

with Two sufficient Free-holders of this Province, such as the Justice or Justices before whom such Defendant shall go, shall approve of, and then and there give special Bail to any Action wherein he shall be so arrested by Virtue of such Writ, which Bail 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 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, 'til 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.

And may give Bail in his County.

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 therewith, this* Day of *before me* To the Honourable the Justices of the Provincial-Court.

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 entred for the said Defendant, by any one of the Attorneys of the said Court, pursuant to such Warrant;

How to be returned and received.