

Fornication, or Adultery, as the Case shall happen, and subject them to the Penalties aforementioned; any Law, Statute, or Custom to the contrary notwithstanding. C H A P. XXVII.

Examined and Compared with the Original Act, REVERDY GHISELIN,
THOMAS BACON.

* This Paragraph is recited at large in 1749, *ch. 12, §. 5*, and it is thereby Enacted, That Persons not appearing according to such Notice, on Affidavit of such Notice being given, it shall be taken for a Proof of Cohabitation and a Confession of their Guilt: And shall be sufficient Evidence to convict them, so cohabiting and frequenting each others Company, as if they had appeared, and were actually admonished according to this Act.

C H A P. XXVIII.

An ACT for taking Special Bail in the several Counties of this Province upon Actions or Suits depending in his Majesty's Provincial Court, and in the several County Courts of this Province. *Lib. LL. N^o 4. fol. 170.* Passed 3d June 1715.

FOR the greater Ease and Benefit of all Persons inhabiting or residing within this Province, in taking Recognizances of Special Bail in all Actions and Suits depending, or to be depending, in his Majesty's Provincial or County Courts of this Province; Preamble.

II. *Be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same,* That it shall and may be lawful to and for the Defendant in any Writ issued, or to be issued, out of the Provincial Court, after Arrest, and Bail given to the Sheriff for his Appearance, and before the Return of such Writs, to go before one of the Justices of the Provincial Court, or before the President or any Two Justices of the County Court where such Defendant shall be arrested, with two sufficient Freeholders of this Province, such as the Justice or Justices before whom such Defendant shall go, shall approve of, and then and there give Special Bail to any Action wherein he shall be so arrested by virtue of such Writ; which Bail, so taken, shall be delivered to the Sheriff of such County where the same is taken, to be by him returned, with such Writ, to the Provincial Court. Special Bail to Provincial Writs, how to be given in the County where the Defendant is arrested.

III. *And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid,* That when Special Bail is required in the Provincial Court by the Plaintiff's Attorney, at the calling over the Appearance-Docket, and that the Court does rule Special Bail shall be given, and the Party, against whom the Rule is given that he shall give Special Bail, be present; the Party Defendant shall then and there give Special Bail in open Court, and shall be deemed to be in the Custody of the Sheriff that arrested him in that Action, 'till he give Special Bail as aforesaid. But if the said Party Defendant be not able, at the Provincial Court, to procure such Special Bail, then the said Party shall be and remain in the Custody of the same Sheriff that arrested him, and by him in safe Custody kept, guarded, and carried back into the County where the Defendant was arrested, and there in safe Custody kept, till he can procure such Special Bail. If Special Bail be ruled in the Provincial Court, the Party, if present, shall give Special Bail in open Court, or remain in Custody till he can procure Special Bail.

IV. *And for the greater Ease of making and taking Recognizances of such Special Bail, it shall and may be lawful for one of the Justices of the Provincial Court of this Province, or for the President, or any Two Justices of the County Court, to take and receive every such Recognizances of Bail as any Person or Persons, who shall be deemed by him or them sufficient Sureties, shall be willing or desirous to acknowledge or make before him or them in the County, in any Action or Suit depending, or hereafter to be depending, in the said Provincial Court; which Recognizances, so required to be taken, as well before as after the Return of the Writ, shall be taken in such Manner and Form as followeth, viz.* Recognizances of Special Bail how to be taken.