

These sections apply to the old provincial court; the subsequent sections prescribe a rule for the county courts, and refer to these—it is therefore necessary to reprint them.

Sec. 3. This related exclusively to the provincial court.

SEC. 4. *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 recognizance 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 :

A new form is substituted by October, 1778, ch. 21, sec. 4.

Court to
make rules,
&c.

SEC. 5. *And be it further enacted, by the authority aforesaid*, That the justices of the provincial court shall make such rules and orders for the justifying of such bails, and making the same absolute, as to them shall seem meet, so as the cognizor or cognizors of such bail or bails be not compelled to appear in person in the provincial court to justify him or themselves.

Sixth section supplanted by October, 1778, ch. 21, sec. 5.

And take
special bail,
&c.

SEC. 7. *And be it further enacted*, That any justice or justices of any county court shall and may, on application to them made by any person or persons whatsoever, on any action brought, or hereafter to be brought, in any county court of this province, take any special bail, according to the rules before directed for taking special bail to any actions brought in the provincial court, for the taking of which said recognizance of bail in the county court, the said justice shall receive as a fee or reward, the sum of two shillings and six-pence, and no more; and the said justices of the several county courts, upon receiving the bail to be given as aforesaid, shall act and do in all things according to the power by this act given to the justices of the provincial court aforesaid, and the bail so by them taken, shall be as effectual to all intents and purposes in the county court, as the bails before directed shall be in the provincial court, any law, statute, usage, custom or practice to the contrary notwithstanding.

The sec. is altered by 1801, ch. 74, sec. 30 and 31.