

I N D E X.

ATTORNEYS.

paid 100^{lb} Tobacco, except where the Debt or Damage recovered be upwards of 2000^{lb} Tobacco, or 10^l. Sterling, in which Case he shall have 200^{lb} Tobacco. For prosecuting or defending any Cause, Plaint or Action, in the Provincial Court, to final Judgment, &c. 400^{lb} Tobacco. For any Fee in the Chancery or Admiralty Court, 600^{lb} Tobacco. For any Fee in the Commissary's Court, 400^{lb} Tobacco. For any Fee upon Writ of Error or Appeal, before the Governor and Council, 600^{lb} Tobacco. To the Attorney-General, for any Action in the Provincial Court at the Suit of the Crown, Indictment, Presentment, or Information, 400^{lb} Tobacco, and no more. Any Practitioner of the Law, demanding or receiving more than herein limited, shall be incapable of practising the Law in any Court in this Province for the future. *Ibid.* §. 7, 8.

7. Attorneys Fees, by this Act, are levyable by Execution, and the Sheriffs are obliged to levy and execute the same accordingly. *Ibid.* §. 10.

8. All Bills, Bonds, or other Specialties, taken by an Attorney or County Clerk, shall be indorsed for what, or how they became due; or, in Default thereof, shall be void. *Ibid.* §. 9.

9. Attorneys neglecting their Clients Cause, the County Courts (when the lawful Costs accruing by such Negligence do not exceed 400^{lb} Tobacco) are impowered to adjudge the Attorney to pay the same. But if above 400^{lb} Tobacco, the Client shall be left to his Remedy at Common Law. 1722, *ch.* 12, §. 4.

10. Attorneys practising in any County Court, are liable to Actions in that County, as if they were actual Inhabitants thereof. *Ibid.*

11. For the Attorney's Fee in Causes of Equity, in the County Court; see *Advancement of Justice*, 9.

12. No Attorney shall Charge more than one Fee, on any Bond whatsoever, altho' there be one or more Sureties thereto, for suing or bringing the same to Judgment, or for Defence thereof; rating the Fees from the real Balance due, and not from the Sum mentioned in the Condition. 1747, *ch.* 23, §. 7.

13. On Discontinuance of Action thro' Default of any Attorneys neglecting to bring the Cause to Decision within the Time limited in this Act, such Attorney, so neglecting, to the Prejudice of his Client, shall forfeit in the Provincial Court, 5000^{lb} Tobacco, and in a County Court, 2000^{lb} Tobacco, with all Costs accruing by such Default: One Half of which Fine to the Party grieved, the other Half to his Lordship, for the Use of the County School. 1721, *ch.* 14, §. 1.

See *Advancement of Justice*, 4. *Appeal*, 11. *Continuance of Actions*, 2. *Foreign Debts*, 4. *Magistrates*, 1. *Navigation Bonds*, 2. *Officers Fees*, 1, 2. *Process Civil*, 1. *Special Bail*, 2, 3. *Specialties*, 1.

AUDITA QUERELA. See *Advancement of Justice*, 7. *Bonds*, 2. *Tobacco Debts*, 3.

B.

BACON, BEEF, PORK.

1. ALL Persons, not being Inhabitants, (*See below*, Art. 6 and 7,) exporting any Pork, Beef, or Bacon, shall pay the several Imposts following, (to be employed towards maintaining Free-Schools within this Province) *viz.* For dried Beef or Bacon, 12^d. per C.^w. and so in Proportion for a greater or lesser Quantity: For Pork or Beef undried, 12^d. per Barrel, containing 200^w. And no undried Beef or Pork shall be exported but in Cask as aforesaid. 1704, *ch.* 27, §. 1 and 5.

2. The said Impositions to be collected by the several Naval Officers, who shall account annually for the same to the Public Treasurers, and the Treasurers render Account thereof to the General Assembly. *Ibid.*

BACON, BEEF, PORK.

3. Non-Residents (*See below*, Art. 6 and 7,) Shipping any Beef, Bacon, or Pork, before Duty paid, or Caution given, and Certificate thereof obtained from the Naval Officer; or Shipping any Beef or Pork undried, not being in Cask as aforesaid, shall forfeit all such Meat, &c. One half to the Use of the Free-Schools, the other to the Informer. *Ibid.* §. 2 and 6.

4. Naval Officers are impowered, on Suspicion, to enter any Ship, &c. and Search for any such Goods for which no Duty is paid, &c. and the same to seize and have condemned according to this Law. *Ibid.* §. 4 and 5.

5. Any Master of a Ship or Vessel convicted of taking on board any Beef, Bacon, or Pork, contrary to the Meaning of this Act, shall forfeit 500^{lb} Tobacco; one Half to the Use of the Schools, the other to the Informer. *Ibid.* §. 7.

6. All Persons Trading to and from this Province, shall be deemed Non-Residents, not having a seated Plantation of 50 Acres at least, where they, with their Families (if any) have resided for One whole Year next before any Benefit claimed under this Act; or having a House in some Port or Town, as their own proper Freehold, 40 Feet in Length, and 20 Feet in Breadth, with two Brick Chimneys, wherein such Person hath dwelt for One whole Year as aforesaid. Nor shall any such Persons, having Houses in any Town, &c. enjoy such Benefit, longer than they and their Families shall actually reside in such Town, &c. *Ibid.* §. 8.

7. Persons Trading directly from *England* to this Province, shall not be deemed Foreigners, but have equal Privilege, in the Exportation of Meat dried or undried, with the Inhabitants of this Province. *Ibid.* §. 9. See *Gauge of Barrels*.

BAIL. See *Special Bail*.

BAIL BONDS.

The Sheriff shall not, in any Action of Trespass, take a Bail Bond exceeding 8000^{lb} Tobacco, where no Declaration is sent with the Writ, although the Damages be laid for any greater Sum whatsoever than 4000^{lb} Tobacco, on Penalty of 4000^{lb} Tobacco; one Half to the Support of Government, the other Half to the Party grieved. 1715, *ch.* 46, §. 3.

BALLAST.

Ballast shall not be unladen, or cast out of any Ship or other Vessel, any where above *Cedar Point* in *Chesapeake Bay*, nor into any River, &c. below High Water Mark, on Forfeiture of 50^l. Currency. 1735, *ch.* 16, §. 2. See *Harbours*.

BANISHMENT. See *Coins*, 1. *Seals*, 1.

BANKRUPTS.

1. The Factors or Agents in *Maryland* (of Persons who have imported Goods into the Province, and are become Bankrupts in *England*) who have not accounted for such Cargoes to their Principal, before Action of Account brought against them, or legal Demand thereof by the Commissioners of Bankrupts, shall be accountable to such Commissioners, as to their Principals: And such Commissioners shall have the same Right to such Goods, &c. as they have to any Goods of such Bankrupt in *England*. 1704, *ch.* 29, §. 1.

2. But no such Commission shall be executed, before the Factors of such Commissioners of Bankrupt shall have put in good Security, to satisfy the Debts contracted in this Province by such Bankrupts or their Factors, after Importation of such Cargoes. *Ibid.* §. 2.

3. No Assignment, Assurance, Conveyance, &c. whatsoever, of any Goods, Chattels, Effects, Lands, &c. (executed by Persons Trading to this Province, and residing in *Great-Britain*, or elsewhere out of this Province, at the Time of executing the same) shall be of any Force in Law or Equity, till the Person to whom such Assignment, &c. is made, or his Agent or Attorney