

to such Justice, upon Oath; and the Party also making Oath before such Justice, that such Hemp was made within that County, and that he nor any other Person hath ever had any Allowance or Certificate for the same; such Justice shall then give such Person a Certificate of the Quantity of such Hemp, and upon such Persons producing such Certificate or Certificates to the County-Court, the Justices thereof are hereby required to make them such Allowances, as beforementioned.

Session  
Laws

This Act to continue for Three Years, and to the End of the next Sessions of Assembly which shall first happen after the said Three Years.

An Act for the Tryal of all Matters of Fact, in the Several Counties where they have arisen, or shall arise; the Continuance of Causes in the Provincial-Court, and Adjournment of that Court.

1723  
Chap.  
XXIII  
[Wm Parks  
compilation,  
1727, p. 255;  
continued by  
1727, ch. 6,  
and supple-  
mented by  
1724, ch. 17;  
expired  
1731]

Whereas the Tryal of Facts in the Neighbourhood where they arise, is the greatest Security of the Lives, Liberties, Fortunes and Estates of the Subjects, most agreeable to the British Constitution, and a very great Ease to all Persons concerned; and that the Increase of Business in the Provincial-Court renders the Decision of Causes there, without very great Delay and Expense, impracticable.

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Two Justices of the Provincial-Court, on each Side of the Bay, (such as the Governour for the Time being, shall think fit to appoint) shall be Justices of Assize, Nisi Prius, and Justices of Oyer and Terminer, and Goal-Delivery; and that the said Two Justices, or either of them, (in case of Sickness, or other Inability) shall and may, at the respective Times in this Act mentioned, together with such of the Justices of the Peace as they shall think fit to associate with them in the several Counties, not exceeding Three in any County, hear and try all Matters of Fact in all Actions, real, personal and mixt, and all Actions popular, for the Breach of any Law, that is now depending, or that shall be commenc'd in the Provincial Court, in the several Counties where the Facts have arisen or shall arise, and not elsewhere, except in any special Case where it shall appear that Justice cannot in all Probability be so equally administred to the Parties, as if the Tryal should be appointed in some other Place, as fully and amply as any Justices of Assize, and Nisi Prius in England used, or by Law ought or may try, hear and determine.

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And that all Treasons, Murthers, Felonies, and other Crimes, Offences and Misdemeanours of what Nature or Quality soever, that have been or by Law might be tryed in the Provincial Court, shall be heard and tryed, and determined by the said Justices in the several