

ty than is due to the said Sherrif or Sherrifs for leavys as aforesaid, then and in every such case the owner or owners of such tobacco shall take out the overplus of such tobacco, & the hoghead with the remaining part shall belong to such Sherrif or Sherrifs receiving the same.

And Be it further Enacted by the Authority aforesaid, that no Sherrif within this Province shall take, exact or receive of or from any person whatsoever fees, Salary, Gratuity or Reward for serving any Writt, Warrant or Precept from the Governour and Council, or from any Justice of the Peace, or for doing any other thing in any of the Courts of Record upon any Suit or Suits in Criminal Causes but the severall Sherrifs are hereby enjoyn'd to execute the same *ex officio*. And every Sherrif offending shall forfeit the sum of one thousand pounds of tobacco every such offence, the one half 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 within this Province by Action of Debt Bill Plaint or Information, wherein no Essoyn Protection or Wager of Law to be allow'd.

And whereas many leigious persons have, and for the future may commence Actions of Trespas upon the Case rather out of spight and malice than any real cause of Action and not setting forth in the original Writt the cause of such Action, yet lay damage to a vast sum to deter persons from being Bail thereto, for prevention whereof for the future

Be it Enacted by the Authority 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 Writt expressing the true cause of Action, the Sherrif shall not require a Bail Bond exceeding the sum of eight thousand pounds of tobacco, altho' the damage be laid in the Writt for any greater sum whatsoever, & any Sherrif offending herein shall forfeit the sum of four thousand pounds of tobacco, the one half thereof to his Majesty his Heirs and Successors towards the support of Government, the other half to the party grieved, to be recovered in any Court of Record within this Province by Action of debt bill plaint or information, wherein no essoyn protection or wager of Law to be allowed.

And to the end that publick Creditors may be speedily satisfied their debts due from the publick, Be it Enacted by the Authority aforesaid, that every publick Creditor in this Province shall be at his election to make application to the Governour of this Province for the time being to put such Sherrifs Bond or Bonds in suit or otherwise may immediatly have an action of debt against such Sherrif in the County where the fact ariseth for such publick tobacco as shall be due to such creditor

And to the end that no officer or other person may be surpris'd or unjustly molested either upon the account of payment or collection of publick dues, Be it likewise Enacted, that no person or persons having publick tobacco to them due, or fees in any Sherrifs hands to collect, and that do not signify to such Sherrif or Sherrifs their dependance and resolution of making use of the same on or before the 25th day of December in the year the same shall to him or them be due, shall have take or demand any benefit or advantage by this Act allowed for that present year and so every year successively, nor shall the Sherrif of any the respective Countys levy by way of Execution for any publick dues or officers fees, or from any the inhabitants within this Province where they have not made a demand thereof at or before the 20th day of January for that present year, and so every year successively.

And where any person having publick tobacco or fees in such Sherrifs hands & have made their demand thereof as aforesaid, or the said Sherrif demanded any publick dues or officers fees of the respective inhabitants within his Bailiwick within the times before limited, such demandant shall be obliged to take the same and discharge such debtor, for such and so much as shall be by him received, and on refusal of receiving thereof, the said tobacco so intended to be paid as aforesaid, being viewed and found merchantable by two honest Men of the neighbourhood shall be weighed and marked for the use of such demandant, and be a sufficient discharge to the person or persons paying the same for so much as the same did amount unto, provided the same be tendered on or before the tenth day of April, otherwise such tobacco to lie at the risque of the Sherrifs or others intending to receive advantage hereby, any thing herein contained to the contrary notwithstanding.