

Bail.

or penalties sued for ; and such person or person against whom such capias shall issue, shall be obliged to give sufficient bail or security, by natural born subjects or denizens, to the person or persons to whom such capias shall be directed, to appear in the Court out of which such capias shall issue, at the day of the return of such writ, to answer such suit and prosecution, and shall likewise at the time of such appearing give sufficient bail or security, by such persons as aforesaid, in the said Court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case he, she or they shall be convicted thereof, or yield his, her or their body and bodies to prison, according to the recognizance of special bail in civil cases.

Sheriff, &c. having execution of a capias to grant a special Warrant on application of the Treasurer, &c.

77. When any writ of capias or other process shall issue out of any of the Courts aforesaid, directed to any Sheriff, Coroner, Bailiff, or other person having the execution of capias or process, in any County, or City and County, against any person or persons who shall be guilty of any offence or offences whatsoever against any Act or Acts of Assembly relating to the Revenue, or to the collection of the Revenue of this Province, every such Sheriff, Coroner or Bailiff, and other person having the execution of such capias or process as aforesaid, and their and every of their under Sheriffs, Deputies, and other persons acting for them in the said office and offices respectively, shall and are hereby enjoined and required, upon the request or application of the Treasurer, or of any Deputy Treasurer, or of Her Majesty's Attorney or Solicitor General, (such request to be in writing, and endorsed upon the back of the said process, and signed by such Treasurer, Deputy Treasurer, or Attorney or Solicitor General as aforesaid, with his name and addition,) to grant a special warrant or warrants to such person or persons as shall be named to them by such Treasurer, Deputy Treasurer, or Attorney or Solicitor General as aforesaid, for the apprehending such offender or offenders ; or in default thereof, every such Sheriff, Coroner, Bailiff, under Sheriff, and other person acting in the said office or offices respectively, shall be subject and liable to such process of contempt, fines, amerciaments, penalties and forfeitures as they or any of them are now by any law, custom or usage liable to in any case of refusing or neglecting to execute the like process, when the defendant might have been taken thereupon in the common and usual method of proceeding.

Indemnity of officer granting the special Warrant.

78. All and every such Sheriff, Coroner, Bailiff, and Under Sheriff, and other person so granting or making out such special warrant as aforesaid, shall be and they are hereby saved harmless, and indemnified against Her Majesty, Her Heirs and Successors, and against all and every other person and persons whomsoever, of and from all escapes of any person or persons who shall or may be taken by virtue of any such warrant as aforesaid, which shall or may happen from the time of taking such offender or offenders, till he, she or they shall be committed to the proper gaol or prison, or offered and tendered to the gaol keeper or other person having charge of such gaol or prison, (who is hereby enjoined and required to receive every such person or persons so apprehended as aforesaid, and give a receipt for his, her and their body or bodies,) and of and from all actions, prosecutions, processes of contempt, and other proceedings for or by reason of such escape, any law, custom or usage to the contrary notwithstanding.

A summons instead of a capias may be issued on filing an information.

79. On filing any information for the recovery of any penalty or other matter in which the Crown is interested, where the prosecuting officers may deem it unnecessary to hold the defendant to bail, a summons or subpœna, in the form now in use, may issue in the first instance, instead of a capias ; and if the defendant do not appear and plead to such information in twenty days after the return of such summons or subpœna, the service of such summons or subpœna being made to appear by the affidavit of the person serving the same in the usual manner, judgment by default may be signed for and on the behalf of the Crown, and damages assessed as in cases between subject and subject, if such proceeding be applicable, or an extent or extents, or other usual process, may thereupon issue in the usual manner, or such other proceedings may be had as if the Crown had obtained such judgment on appearance and plea.

Venue in cases under this Act.

80. Any action of debt, bill, plaint or information which shall be commenced, sued or prosecuted for any offence against any Act made or to be made relating to the Revenue of this Province, shall and may be dealt with, tried and determined in any County of the said Province ; and if any such offence shall be committed, or any penalty or forfeiture incurred, or any seizure be made for breach of any such Acts, out of the body of any County in this Province, but within the limits of the said Province, such offence shall for the purposes of prosecution be deemed and taken to have been committed, and such penalties and forfeitures to have been incurred, and such seizures to have been made, in any