

enter the said bond, with the endorsement, in the provincial land records, which shall be immediately performed by the proper clerk; and after such entry upon record, the original bond is to be immediately lodged with the clerk of the council, in the council office, who is hereby required to take charge of the same; and that an attested copy of the said bond, from the said provincial records, shall be as good evidence in law, to maintain any action of debt to be brought for the breach of the condition thereof, to all intents and purposes, as if the original bond were actually produced in such case.

For the condition of the bond, as now required, see 1742, ch. 10, section 2.

IV. PROVIDED, That although such officers have entered into bonds, with sureties as aforesaid, the entering into such bonds shall not be deemed a compliance with the directions of this act, at any time after the sufficiency of such sureties shall be disapproved of by the justices of the provincial court, in court sitting, but that in case of such disapprobation, the officer or officers aforesaid shall be obliged to enter into new bond, in form aforesaid, with such sureties as the said provincial court shall approve of.

Proviso.

V. AND BE IT FURTHER ENACTED, by the authority, advice and consent aforesaid, That it shall and may be lawful for any person whatsoever to put such bond or bonds in suit, for any particular breach thereof, to their respective damage, without any formal assignment of such bond, and in case of recovery, shall have the damages to be assessed by a jury awarded them, by the court before whom such recovery shall be had, out of the penalty of such bond; but in case of a nonsuit, shall satisfy the defendant his full cost of suit, to be adjudged him against such prosecutor, whose name shall be always be endorsed on the back of the first process that shall be served on such defendant, and be in such endorsement termed the prosecutor; and in case the lower house of assembly, or the justices of the provincial court, shall at any time find cause to put in suit the bond or bonds taken for security of the records aforesaid, the order or direction of the said lower house of assembly, or of the justices of the provincial court aforesaid, shall be sufficient to oblige the attorney-general for the time being to sue such bond, in his lordship's name, for the securing the public from all charges and expenses that shall be necessary for the putting or preserving the afore-mentioned records in repair, according to the true intent and meaning of this act.

Bonds may be put in suit, &c.

VI. AND BE IT FURTHER ENACTED, by the authority, advice and consent aforesaid, That the commissioners for the time being of the several county courts within this province, are hereby authorized and empowered to inspect their respective record books, and to judge what reparations they shall think needful, which reparations and amendments, if any they shall adjudge necessary, they shall, with all convenient speed, cause to be made, and agree with such person or persons as they think most capable to perform the same, upon the best and easiest terms they can (on behalf of their respective counties,) in tobacco, which tobacco the persons employed, performing and finishing the reparations and amendments aforesaid, shall be allowed in their several and respective county levies; and after such reparations made, where wanted, or after inspection as aforesaid, where no reparation is thought necessary, it shall not thenceforward be lawful for the clerks of the several and respective county courts to receive or apply to their use any of the fees and profits arising from their office, until they have entered into bond before the county court, with two sufficient sureties, to be taken in his lordship's name, in the (a) sum of two hundred pounds current money, with condition as above in this law is already expressed; which bond shall be immediately proved in such manner as above expressed, before the said court, or any two justices thereof, who shall cause the same immediately to be entered by the clerk in the county records for conveyances of land, and the original bond shall be lodged in the council office as aforesaid, and that a true attested copy of said bond shall be good evidence in law, in all such cases as in this law is already above expressed, the same bond to be put in suit as aforesaid, with damages and costs, to be recovered on any such breach as aforesaid, in case of recovery, and in case of nonsuit, the costs to be adjudged against the prosecutor as aforesaid, and the prosecutor's name to be endorsed on the back of the first process as aforesaid; and also such bond to be put in suit by the order of such county court, as often as it shall be found necessary for the indemnity of the county.

Commissioners to inspect the records, &c.

(a) By 1742, ch. 10, section 2, the security given by each county clerk shall be for the sum of one thousand pounds current money.

VII. PROVIDED, That neither the public, nor any county, shall be burthened with any costs of nonsuit, where they shall happen to be prosecutors.

Proviso.

This act has not been repealed, but the provisions it contains have been considerably altered by the adoption of the present constitution, and by acts of assembly.