

so taken, shall be delivered to the Sheriff of such County where the same is taken, to be by him returned, with such Writ, to the Provincial-Court.

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 does 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. And for the greater Ease of making and taking of 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 Recognizance 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 Recognizance, 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.*

**Y**OU, A. B. and C. D. and either of you, do undertake for the said Richard Roe, Defendant, in to be levied on your, or either of your Lands and Tenements, Goods and Chattels, 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 therewith, this Day of before me*

To the Honourable the Justices of the Provincial-Court.

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 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-