

maining 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'd in Hogheads, and qualified, as aforesaid, shall refuse, upon the Defendant's Tending of such Tobacco, to receive 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 Justices of the 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 of this Province; which Certificate so obtained any Friend or Agent of such Prisoner shall shew to 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, Freeholders, 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 Creditor's Risque; and if Cause be not shewn 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 Creditor's 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 detain the Prisoner any longer in Prison, such Detaining shall be adjudged False Imprisonment.

*Pass'd November 14th, 1713.*

*Revis'd May 30th, 1715.*

\*\*\*\*\*

*An Act for the more speedy Conveying Publick Letters and Packets of this Province, and Defraying the Charge thereof; and to prevent the Abuses of Breaking open and Concealing any Letters whatsoever.* D<sup>o</sup> 48.

FORASMUCH as several of the Inhabitants of this Province have been formerly subject to great and manifest Inconveniencies by Pressing of Horses, under Pretext of Carrying and Conveying Publick Letters and Packets; For Prevention whereof, and that due Care may be taken for the future, that all Publick Letters and Packets, relating to Her Majesty's or the Publick's Service of this Province, be securely and expeditiously conveyed according to their Directions, the Delegates of this present General Assembly do pray, that it may

\* T

be