

XI. *And be it further enacted by the authority aforesaid,* That each and every recognizance of bail to be taken in cases of personal arrest as herein before mentioned shall be that if the Defendant or Defendants shall be condemned in the action at the suit of the Plaintiff or Plaintiffs he, she or they will satisfy the costs and condemnation money or render himself, herself or themselves to the custody of the Sheriff of the District in which such action shall be brought, or that the Cognizers shall do so for such Defendant or Defendants.

Condition of Recognizances of Bail.

XII. *And be it further enacted by the authority aforesaid,* That whenever any bail in any action or suit now pending or hereafter to be brought in any District, shall be desirous of surrendering their principal in discharge of themselves, it shall and may be lawful for the Sheriff of such District, and he is hereby required to receive such principal into his custody at the Gaol of his District and to give such bail a certificate under his hand and seal of office of such surrender which certificate shall be a sufficient authority for any Judge of the Court in which such action shall be pending, and he is hereby required on production thereof to order an exoneretur to be entered on the bail piece in the same manner as if such principal had been surrendered in person before him at his chambers for which certificate the said Sheriff shall receive the sum of five shillings and no more.

Bail may surrender their Principal in the Sheriff of the respective Dist's. where Defendants are held to Bail, and Sheriffs to give Certificates of surrender, and Judge to order an Exoneretur on production thereof.

XIII. *And be it further enacted by the authority aforesaid,* That if any Defendant or Defendants shall be taken or detained in custody in any District of this Province on mesne process issuing out of any Court of Record in this Province at the suit of any Plaintiff or Plaintiffs and shall be detained or imprisoned thereon after the return of such process, it shall and may be lawful for such Defendant or Defendants except in Term time within the Home District of this Province or District where the Court shall be holden, and upon due notice thereof given to the Attorney of the Plaintiff or Plaintiffs in such process to put in and justify bail before any of the Justices of the Court out of which such process shall have issued, or before any Commissioner duly appointed for taking bail in such Court, which Justice or in case bail shall have been put in and justified before a Commissioner, any Justice of the said Court upon receipt of the said bail piece and recognizance from such Commissioner, may if he shall think fit, order a rule to issue for the allowance of such bail and may further order such Defendant or Defendants to be discharged out of custody by Writ of Supersedeas in the like manner as may be done by order of the Court in Term time.

Defendants may put in Special Bail in vacation.

Rule for allowance thereof may be issued by a Judge.

XIV. *And be it further enacted by the authority aforesaid,* That in case the Plaintiff in any action now pending or hereafter to be brought in the said Court his Servant or Agents shall at any time after action brought, and before final judgment, be apprehensive that the Defendant will leave this Province without paying his debt it shall and may be lawful to and for the said Plaintiff his Servant or Agent having made and filed such Affidavit as aforesaid, to sue out an alias Writ of Capias ad respondendum and to cause the said Defendant to be thereupon arrested and holden to bail, which bail, if the said Writ shall have been sued out after common bail being filed, shall be bail to the action.

Defendants may be held to Bail in Actions previously pending.