

Form of Bond.

Know all men by these presents, that we _____ are held and firmly bound to _____ Sheriff of the County (or City and County,) of _____ in the sum of _____ lawful money of New Brunswick, to be paid to the said Sheriff, or to his certain attorney, executors, administrators, or assigns, for which payment to be well and truly made, we bind ourselves, and each of us by himself, for and in the whole, our and each and every of our heirs, executors and administrators, firmly by these presents: Sealed with our seals.—Dated this _____ day of _____ in the _____ year of the Reign of our Sovereign _____ of the United Kingdom of Great Britain and Ireland, &c. &c., and in the year of our Lord one thousand eight hundred and _____

Whereas the above named _____ Sheriff as aforesaid, hath given permission to the above bounden _____ a person in custody of the Sheriff of the County (or the City and County,) above mentioned, to go about and have his liberty within the limits of the gaol of such County; now the condition of the above obligation is such, that if the said _____ shall not go or be at large out of the said limits of such gaol, or escape at any time while he has the liberty of the same as aforesaid, then this obligation is to be void, otherwise to remain in full force and virtue.—Signed, sealed and delivered in the presence of _____

Bond to be assigned to plaintiff.

Which said bond the said Sheriff or his Deputy, at the request of the plaintiff in such suit, or his Attorney, shall assign to the said plaintiff in such action, by endorsing the same and attesting to it under his hand and seal, in the presence of two or more credible witnesses, and if the said bond or assignment be forfeited, the plaintiff in such action, after such assignment made, may bring an action and sue therefor in his own name; and the Court where the action is brought may by rule or rules of the same Court give such relief to the plaintiff and defendant in the original action, and to the obligors in the said bond as is agreeable to justice and reason, and that said rule or rules of the said Court shall have the nature and effect of a defeasance to such bond.

New Bond may be required in case of insufficiency or death or removal of a Sheriff.

XVIII. 'And whereas in cases where the sureties of any debtor executing a 'bond under the provisions of this Act may be considered insufficient, or where 'any Sheriff or other officer may die, resign, or be removed from office, it is 'considered proper that the Sheriff or other officer, or his successor, should be 'authorized to require a new bond;' Be it therefore enacted, That in any case where the Sheriff or other officer holding any bond taken under the provisions of this Act, or the successor of any such Sheriff or other officer, shall require such new bond from any debtor within the limits, the same shall be given by the debtor in the same manner as if such debtor was in actual custody, and on the refusal or neglect of the debtor to give such bond, it shall be lawful for the Sheriff or other officer to commit such debtor to custody in the same manner as if such debtor had been rendered by his sureties under the provisions of this Act.

Sheriff not to be liable to action of escape for liberty given under this Act.

XIX. And be it enacted, That no Sheriff shall be liable to any action of escape or other suit or information for or on account of any liberty that may be granted to any confined debtor under the provisions and according to the true intent and meaning of this Act; provided always, that if any confined person shall go or be at large in any manner or by any means not authorized by this Act, the Sheriff shall then be liable to all intents and purposes in the same manner as if this Act had not been made.

Sheriff not to levy on the apparel, bedding or tools of a debtor if the same do not exceed £15 in value.

XX. And be it enacted, That in all cases wherein a writ of *feri facias* shall be issued upon any judgment obtained or to be obtained in any Court in the Province, it shall not be lawful for the Sheriff or other officer executing such writ, to seize and levy upon the necessary apparel and bedding of the debtor or debtors against whom such judgment shall be obtained, or of his, her or their family or families, the necessary tools of his, her or their trade or occupation, in satisfaction of such judgment; provided always, that such apparel, bedding and tools so to be exempted from being seized or levied upon as aforesaid, shall not exceed the value of fifteen pounds in the whole to any one debtor, which value shall be ascertained by the oath of three disinterested freeholders in the County, to be appointed by such Sheriff or other officer to appraise the same, which oath the said Sheriff is hereby authorized and empowered to administer.

Indemnification to Sheriffs and Gaolers

XXI. And be it enacted, That every Sheriff or Gaoler who shall do any thing in obedience to the order of any Judge or Justices, under the provisions of this Act, shall be indemnified for whatsoever shall be done by them respectively, in obedience thereto, and the order of the Judge or Justices for the discharge of any prisoner out of confinement, shall be a sufficient justification to the Sheriff or Gaoler for such discharge; and in any action brought against such Sheriff or Gaoler he may plead the general issue, and give such order in evidence thereunder.