

Against the Defendant but shall pay to the Defend^t what Cost the Defend^t hath in that Cause expended to be Deducted out of the plaintiffs Debt by the Court before whom such Suit shall be and the plaintiffe shall have Judgment for what shall be remaining due to him after such deduction made as afo^r

And in Case any plaintiff after such recovery had of any quantity of Tobacco against any Defendant having tob^o packt in hogsheads and qualified as afo^r shall refuse upon the Defendants Tendering such tob^o to receive the same but shall sue out Execution against the defend^t whereby the Defendant is taken in Execution and imprisoned then in such Case any friend of the said Defendants so Imprisoned may on behalf of such prisoner go to the high Sheriffe & require him to Certify to the next Justice of peace at whose Suit and for what Summe of said prisoner is in Execution w^{ch} Certificate the Sheriffe shall make gratis and give to such Person requiring the same within five hours after such Demand under penalty of two thousand pounds of tob^o in Case to be forfeited by the high Sheriffe if he willfully refuse to make the same the one half thereof to her Majesty her heires and Successors for the Support of Governm^t the other half to the party grieved to be recovered by account of Debt in any Court of Record of this pvince, w^{ch} Certificate so obtained any friend or agent of such prisoner shall shew to such next Justice of peace, and if such friend or agent will avorr that the prisoner hath tobacco Ready to pay such Debt or damages recovered Convenient by such friend will open & shew the same, the said Justice of peace shall either go in person or send two discreet persons Sworne before him to view the tobacco & weigh it and make Report thereof & if it happen the tobacco is sound & merchantable & of such weight to discharge the whole Summe mentioned in the Execution then shall the said Justice give notice to the Sheriffe in

(writing)