

1753.

3 FREDERICK Lord BALTIMORE.

C H A P. XVI.

Penalty for Non-Compliance;

But shall not be obliged to assist on any other Part of the Road.

thereof legally convict, he, she, or they, shall forfeit and pay the Sum of Twenty Pounds Current Money; the one Half thereof to be applied towards defraying the Charge of the County where such Neglect or Refusal shall happen, the other Half to him, her, or them, that shall inform or sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, wherein no Effoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed. **Provided,** That such Person or Persons, Owner or Owners, Possessor or Occupier, of such Mill or Mills, shall not be obliged to send his or their Taxable Persons, who shall reside in the Precinct of such public Road, to work on any Part of such Road, except such Mill-Dam, Causeway, Race, and Waste, as aforesaid.

Contracts heretofore made in Worcester County, made void.

III. **And be it further Enacted,** That all Contracts heretofore made by the Justices of Worcester County Court, with the Proprietor or Proprietors of any such Mill or Mills, for the keeping in good Repair such Dam or Bridge, and free Passage of Travellers and Carriages as aforesaid, are by this Act made null and void to all Intents and Purposes whatsoever; any Thing to the contrary in any wise notwithstanding.

Commencement of Penalties.

IV. **Provided always, and be it Enacted,** That no Owner or Owners of such Mills as aforesaid, over the Dams of which public Roads now pass, shall be subject to any of the Penalties in this Act, for not making such Mill-Dams of the Breadth in the said Act directed, until after the First Day of November which shall be in the Year of our Lord Seventeen Hundred and Fifty-four.

Continuance.

V. This Act to continue for Five Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Five Years.

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

Continued, together with its Supplementary Act, by 1758, ch. 8, and 1762, ch. 17.

C H A P. XVII.

Passed 17<sup>th</sup> Nov. 1753.

Preamble.

An ACT for regulating Judicial Proceedings. *Lib. H.S. fol. 32.*

**W**HEREAS in Actions of Trover and Conversion, and Actions of Detinue, Special Bail by the Order and Course of Law, is not granted, and for that many Persons commencing such Suits, for Want of Special Bail therein, have often lost the Effects of their Judgments, the Defendants in such Suits frequently Running away, to avoid the Consequence thereof.

In Actions of Trover, &c. the Court may award Special Bail,

and on Default thereof may commit the Defendant.

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 in all Actions of Trover and Conversion, and Actions of Detinue, to be commenced after the First Day of December next, in any of the Courts in this Province, it shall and may be lawful for the Justices of the Court in which such Action shall be commenced, or such of them as shall be present, upon the Affidavit of the Plaintiff, or other Evidence of his Cause of Action given to the Satisfaction of such Court, to award Special Bail against any Defendant or Defendants in such Action, and for Default of such Bail, to commit such Defendant or Defendants to the Custody of the Sheriff, or Coroner, as the case may require, until he, she, or they, shall put in such Bail as is usual in other Cases; any Law, Usage, or Custom, to the contrary notwithstanding.

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

C H A P.