

Judgments, and staying Executions, by Writs of Error and Appeal, there being yet no sufficient Provision made for the aiding such Omissions, Errors and Imperfections as are usually taken Advantage of by special Demurrers; and also for the aiding such Defects in the Entries of Clerks as are frequently taken Advantage of, on the prosecuting Writs of Error or Appeals, as well as divers other Advantages of other Defects, or pretended Defects or Errors, which only serve to prevent or divert the Examination of, and giving Judgment on the very Right of the Cause: For Remedy whereof,

Several Practices being us'd to the great Delay of Justice,

And Advantages taken on small Defects of Clerks,

For Remedy,

*Be it 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 in all Actions to be commenc'd after the End of this Session of Assembly, the Justices of the several Courts of Law within this Province, shall proceed and give Judgment according as the very Right of the Cause, and Matter in Law shall appear to them, without regarding any such Omission, Defects, Advantages or Pretences as aforesaid, so as sufficient Matter shall appear in the Proceedings upon which the Court may proceed to give Judgment according to the very Right of the Cause, and Matter in Law, and that it shall appear that the Action shall be commenced after the Cause thereof shall accrue: And that no such Judgment shall be reversed or set aside, or Execution thereon delayed, for or by reason of any such Imperfection, Omission or Defect; any Law, Usage or Custom to the contrary notwithstanding.*

The Justices are to give Judgment according to the very Right of the Cause,

Not regarding any Defects, Omissions, or other Advantages taken against it.

Which Judgments to stand good, notwithstanding such Omissions.

*Provided always, and be it Enacted, by the Authority aforesaid, That nothing in this Act shall extend or be construed to extend to any Writ, Declaration, or Suit of Appeal, of Felony or Murder, or to any Indictment or Presentment of Treason, Felony or Murder, or other Matter, or to any Process upon any of them, or to any Writ, Bill, Action or Information, upon any penal Statute.*

Except in Cases of Murder, Felony, &c.

*And be it Enacted, by the Authority aforesaid, That in all Actions hereafter to be commenc'd in the Provincial-Court, for the Recovery of any certain Sum of Money, or Quantity of Tobacco, within the Jurisdiction of that Court, where the Plaintiff is desirous of a speedy Tryal, That if the Plaintiff shall send a Copy of the Declaration in the Case, with the Writ, and cause the same to be served on or delivered to the Defendant, or left at his or her Place of Abode Twenty Days at the least before the Appearance-Court, it shall and may be lawful for the Justices of the said Court, and they are by this Act required to proceed to Tryal, the same Court; and if the Defendant shall refuse or neglect to answer or plead, to render Judgment for the Plaintiff, with Cost of Suit; unless sufficient Cause be shewn by the Defendant why there should be an Imparlance.*

Method for speedy Tryals in the Provincial Court

And whereas several Judgments have been rendered in the County-Courts according to the strict Rules of Law, and against Equity, for small Sums, That the Chancery Court could not have any Cognizance of, to the great Loss and Prejudice of several of the poorer Sort of People, and Ruin of some; For Remedy whereof,

Judgments being given in County-Courts according to Law, and against Equity, For Remedy,

*Be it Enacted, by the Authority aforesaid, That in all Actions in the County-Courts, where the Matter or Thing in Dispute is not of sufficient Value to remove the same into Chancery, the Justices of the County-Court where such Action shall be brought, may and shall (at the*

In all Actions in County-Courts, not of sufficient Value to be removed into Chancery,

Prayer