

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 5 Commissioner of the Court, wherein such bail shall be taken, 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 10 days before the day on which he shall be required to appear, and there to answer Examination of Defendant such questions or interrogatories as shall as to his pro be propounded to him touching his lands, property.

tenements, goods, chattels, money, rights 15 or credits, then and in such case the bail will pay the costs and condemnation money for him: Provided always, that nothing hereinbefore contained shall prevent the bail Proviso; bail may surrender their principal surrendering their principal in discharge of 20 themselves at any time before judgment shall have been rendered against them on such recognizance and upon payment of costs.

III. And be it enacted, That no affidavit to How affidavit to hold 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.

IV. And be it enacted, That if such defendant or defendants upon examination 35 upon oath, either upon interrogatories or *viva 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 40 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 Proceedings if the Defendant on examination on shall appear to have acted fraudulently.