaped by the ⁱ Act for Stay of Execution after the Tenth of May yearly, and the ^k Supplementary Act thereto; for that it is hardly possible to get any Quantity of Tobacco ready by the Tenth Day of November:

ⁱ 1715, ch. 33.
^k 1721, ch. 4.