

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That when Special Bail is required in the Provincial Court by the Plaintiff's Attorney, at the calling over the Appearance Docket, and that the Court doth rule Special Bail, shall be given, and the party against whom the Rule is given, that he shall give Special Bail, be Present, the party Defendant shall then and there give Special Bail, in open Court, and shall be deemed to be in the Custody of the Sheriff that arrested him in that Action, till he give Special Bail, as aforesaid, but if the said Party, Defendant, be not able at the Provincial Court to procure such Special Bail, then the said party shall be and remain in the Custody of the same Sheriff that arrested him, and by him in safe Custody kept, guarded and carried back into the County where the Defendant was arrested, and there in safe Custody kept till he can procure such Special Bail.

If ruled and not given the Defendant to be remanded.

And for the greater Ease of making and taking Recognizances of such Special Bail, it shall and may be Lawful for one of the Justices of the Provincial Court of this Province, or for the President or any two Justices of the County-Court, to take and receive every such Recognizances of Bail as any Person or Persons who shall be deemed by him or them sufficient sureties, shall be willing or desirous to acknowledge or make before him or them in the County, in any Action or Suit depending, or hereafter to be depending in the said Provincial Court, which Recognizances, so required to be taken, as well before as after the Return of the Writ, shall be taken in such manner and Form as followeth, viz. John Doe Plaintiff, against Richard Roe Defendant, You A. B. C. D. and either of you do undertake for the said Richard Roe Defendant, in ----- to be levied on your and either of your Lands and Tenements, Goods and Chattles, 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 ----- Depending in the Provincial Court, against the said Richard Roe, the Defendant, That then the said Richard Roe shall pay the Condemnation of the Court thereupon, or deliver himself to the Custody of the Sheriff of ---County, in satisfaction thereof, or you, or one of you will do it for him, They acknowledge themselves to be Content there with this ---- day of --- before me --- To the Honorable the Justices of the Provincial Court.

and may give Bail in his County.

The Form:

Which said Recognizance of Bail, 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, together with a Warrant of Attorney signed by the said Defendant so giving Bail, directed to some or any one of the Attorneys of the Provincial Court aforesaid; which Recognizance of Bail, so taken, as aforesaid, the said Court shall receive upon an appearance entered for the said Defendant, by any one of the Attorneys of the said Court, pursuant to such Warrant, saving to the several Officers their lawful Fees, as have been received for the taking Special Bail in Court, and shall be of like force and effect as if the same were taken *de bene Esse*, before the Justices of the Provincial Court, during their sitting; For taking of every such Recognizance of Bail, such Justices of the Provincial Court, or President, or any two Justices of the County Court, that shall take such Bail, shall receive only the Sum of Five Shillings, and no more.

how to be returned and received.

Justices Fee:

And be it further Enacted by the Authority aforesaid, That the Justices of the Provincial Court shall make such Rules and Orders for the Justifying of such Bails, and making the same absolute, as to them shall seem meet, so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in Person in the Provincial Court to Justifie him or themselves.

Provincial Justices may make Rules to Justify such Bails

And