

*Provided*, That where any Judgment shall be entered by Default, for any of the Causes aforesaid, the Defendant or his Attorney may, upon Affidavit being filed the first Day of the Court, setting forth the Occasion or Means which prevented an Appearance being entered, or Plea filed in due Manner as before is prescribed, and duckling the whole Matter to the Court, and that he tells the Merits of the Cause upon Trial only, and Motion thereupon made, the said Court is hereby impowered, from the Merits and Circumstances of the Case, upon the Defendant or his Attorney agreeing to pay the Plaintiff his Costs to be then taxed, order such Default to be struck off, after which, or after an imparlance in any Case, no special Pleading shall be allowed of, but the Cause shall, without further Delay, proceed to Issue for Trial, either at such Court or at any other Court as shall be ordered.

*Provided also*, That no Matter of Fact shall be allowed to be pleaded in Abatement, without an Affidavit of the Truth of the Plea being thereunder made, and that no dilatory Plea be allowed to be filed, unless it be signed by some Attorney of the said *Inferior Court*.

*And Whereas several Doubts and Difficulties have heretofore arisen, to the great Impediment of the Proceedings of the Inferior Court of Common Pleas, touching the Constructions of Bail in civil Actions; for preventing whereof for the future,*

*Be it enacted by the Authority aforesaid*, That when any Person or Persons shall be arrested, by Virtue of any Writ issuing out of the said *Inferior Court*, the Provost-Marshal or his Deputy, or other Person by this Act qualified to serve Writs, shall be obliged, and are hereby respectively required, upon sufficient Bail being offered, to let such Defendant or Defendants go at large, upon his or her, or their first executing a Bond with two sufficient Surties, to the said Provost-Marshal, with Condition thereunder written for the personal Appearance only of the Defendant on the first Day of the Court to which such Writ is returnable, and according to the Tenor thereof; and if such Defendant shall not appear accordingly, or if sufficient Bail to abide the final Event of the Suit shall not then be offered in Behalf of the Defendant, Judgment shall thereupon be entered against the Defendant by Default, and the Provost-Marshal shall immediately, upon Request of the Plaintiff or his Attorney, in Court assign the Bail Bond, by indorsing his Name thereon, for the Benefit of the Plaintiff, to be put in Suit, or otherwise recover the Penalty thereof; which Assignment shall not debar the Plaintiff from proceeding to final Judgment and Execution the same Court, against the Defendant or Defendants in the said Action. And whenever it shall happen that the Defendant or Defendants shall appear according to the Tenor of the Condition of such Bail Bond, and offer Bail to the Satisfaction of the Plaintiff, and Approbation of the Court, or if the Defendant from some Impediment, shall not happen to appear, but nevertheless two sufficient Persons, to be approved of by the Plaintiff and the Court, shall offer to become Bail; in either of the said Cases, a Recognizance with Condition thereunder written, in the following Form, *Mutatis Mutandis*, shall be entered into by the Defendant (if present, and his Bail.