

which the plaintiff demandeth, & defaultk what the plaintiff oweth to him upon the like Clearness.

Great Law, chapter 41. See Vol. II St.L. 44, ch. XXXVIII.

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CHAPTER 28.

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[28] THE LAWS ABOUT ARRESTS AND MAKING DEBTORS PAY BY SERVITUDE.

Be it enacted by the Authority aforesaid, That in Case any man arrest another going out of the Province, he shall be readie with his Declaration & evidence the next day, and shall put in Security to pay the Charges & Damages sustained by the partie arrested, if he shall be found in the Wrong.

Be it further enacted, That all persons of known Estates refusing to pay their Just debts, if arrested & imprisoned shall be kept at their own Charges untill Security be given, or satisfaction made . . . Provided that no person shall be kept in prison for Debt or Fine longer than the second day of the next Sessions after his or her Commitment, unless the Plaintiff shall make it appear, that the person Imprisoned hath some Estate that he will not produce . . . In which case the Court shall Examine all persons suspected to be privie in the concealing such Estate . . . But if no Estate can be found, the Debtor shall satisfie the debt by servitude, as the County Court shall order, if desired by the Creditor.

Be it further enacted that no Inhabitants in this Province or Territories shall be taken for Debt before a tryall—unless he or she be about to depart out of the same, & shall refuse to give sufficient bail for appearance at the next Court, or Security for the payment of the Debt, or hath not Goods sufficient to be Attatched; And that in such Cases before any Warrant of Arrest be granted, the Plaintiff shall solemnly declare before those who are impowered to grant the same, that he or she believeth in his or her Conscience that his or her Cause or Action is Just, & his or her declaration & evidence are readie for Tryall, if the Defendant shall pray a Special Court . . . And that in Cases relating to other Inhabitants residing within the said Province & Territories . . .

The process & proceedings shall be by Summons as by the Sixty sixth Chapter of Laws is established & ordained . . . And Further that it shall and may be Lawful for any plaintiff to Sue out a writt of Summons & serve upon the Defendant personally in whatsoever County he or she shall be found, although it should happen that the dwelling or abode of such defendant may be in another County, & when so personally Summoned, Such defendant shall be bound to appear in the Court of the said County of of which such Writ or summons was issued, And in default of appearance, Judgment shall be entred against him or her, or if such Defendant appear and upon Tryall, Judgment shall goe against him or her, Execution shall be awarded in open Court to be directed to the Sheriff of such County where the defendant dwells or inhabits, or where his Estate lyes, to be Executed in such manner as if the said Execution had proceeded from the Court of that County where he is Sherriff; Any Law, Custom or Usage to the Contrary hereof notwithstanding—Provided always that this Law shall not extend to any Members of Provinciall Council & Assembly during their attendance & service in Provinciall Council & Assembly, & fourteen days before & fourteen days after their said service & attendance therein.

Great Law, chapter 42; chapter 74, 1683; chapter 167, 1684. See Vol. II St.L. 129, ch. XCIV.

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## CHAPTER 29.

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### [29] THE LAW ABOUT VERBAL CONTRACTS.

Be it enacted by the Authority aforesaid That all promises, bargains & Agreements about buying & selling being made appear by sufficient Evidence, shall stand good & firm, and such as shall violate the same, he or she shall for every such offence, pay twice the value to the person wronged.

Great Law, chapter 43.