

cient to arrest the final Judgment, or being returned warned, or upon two Writs of *Scire facias* it be returned that the Defendant, his Executors, or Administrators, had nothing whereby to be summoned, or could not be found in the County, shall make default, that thereupon a Writ of Inquiry of Damages shall be awarded, which being executed and returned, Judgment Final shall be given for the said Plaintiff, his Executors or Administrators prosecuting such Writ or Writs of *Scire facias* against such Defendant, his Executors, or Administrators respectively.

VII. And be it further enacted by the Authority aforesaid, That if there be Two or more Plaintiffs or Defendants, and One or more of them should die, if the cause of such Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall not be thereby abated; but such Death being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs against the surviving Defendant or Defendants.

VIII. And be it further enacted, That in all Actions, which from and after the said Five and twentieth Day of *March*, One thousand six hundred ninety and seven, shall be commenced or prosecuted in any of his Majesty's Courts of Record, upon any Bond or Bonds, or on any Penal Sum for Non-performance of any Covenants or Agreements in any Indenture, Deed, or Writing contained, the Plaintiff or Plaintiffs may assign as many Breaches as he or they shall think fit, and the Jury, upon Trial of such Action or Actions, shall and may assess, not only such Damages and Costs of Suit as have heretofore been usually done in such Cases, but also Damages for such of the said Breaches so to be assigned, as the Plaintiff upon the Trial of the Issues shall prove to have been broken, and that the like Judgment shall be entred on such Verdict as heretofore hath been usually done in such like Actions; and if Judgment shall be given for the Plaintiff on a Demurrer, or by Confession, or *Nihil dicit*, the Plaintiff upon the Roll may suggest as many Breaches of the Covenants and Agreements as he *shall think fit, upon which shall issue a Writ to the 605 Sheriff of that County where the Action shall be brought to summon a Jury to appear before the Justices or Justice of Assize, or *Nisi prius*, of that County, to inquire of the Truth of every one of those Breaches, and to assess the Damages that the