

bacco for Levies and Dues as aforesaid; and any Sheriff so seizing or marking any Hoghead or Hogheads of Tobacco containing more then what is justly due for Levies and Dues, as aforesaid, without Satisfaction to the Person to whom such Tobacco doth belong, as by giving Credit or suffering him to take the Over-plus out of such Hoghead of Tobacco at the Choice of the Party paying or owing the same, shall pay for every such Default the Sum of Two Thousand Pounds of Tobacco, One Half 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 Essoyn, Protection or Wager of Law to be allowed.

Taking no more than what is due for Levies.

The Offence punish'd.

And if it shall so happen, that at any Time, any Sheriff shall seize any Hoghead of Tobacco, which shall weigh more than such Levy or Levies, or Dues, as aforesaid, shall amount unto, if the remaining Part due to the Party or Parties from whom they shall receive such Levy or Levies, or Dues, as aforesaid, be the greater Quantity, then and in every such case, the Sheriff or Sheriffs shall take out of the said Hoghead such Quantity or Quantities of Tobacco due to him for such Levy or Levies, or Dues, as aforesaid; and the said Hoghead, and the remaining Part of the Tobacco, shall be and remain with the Party or Parties paying the same: But if the remaining part of such Hoghead of Tobacco, so seized as aforesaid, and belonging to the Party or Parties paying the same, shall be the less Quantity than is due to the Sheriff or Sheriffs, as aforesaid; then and in every such case, the Owner or Owners of such Tobacco, shall take out the Overplus of such Tobacco, and the Hoghead with the remaining part, shall belong to such Sheriff or Sheriffs receiving the same.

In case of breaking a Hoghead, he that has the greater Share of Tobacco, is to have the Cask.

And whereas many litigious Persons have, and for the future may commence Actions of Trespas upon the Case, rather out of Spight 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 Thoulard 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 Essoyn, Protection or Wager of Law to be allowed.*

Sheriffs 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*

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

against