

An Act to limit the Continuances of Actions in several Courts within this Province, and ascertaining the Manner of taking the Evidence of Sea-faring Men, and for granting Appeals from the Chancery Court to the Governour and Council.

Whereas it is represented as an Aggrievance, the Dilatory Proceedings and Continuances of Actions in several of the Courts of this Province; for Remedy whereof for the future,

Be it Enacted by the Right Honourable the Lord Proprietary, 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 no Action whatsoever brought in any of the County Courts within this Province shall be continued longer than Twelve Months, nor in the Provincial or High Court of Appeals, longer than nineteen Months, nor in the Court of Chancery, longer than Twenty Five Months from and after the Return of the Writs or other Process that shall hereafter Issue, and that all Actions now depending in any of the said Courts, be under the like Limitation, from the end of this present Sessions of Assembly, except in Causes where Evidences are wanted from beyond Sea, which is left to the Discretion of the Court where such Case shall happen; and that it shall and may be lawful for the several Courts afore mentioned, upon the Discontinuance of any Action or Actions aforesaid, if by the Act or Default of the Plaintiff, to award him to pay the Cost, but if by the Act or Default of the Defendant, then to give Judgment for the Plaintiff; *Provided*, That the Time of Continuance of any such Suits in the Courts of Law by Injunction in Chancery, or by allowing Infants the Benefit of the Parol Demur, be not accounted as part of the Time of Limitations aforesaid.

Twelve Months in the Counties
19 Months in the Provincial and Court of Appeals
25 in Chancery.

Except where evidences beyond Sea.

Persons delaying to pay Costs or suffer Judgment.

And whereas it often happens that Actions are delayed by reason the Evidences in such Suits are Sea-faring Men, or others whose Business and Employment calls them out of this Province when such Actions should regularly come to Tryal.

Be it therefore further Enacted by the Authority, Advice and Consent aforesaid, That the Deposition of any such absent Seafaring Men, or others taken before two Justices of any County Court of this Province, or one of the Justices of the Provincial Court, in Presence of the adverse Party, to him that requires such Deposition to be taken, if upon due Notice he thinks fit to be present, or if upon notice he refuses to be present, the Notice being proved, shall be received for as good Evidence in any of the Courts within this Province, as if such Evidence were Personally present upon the Tryal, and should deliver the same *Vivá Voce*.

Depositions of Sea-faring Men how to be taken:

And be it likewise Enacted, That from and after twelve Months from the end of this Sessions of Assembly, it shall and may be Lawful for any Person or Persons that shall conceive themselves aggrieved by any Decree of the Chancery-Court, to have an Appeal to the Governour and Council of this Province, for the time being, wherein each Member shall have a full Voice,

Appeals from the Chancery to Governour and Council.