

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 such questions or interrogatories as shall be propounded to him touching his lands, 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 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.

Examination of Defendant as to his property.

Proviso; bail may surrender their principal

III. And be it enacted, That no affidavit to
 25 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
 30 the *Jurat* to the affidavit.

How affidavit to hold to bail must be sworn to.

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 shall appear to have acted fraudulently.