

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 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.

V. 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 cognizers of such bail or bails be not compelled to appear in person in the provincial court to justify him or themselves.

Court to make
rules, &c.

VI. AND IT IS HEREBY FURTHER ENACTED, by the authority, advice and consent aforesaid, That such justices of the provincial or county courts before whom any recognizance of bail may happen to be taken, shall have, and power is hereby given them to examine the sureties upon oath, touching the value of their respective estates, for the better satisfaction of the justice or justices that shall take the same bail, any law, usage, custom or practice to the contrary notwithstanding.

Justices may
examine sure-
ties, &c.

VII. AND BE IT FURTHER ENACTED, That any justice or justices of any county court shall and may, on application to them made by any person or persons whatsoever, on any action brought, or hereafter to be brought, in any county court of this province, take any special bail, according to the rules before directed for taking special bail to any actions brought in the provincial court, for the taking of which said recognizance of bail in the county court, the said justice shall receive as a fee or reward, the sum of two shillings and six-pence, and no more; and the said justices of the several county courts, upon receiving the bail to be given as aforesaid, shall act and do in all things according to the power by this act given to the justices of the provincial court aforesaid, and the bail so by them taken, shall be as effectual to all intents and purposes in the county court, as the bails before directed shall be in the provincial court, any law, statute, usage, custom or practice to the contrary notwithstanding.

And take spe-
cial bail, &c.

C H A P. XXIX.

An ACT, providing what shall be good evidence to prove foreign and other debts, and to prevent vexatious and unnecessary suits at law, and pleading discounts in bar. Lib. LL. No. 4. fol. 173. June, 1715.
Repealed 1729, ch. 20.

C H A P. XXX.

An ACT for repealing a clause in an act of assembly, entitled, An act for establishment of religious worship in this province, &c. and also for appointing the oaths of abjuration to be taken in this province. Lib. LL. No. 4. fol. 176.

C H A P. XXXI.

An ACT ascertaining the height of fences, to prevent the evil occasioned by the multitude of horses, and restraining horse-rangers within this province, and to redress the great evil accruing to this province by the multiplicity of useless horses, mares and colts that run in the woods. Lib. LL. No. 4, fol. 178.

A Supplement 1769, ch. 18.

BE IT ENACTED, by the King's most excellent majesty, by and with the advice and consent of his majesty's Govern. Council and Assembly of this province, and the authority of the same, That all enclosures by fences, or otherwise, within the intention of this act herein after mentioned, shall be five-foot high; and from and after the first day of May till the next tenth day of November next, and so yearly and every

Enclosures to
be five feet
high, &c.