

be deducted out of the Plaintiff's Debt, by the Court before whom such Suit shall be; and the Plaintiff shall have Judgment for what shall be remaining due to him, after such Deduction made as aforesaid. And in Case any Plaintiff, after such Recovery had of any Quantity of Tobacco against any Defendant, having Tobacco pack, in Hogheads and qualified, as aforesaid, shall refuse, upon the Defendants requiring of such Tobacco, to Review the same, but shall sue out Execution against the Defendant, whereby the Defendant is taken in Execution, and Imprisoned, then and in such Case any Friend of the said Defendant, so Imprisoned, may on behalf of such Prisoner go to the High-Sheriff and require him to certify to the next Justice of Peace at whose Suit, and for what Sum the said Prisoner is in Execution, which Certificate the Sheriff shall make *Gratis*, and give to such Person requiring the same, within five Hours after such Demand, under Penalty of *Two Thousand Pounds of Tobacco in Cask*, to be forfeited by the High-Sheriff, if he wilfully refuse to make the same, the one half thereof to her Majesty, her Heirs and Successors, for the support of Government, the other half to the party grieved, to be recovered by Action of Debt in any Court of Record in this Province, which Certificate so obtained, any Friend or Agent of such Prisoner shall shew unto such next Justice of Peace, and if such Friend or Agent will aver that the Prisoner hath Tobacco ready to pay such Debt or Damages recovered convenient, and that such Friend will open and shew the same, the said Justice of Peace shall either go in Person or send two discreet Persons, Free-holders as aforesaid, sworn before him, to View the Tobacco and Weigh it, and make Report thereof, and if it happen the Tobacco is found, Merchantable and of such Weight, to Discharge the whole Sum mentioned in the Execution, then shall the said Justice give notice to the Sheriff, in Writing, under the Hand of such Justice, by the Agent of such Prisoner, that, except such Sheriff come and shew good Cause to the Contrary, that the, said Justice will Cause the said Tobacco to be Marked on the Creditors Risque, and if Cause be not shewed within Forty Eight Hours after the Date and Service of such Writing, which shall be dated on or at a certain Hour of a certain Day, that then the Justice shall cause the said Tobacco to be Marked and Numbred, and shall send the Sheriff a Certificate of the Mark, Number, Weight and Place where such Tobacco lies on the Creditors Account; and in Case the Prisoner is not in his Custody on any other account, he shall suffer him (paying or giving Security for his Fees) to go at large, and shall not be answerable upon any Action of Escape, and if after this the Sheriff detains the Prisoner any longer in Prison, such detaining shall be adjudged *false Imprisonment*,

To be deducted out of the Debt.

After recovery how to be satisfied On Discharge of Execution.

Without being liable to escape.

On pain of false Imprisonment.

An Act for Regulating *Writs of Error*, and granting Appeals from and to the Courts of Common Law within this Province.

Forasmuch as the Liberty of *Appeals and Writs of Error* from the Judgment of the Provincial County Courts of this Province is found