

party against whom such Rule is made that special Bail shall be given before present at the said Provincial Court then the Sheriff of that County where the said party Defendant was arrested may & shall by vertue of such Rule aforesaid for special Bail to be given take the said party into his custody again and him keep till he can procure special Bail according to Rule of Court.

And for the grearer Ease of making & taking Recognizances of such special Bail it shall & may be lawful for one of the Justices of the Provincial Court of this Province or President of the County Court to take and receive all & ev'ry such Recognizance or Recognizances of Bail or Bails as any person or persons shall be willing or desirous to acknowledge or make before him in his County in any Action or Suit depending or hereafter to be depending in the said Provincial Court which Recognizance shall be taken in such manner & form as followeth, viz.

John Doe Plaintiff againstt Richard Roe Defendant, You A B & C D and either of you do undertake for the said Ric' Roe defendant in _____ pounds of tobacco to be levied in your & either of your lands & tenements goods & 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 debt or trespass upon the case depending in the Provincial Court against the said Ric' Roe the Defendant that then the said Richard Roe shall pay the condemnation or deliver himself to the prison of our Sovereign Lady the Queen or you will do it for him, they acknowledge themselves to be content therewith this _____ day of _____ before me

To the Honourable Justices of the Provincial Court

Which said Recognizance of Bail or Bail prizes 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 which Recognizance or Recognizances of Bail prizes so taken as aforesaid the said Court shall receive upon payment of such Fees as have been received for the taking of such special Bail by the Officers of the said Court and shall be of like force & effect as if the same were taken *de bene esse* before the Justices of the Provincial Court during their sitting for taking of ev'ry such Recognizance or Recognizances of Bail or Bail prizes such Justice of the Provincial Court or President of the County Court that shall take such Bail shall receive only the Sum of five shillings and no more.

And be it further Enacted by the Authority aforesaid, that the Justices of the Provincial Court shall make such rules & orders for the justifying of such Bails & making the same absolute as to them shall seem meet so as the Cognizor or Cognizors of such Bail or bails be not compell'd to appear in person in the Provincial Court to justify him or themselves.

And it is hereby further Enacted by the authority aforesaid that such Justices of the Provincial or County Court before whom any Recognizance of Bail may happen to be taken such Justice have and power is hereby given him to examine the sureties upon Oath touching the value of their respective Estates if occasion shall require any Law usage custom or practice notwithstanding.

An Act ascertaining the gauge of Tobacco Hogheads.

IT is Enacted by the Queens most Excellent Majesty by & with the Advice and Consent of her Majestys Governour Council & Assembly of this Province and the Authority of the same, that what person or persons soever shall make or cause or suffer to be made for his use any Tobacco Hoghead or Hogheads which shall exceed for y eight inches in length of the stave & 32 inches in the head to be measur'd or shall make or cause or suffer to be made for his own use any tobacco hoghead or hogheads under the size of forty six inches in length and thirty inches in the head, and the same hogheads or any of them shall pack full of tobacco shall forfeit & pay the sum of one hundred pounds of tobacco of which one half to her Majesty her Heirs & Successors for the support of the Government of this Province and the other half to him or them that complain of the same and cause the same to be proved and such complaint shall be made to one or more Justice or Justices of the Peace next adjoyning, who upon such complaint shall issue out a Warrant to the Constable of the Hundred to bring before him or them the person or persons against whom such complaint is made and the witnesses which the complainant shall name which Justice or Justices shall have full authority by vertue of this Act to hear & determine the matter, and if the complainant shall prove his complaint before the Justice or Justices aforesaid by his own Oath and the Oath of one sufficient evidence besides or confession of the party the said Justice or Justices of Peace shall make out Warrant to the Sheriff to levy the same by distress & sale of the goods & chattels of the party having so offended and to pay the moyety to the said complainant as aforesaid and the other moyety for the Queens use to certify to her Receiver General or the Governour for the time being.

Not Assented to by Queen.