

or that no sufficient reasons have been assigned by the plaintiff for the belief that the defendant was immediately about to leave the Province with intent and design to defraud the plaintiff of his debt or that the defendant hath not made any fraudulent assignment of his property to defraud the plaintiff of his debt. 5

Amount and condition of bail in civil cases.

II. And be it enacted, That whenever any person shall be holden to bail in any form of action whatever, the recognizance of bail to be taken at the return of the process shall be taken in double the sum sworn to, and shall be subject to the condition, that if the defendant or defendants shall be condemned in the action, and shall neglect or refuse to pay the costs and condemnation money, or to appear personally in open Court, or before any Judge or Commissioner of the Court, wherein such bail shall be taken, or a Judge of any District or County Court when thereunto required by notice, to be left with either of such bail, and with the defendant, or at his or their last place of abode, at least twenty days before the day on which he shall be required to appear, and there to answer such questions or interrogatories as shall be propounded to him touching his lands, tenements, goods, chattels, money, rights or credits, then and in such case the bail will pay the costs and condemnation money for him: Provided always, that nothing herein contained shall prevent the bail surrendering their principal in discharge of themselves at any time before judgment shall have been rendered against them on such recognizance and upon payment of costs. 10
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Examination of defendant as to his property.

Proviso; bail may surrender their principal

How affidavit to hold to bail must be sworn to.

III. And be it enacted, That no affidavit to be made for the purpose of obtaining any process for the arrest of any person whomsoever, shall be sworn before any Attorney or other person promoting such arrest, nor until it shall have been read over and explained to the deponent by the party administering the oath, and to be so certified in the *Jurat* to the affidavit. 30
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Proceedings if the defendant on examination shall appear to have acted fraudulently;

Or shall refuse to discover his property.

IV. And be it enacted, That if such defendant or defendants upon examination upon oath, either upon interrogatories or *vidé voce*, in open Court or before a Commissioner of the Court in which the suit shall be pending, or a Judge of any District, Circuit or County Court, or upon the examination in like manner of any witness or witnesses for either party, shall appear to the said Court to have acted fraudulently, either in the manner of contracting the engagement upon which the recovery shall have been had, or in evading the satisfaction thereof; or if such defendant or defendants shall refuse to make a full discovery of all his or their lands, tenements, goods, chattels, moneys, credits and effects, (and to assign to the plaintiff or plaintiffs, the whole or such part thereof as the said Court shall direct, in or towards the satisfaction 40
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