

JOHN FRANCIS MERCER, ESQUIRE, GOVERNOR.

1804.

or suits may be instituted against the said trustees, or their successors, for any breach or non-compliance with the condition of the same. CHAP. 72.

CHAP. LXXIII.

An Act to correct a mistake in the beginning of Lot number three thousand two hundred and eighty-seven of the Lands lying westward of Fort Cumberland. (a) Lib. JG. No. 4, fol. 132. A Private Act. Passed Dec. 31.

(a) Granted to John Simkins.

CHAP. LXXIV.

An Act relative to the Administration of Justice in this State and to repeal the Acts of Assembly therein mentioned. Lib. JG. No. 4, fol. 133. Passed Dec. 31.

1, 2, 3, 4. These sections have ceased to have any operation since the acts of 1804, ch. 55, and 1805, ch. 65, by which the powers, authorities and jurisdictions, of the courts established by this act, have been transferred to other courts established by those acts.

5. AND BE IT ENACTED, That all acknowledgments of deeds hereafter made for the conveyance of land before any chief justice of a district, within his district, or any associate justice, within his county, shall be as good and valid in law as if the same was made before any judge of the general court, or before two justices of the peace, any law, usage or custom, to the contrary notwithstanding.

Deeds for conveyance of land acknowledged before a chief or associate justice to be good.

6. AND BE IT ENACTED, That the said courts shall have power, in the trial of actions at law, on motion made at the first court after the appearance court, supported by affidavit, that the same is not intended for delay, and due notice thereof being given, to require the parties to produce copies, certified by a justice of the peace, of all such parts of all books or writings in their possession or power as contain evidence pertinent to the issue, or to answer any bill for discovery only which may be filed by the second court after the appearance court, in cases and under circumstances where they might be compelled to produce the said original books or writings, or answer such bill of discovery by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with any such order to produce such books or writings, or answer such bill of discovery, it shall be lawful for the said courts, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order to produce books or writings, or to answer any bill for discovery only, it shall be lawful for the said courts, on motion as aforesaid, to give judgment against him, her or them, by default; provided, that any plaintiff or defendant may, in compliance with any rule for producing extracts of such books or papers, bring into court the original books or papers.

In trial of actions at law court may require parties to produce copies of books or writings containing evidence pertinent to the issue

7, 8. See note to sections 1, &c.

9. AND BE IT ENACTED, That in all cases where suits may hereafter be brought by any person or persons, nonresidents of this state, or who may remove out of the state after the bringing of such suit or suits, the defendant or defendants against whom such suit may be commenced, or his, her or their attorney, may lay a

In certain cases defendants may lay a rule on plaintiff's for security for costs and charges.