

lect; in which case he shall be notified to work at some future time." By this section it is imperatively made the duty of the surveyor to collect the delinquent's tax by distress; and distress legally applies and is limited to personal chattels only. 3 Bl. Com. 6; 1 Bouv. Law Dict. 432. This is repeatedly recognized in our statutes. For example: "No distress shall be made of any person's tools or implements necessary for his trade or occupation, nor of his arms, or utensils of household necessary for upholding life, nor of bedding or apparel necessary for him or his family." G. L., c. 58, s. 5:—and see *ib.*, c. 103, s. 7, and c. 58, ss. 8 and 10.

Such being the import of distress, both as a statutory process and a common-law remedy, there is no tenable ground for holding that the legislature intended it to include an arrest of the body in the section under consideration; and the effect therefore is, that s. 9 has the force of an exception, and restrains and limits the general authority to arrest conferred by s. 6 accordingly. Specific provisions relating to a particular subject must govern in respect to that subject, as against general provisions in other parts of the law which might otherwise be broad enough to include it (*Felt v. Felt*, 19 Wis. *193, *196), and general words in one clause of a statute may be restrained by the particular words in a subsequent clause of the same statute. *Covington v. McNickle*, 18 B. Mon. 262; *Stockett v. Bird*, 18 Md. 484; Dw. St. 658; Sedg. Stat. Law 48.

This construction makes both sections effective, and consistent with each other, and it is also in harmony with and supported by s. 2, c. 88, Laws of 1881, which provides that if any highway taxes remain unpaid or unworked on the surveyor's lists at the expiration of his term of office, the selectmen shall commit the same to the collector of taxes then in office, who shall collect the same in money, and have all the powers to collect the same he has to collect other taxes; for if the legislature had supposed that highway surveyors were invested with authority to take the bodies of delinquents, it is hardly probable that they would have deemed it to be either expedient or necessary to relieve them from the discharge of that duty and impose it upon collectors.

Petition granted.

SMITH, J., did not sit: the others concurred.

WILBUR'S PETITION.

In fixing the bail of a defendant confined in jail on mesne process, such reasonable bail will be required by the court as should be required by the jailer under Gen. Laws, c. 225, s. 14.

PETITION, that a reasonable sum be fixed by the court as bail

in each of two suits at law whereupon the defendant was arrested, and having been surrendered by his original bail, is now detained in jail. Facts found by the court.

D. Cross and Briggs & Huse, for the petitioner.

Sulloway & Topliff and *J. H. Andrews*, plaintiffs in the suit.

BINGHAM, J. If it appears that a person is imprisoned on mesne process for want of bail, and that excessive bail is required, the court may decide what bail is reasonable, and he shall, on giving it, be discharged. G. L., c. 243, ss. 6, 24.

The applicant in this case is imprisoned on mesne process, and the question arises whether the bail required is excessive, and that proposed by him sufficient. The statute is, that an officer, on making an arrest on mesne process, shall commit the party to jail unless one or more persons of sufficient ability, to the officer's satisfaction, shall become his bail; and if such bail before judgment shall surrender the principal in court, he shall be detained in jail, unless one or more persons of sufficient ability, to the satisfaction of the jailer, shall rebail him. G. L., c. 225, ss. 13, 14. The bail taken in this form does not fix an absolute liability, but a dependent one. G. L., c. 225, s. 16; c. 242, ss. 1, 2, 5. The officer or jailer has not only a right, but it is a duty, in the cases supposed, to require reasonable bail. *Gerrish v. Edson*, 1 N. H. 82; *Evans v. Foster*, 1 N. H. 374; *Gordon v. Edson*, 2 N. H. 152; *Atherton v. Gilmore*, 9 N. H. 185, 187.

The bail offered by the applicant is not that of one or more persons of sufficient ability, to the reasonable satisfaction of the keeper of the jail, but that of a few persons of limited means, provided the court will fix it at a comparatively small sum. This does not bring the applicant within the statute. The bail the court can fix is the reasonable bail which the jailer should take.

Petition dismissed.

ALLEN, J., did not sit: the others concurred.

CLARK v. JACKSON.

The purchase by a mortgagee of the equity of redemption, at a sale by the mortgagor's assignee in insolvency, has the effect of a legal foreclosure, and satisfies the mortgage debt to the extent of the value of the premises so acquired.

By such purchase the mortgagee is not estopped from claiming that the property is of less value than the amount of the debt; and a writ of