

house or other houses where Tob^o is or shall be secured with C. P. designe to prevent the said Sher. from Seizing the said Tob^o for Levies and dues as af^d and any Sher. soe Seizing or Marking any hh^d or lh^{ds} of Tob^o Containing more then what is Justly Due for Levys and dues as af^d without Satisfaction to the person to whome such Tob^o doth belong as by giving Credit or Suffering him to take the Overpluss out of such hh^d of Tob^o att the Choice of the party paying or owing the same shall pay for Every such Default the Sume of two thousand pounds of Tob^o one halfe to his Majesty his heirs and Successors for Support of Government the other halfe to the party Grieved to be recovered in any Court of Record of this Province by Action of Debt bill Plaint or Informacōn wherein no Essoyne Protection or Wager of Law to be Allowed. p. 86

And if itt shall soe happen that att any time any Sherriffe shall seize any hh^d of Tob^o which shall weigh more then such Levy or Levies or dues as af^d shall amount unto if the remaining part due to the party or parties from whome they shall receive such Levy or Levies or dues as af^d be the greater Quantity then and in Every such Case the Sherriffe or Sherriffes shall take out of the said hh^d such Quantity or Quantities of Tob^o due to him for such Levy or Levies or dues as af^d and the said hh^d and the remaining part of the Tob^o shall be and remaine with the party or parties paying the same but if the remaining part of such hhd of Tob^o so Seized as af^d and belonging to the Party or Parties paying the same shall be the Less Quantity then is due to the Sher or Sher^s as af^d then and in Every such Case the Owner or Owners of such Tob^o shall take out of the Overplus of such Tob^o and the Hogshead with the remaining part shall belong to such Sher or Sher^s receiving the same. And whereas many Litigious persons have and for the ffuture may Comēce Actions of Tresspass upon the Case rather out of Spite and Malice then any reall Cause of Action and altho' they sett not forth in the Originall writt the Cause of Such Accōn yett lay their damage to a Vast Sume to deterr persons from being bayle for prevention whereof for the future, p. 87

Be itt Enacted by the Authority Advice & Consent af^d that in All Actions of Tresspass upon the Case where Damages are laid to be Above four thousand pounds of Tob^o if no Declaration be sent with the writt Expressing the true Cause of Action the Sherriffe shall not require a baile bond Exceeding the sume of Eight thousand pounds of Tob^o altho the Damages be mark't on the writt for any greater sume whatsoever and any sherriffe Offending herein shall fforfeit the sume