

by his exprefs Directions, in the Prefence of Three or more credible Wit-  
nesses, and duly Proved. C H A P.  
IV.

*Examined and Compared with the Original Act,* REVERDY GHISELIN,  
THOMAS BACON.

C H A P. V.

An ACT to regulate Prosecutions in Criminal Cafes. *Lib. LL.* Passed 3<sup>d</sup>  
Nov. 1722.  
N<sup>o</sup> 4. fol. 557.

**B**E it Enacted, by the Right Honourable the Lord Proprietor, by and with  
the Advice and Consent of his Lordship's Governor, and the Upper and  
Lower Houses of Assembly of this Province, and the Authority of the same,  
That from and after the Publication hereof, no Attorney-General, or Clerk  
of the Peace, or of Indictments, shall exhibit any Bills or Bill of Indictments  
to any Grand Jury against any Person whatsoever, without an exprefs Order  
from the Governor and Council, or from the Court where the Prosecution is  
to be, or some one of the Justices of such Court, or unless the Offender be  
bound over to such Court, or that the Grand Jury find or make a Present-  
ment of the Offence of their own Knowledge, upon Penalty of paying the  
Party grieved, all the Damages and Charges that shall be occasioned by such  
Prosecution; any Law, Statute, Usage or Custom to the contrary notwith-  
standing. No Bill of  
Indictment to  
be exhibited  
to any Grand  
Jury, without  
exprefs Or-  
der, &c.  
  
Penalty.

*Examined and Compared with the Original Act,* REVERDY GHISELIN,  
THOMAS BACON.

C H A P. VI.

An ACT for the Amendment of the Law, and the speedier Ad-  
vancement of Justice in relation to the Assessing of Damages. Passed 3<sup>d</sup>  
Nov. 1722.  
*Lib. LL.* N<sup>o</sup> 4. fol. 558.

**F**OR the Amendment of the Law, and for the easier and speedier Ad-  
vancement of Justice; **B**e it Enacted, by the Right Honourable the  
Lord Proprietor, by and with the Advice and Consent of his Lordship's  
Governor, and the Upper and Lower Houses of Assembly of this Province, and the  
Authority of the same, That from and after the End of this present Session of  
Assembly, the Justices of every Court of Record in this Province, may assess  
Damages, and give final Judgment in all Actions of the Case, upon *Assump-  
sit*, whether the same shall be entered upon Default, Demurrer, *Nil dicit*,  
*non sum informatus*, or upon Confession; and no such Judgment shall be  
staid or reversed for or by Reason of not speeding or executing a Writ of En-  
quiry of Damages; any Law, Usage, or other Thing heretofore had, made,  
or used to the contrary notwithstanding. Any Court of  
Record may  
assess Dama-  
ges, &c. on  
*Assumpfit*.

II. **P**rovided always, and be it Enacted, by the Authority aforesaid, That  
if either Party, Plaintiff or Defendant, shall, the same Court that Judgment  
shall be rendered, pray or insist on a Writ of Enquiry of Damages, the same  
shall issue in such Manner as if this Act had not been made; and if any Plain-  
tiff shall insist on a Writ of Enquiry of Damages, and refuse to take Judg-  
ment for what the Defendant shall confess, the Plaintiff shall be at the Charge  
of such Writ of Enquiry, if the Jury assess no more Damages than the De-  
fendant so confess'd. But Writ of  
Inquiry may  
issue at the  
Prayer of ei-  
ther Party.

*Examined and Compared with the Original Act,* REVERDY GHISELIN,  
THOMAS BACON.

C H A P. VII.

An Act for continuing all Causes in the High Court of Appeals from the Court  
that was appointed to be held in July 1722, for the Time therein mentioned. Passed 3<sup>d</sup>  
Nov. 1722.  
*Lib. LL.* N<sup>o</sup> 4. fol. 559.