

171  
him in that action till he give Special Bayle as aforesaid but if the  
said party Defendant be not able at the provincial Court to  
procure such Special Bayle then the said party be and remain  
in the Custody of the said Sheriff that arrested him and by  
him in safe Custody kept guarded and carried back into the  
County where the Defendant was arrested and therein safe  
Custody kept till he can procure such Special Bayle  
AND For the greater ease of making and taking recognizance  
of such Special Bayle it shall and may be lawful for one of  
the Justices of the Court of this Province or for the pro-  
-dent or any two Justices of the County Court to take and receive  
every such Recognizance of Bayle as any person or persons  
who shall be deemed by him or them sufficient Sureties shall  
be willing or Desirous to acknowledge or make be for him or  
them in the County in any action or Suits depending or hereafter  
to be depending ~~in the County~~ in the said prov-  
Court which Recognizance 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 Vizt John Doe plaintiff against Richard  
Roe Defendant You A B and C and either of you do under take for the  
said Richard Roe Defendant in to be served on your and  
either Lands and Tenements goods and Chattels to the use of the said John  
Doe the plaintiff upon Condition that if the said John Doe do  
obtain Judgment in any action of depending in the prov-  
Court against the said Richard Roe the defendant that the said  
Richard Roe shall pay the Condemnation of the Court there-  
upon 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 Honble the Justices of the  
provincial Court which said recognizance of Bayle so taken as aforesaid  
shall be transmitted to the Justices of the said prov. 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 Bayle  
directed to some or any one of the attorneys of the provincial Court  
aforesaid which recognizance of Bayle 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  
saveing to y<sup>e</sup> several officers their Lawfull fees as have been received  
for the taking Special Bayle ~~in~~ in Court and shall be of like  
(forced)