

shall take out of the overplus of such Tobacco, and the Hogshead, with the remaining part, shall belong to such Sheriff or Sheriffs receiving the same,

And whereas many Litigious Persons have, and for the future may Commence Actions of Trespas upon the Case, rather out of spite and malice than any real Cause of Action, and altho' they set not forth in the original Writ the Cause of such Action, yet lay their damage to a vast Sum, to deter Persons from being Bail; For Prevention thereof for the future.

BE it Enacted by the Authority, Advice and Consent 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 Writ, expressing the true Cause of Action, the Sheriff shall not require a Bail Bond exceeding the Sum of Eight Thousand Pounds of Tobacco, altho' the Damages be Marked on the Writ, for any greater Sum whatsoever? And any Sheriff offending herein, shall Forfeit the Sum of Four Thousand Pounds of Tobacco, the one half thereof 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 of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Effoyn, Protection or Wager of Law to be allowed.

Sheriff's Duty in taking Bail.

Forfeiture on Breach.

And to the End that Publick Creditors may be speedily Satisfied their debts due from the Publick, Be it Enacted by the authority advice and Consent aforesaid, That every Publick Creditor within this Province shall be at his Election to make Application to the Governour of this Province, for the time being, to put such Sheriff's Bond or Bonds in suit, or otherwise may immediately have an Action of Debt against such Sheriff, in any Court of Record within this Province, for such Publick Tobacco as shall be due to such Creditors. And to the End that no Officer or other Person may be surprized or unjustly molested, either upon the Account of payment or Collection of Publick Dues.

Creditors may sue Sheriff's Bond or bring Action of Debt.

Be it likewise Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid, That any Person or Persons having Publick Tobacco due to them, or Fees in any Sheriff's Hands to Collect, and that do not signify to such Sheriff or Sheriffs their Dependance and Resolution of making use of the same on or before the Twenty Fifth day of December, in the Year the same shall be due to him or them, shall not have, take or demand any Benefit or Advantage by this Act allowed for that present Year, and so every Year successively; nor shall the Sheriff of any respective County-Levy, by way of Execution, any Publick Dues or Officers Fees upon the Body, Goods or Chattles of any the Inhabitants of this Province, except they have made a Demand thereof at or before the Twentieth Day of February, for that Present Year, and so every Year Successively.

Publick Dues to be demanded of the sheriff by Christmas Day.

And by the Sheriff by the 20th of Febr.

And be it also Enacted by the Authority, Advice and Consent aforesaid, That any Sheriff within this Province having in his Hands Publick Officer's Fees to Collect, shall not presume to levy, by Execution, upon the Body, Goods and Chattles of any the Inhabitans of this Province, any Fees to him committed to Collect, where the Person or Persons from whom such Fees appears to be due, produce the former Sheriff's Receipt, or otherwise make appear the same to be paid, under the Forfeiture and Penalty of trebble the Sum Executed, to the Party or Parties grieved, to be Recovered with Cost in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Effoyn, Protection or Wager of Law to be allowed.

No Sheriff to Execute against former Sheriff, receipts

The Penalty;