

have Occasion to sue their several Debtors, likewise Inhabitants as aforesaid, on Bills, Bonds, or other Specialties; and that the penal or principal Sum for which such Bill, Bond, or Specialty was passed, does exceed One Hundred Pounds Sterling, or Thirty Thousand Pounds of Tobacco, on which Bill, Bond, or other Specialty a Sum under Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco remains due; so that the Plaintiff putting such Bill, Bond, or other Specialty in Suit in the Provincial Court, must, by virtue of this Act be Non-suit, and the Justices of the County Court, by their Commission not able to hold Cognizance of the same; by Means whereof the Party having Occasion to put such Bill, Bond, or other Specialty in Suit, was heretofore without Remedy: For Prevention whereof for the future, and that there may not be a Failure of Justice in such Case; **Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council and Assembly of this Province, and the Authority of the same,** That every Person or Persons, Inhabitants of this Province, shall and may hereafter sue and implead, in any County Court of this Province, where the Debtors reside, any Person or Persons, Inhabitants as aforesaid, their Debtors, on any Bill, Bond, or other Specialty, the principal or penal Sum whereof exceeds One Hundred Pounds Sterling, or Thirty Thousand Pounds of Tobacco; and on which Bill, Bond, or other Specialty, there is not due to Ballance above Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco, but shall be * above the Sum of Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight-pence Current Money; and the several Justices of the County Courts are hereby impowered to hold Cognizance of such Suit brought on such Bill, Bond, or other Specialty, and give Judgment for the just Ballance, with Costs of Suit; their Commission, any Law, Usage or Custom, to the contrary notwithstanding.

* But by 1753, *ch. 13*, the County Courts shall not hold Plea of Debt or Damage which shall not exceed 600*lb* Tobacco, or 50 Shillings Currency: Those Causes being determinable by a single Magistrate, by virtue of that Temporary Act.

C H A P.
IV.
County Courts may hold Plea, &c. of Specialties whose penal Sum exceeds 100*l*. Sterling, or 30000*lb* Tobacco, wherein the Ballance due is not above 20*l*. Sterling, or 5000*lb* Tobacco,

and shall exceed 200*lb* Tobacco, or 16*s*. 8*d*. Current Money.

VI. **And be it further Enacted, by the Authority, Advice and Consent aforesaid,** That from and after the End of this present Session of Assembly, if any Drawer or Indorser of any Bill of Exchange, shall be sued or prosecuted, in any Court of this Province, for any Sum of Money due upon any Protested Bill of Exchange, the Attorneys, prosecuting or defending any Action thereupon, shall not exact, demand, receive or take any more than one lawful Fee, for prosecuting or defending any Action upon any one Protested Bill, notwithstanding there be two or more Indorsers, and the said Drawer, sued and prosecuted: And that it shall and may be lawful for the Plaintiff, in any Action to be brought on any Protested Bill, to put into any one Writ, two or more Defendants residing in one County, if Occasion shall require; and shall not pay for the same any other Fee or Reward than for one Writ; and shall and may, at his Election, Declare against such Defendants in one or more Declarations as he shall think fit; any Law, Statute, Usage, or Custom, to the contrary notwithstanding.

Where two or more Indorsers, and the Drawer, are sued upon any Protested Bill, no more than one Attorney's Fees shall be paid.

And the Plaintiff may file one or more Declarations on the same Writ.

VII. **And be it further Enacted, by the Authority, Advice and Consent aforesaid,** That it shall and may be lawful to and for the Defendant, in any Writ issued, or to be issued out of the Provincial Court, after Arrest, and Bail given to the Sheriff for his Appearance; and before the Return of such Writ, to go before the President, or any Two Justices of the County Court, where such Defendant shall be Arrested, with two sufficient Free-holders, such as the Justice or Justices, before whom such Defendant shall go, shall approve of; and then and there give Special Bail to any Action, by virtue of such Writ: Which Bail, so taken, shall be delivered to the Sheriff of such County where the same is taken, to be by him returned with such Writ to the Provincial Court: And the said Bail so taken and returned to the Provincial Court with such Writ, shall be as sufficient as if taken before the President of the County Court, after the Return of the Writ, and Appearance entered, according

Special Bail how to be taken, without personal Appearance in the Provincial Court.