

ney, and in the default of the payment of such weekly allowance, such Court respectively, in term time, or any Judge thereof in vacation, shall issue an order to the Sheriff of the District in which such Defendant shall be in custody, to discharge such Defendant upon filing common bail.

On default of payment by Plaintiff, Defendant to be discharged on filing common bail.

II. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend to prevent any such Plaintiff or Plaintiffs from proceeding to final judgment and execution, in the same manner as if the party had entered special bail, and as if this Act had not been passed; *And provided also,* that the Plaintiff shall be at liberty to tender interrogatories to the Defendant in like manner as if he were charged in execution, and such Defendant shall not be discharged for want of the payment of the weekly allowance, unless he shall answer such interrogatories to the satisfaction of the said Court, or to any Judge thereof in vacation.

Course of proceeding to Judgment and Execution not interrupted by this Act.

Plaintiff may tender interrogatories.

III. *And be it further enacted by the authority aforesaid,* That any sum or sums of money paid by the Plaintiff or Plaintiffs in any Suit or Action, towards the weekly allowance directed to be paid under the provisions of this Act, shall be taxed as part of the costs of the Suit, and be allowed to the Plaintiff in his bill, to be taxed by the proper officer.

Amount of allowance paid to form part of Plaintiff's costs.

IV. *And be it further enacted by the authority aforesaid,* That the Defendant shall not be entitled to a weekly allowance under this Act, for any time during which the Plaintiff shall be delayed in his proceeding in consequence of any indulgence granted to the Defendant by rule of Court or order of a Judge; nor shall any order be made for such weekly allowance unless the Defendant shall make an affidavit to be filed among the papers in the cause that he does not believe the demand of the Plaintiff to be just, and that for that cause and no other he resists payment of the same, and refuses to confess judgment for the sum sworn to.

No allowance payable during delay occasioned by Defendant,

or without Affidavit that Plaintiff's demand is resisted bona fide.

V. And whereas it is expedient to afford further relief in respect to destitute persons arrested for small sums: *Be it therefore further enacted by the authority aforesaid,* That when the sum sworn to shall not exceed Ten Pounds, it shall and may be lawful for the Defendant at the expiration of thirty days after having been committed to prison, to apply to the Court from whence the Process issued, in term time, or to a Judge thereof in vacation, setting forth on affidavit that he is not worth the sum for which he has been arrested, and that he hath not directly or indirectly, sold, or otherwise disposed of any goods, debts, moneys or other personal estates, in order to defraud his Creditors, or any of them, and that if

Persons in custody for debts not exceeding Ten Pounds, on certain conditions may be discharged on filing common bail.