

## A D U L T E R Y.

4. Persons not appearing according to such notice, (on affidavit of notice given) shall be taken for a proof of incontinency, and shall be sufficient evidence in court to convict them. 1749, c. 12. § 5.

## ADVANCEMENT OF JUSTICE.

1. **T**HE several courts at law shall proceed, and give judgment, according as the very right of the cause and matter in law shall appear to them, without regarding any omissions, errors, &c. (such as are usually taken advantage of by special demurrers, or in the prosecution of writs of error, &c. serving only to divert judgment on the very right of the cause) so as sufficient matter shall appear in the proceedings upon which the court may give judgment as aforesaid, and that the action was commenced after cause thereof had accrued. Nor shall any such judgment be reversed, or execution thereon delayed, by reason of any such imperfection, &c.—1763, c. 23, § 2.

2. But this act shall not extend to cases of treason, felony, or murder, or prosecutions on penal statutes.—*Ibid.* § 3.

3. In all actions hereafter to be commenced in the provincial court, for any sum within the jurisdiction of that court, where the plaintiff is desirous of a speedy trial, if the plaintiff send a copy of the declaration with the writ, and cause the same to be served on or delivered to the defendant, or left at his place of abode, twenty days at least before the appearance court; the justices shall oblige the defendant, by rule of court, to proceed to trial the same court. And, if the defendant neglect or refuse to answer or plead, to render judgment for the plaintiff, with costs; unless sufficient cause be shewn for an imparlance.—*Ibid.* § 4.

4. In actions, not exceeding 20l. sterling, or 5000lb. tobacco, the county court, at the prayer of either party, either before or after judgment or verdict, may hear and determine the same, according to equity and conscience, as amply as the chancellor, &c. *Ibid.* § 5. And the attorney's fee in any such cause of equity, where the debt does not exceed 10l. sterling, or 2500lb. tobacco, shall be 100lb. tobacco: But where it exceeds that sum, 200lb. tobacco. *Ibid.* § 12. But this shall not limit or restrain the jurisdiction of the high court of chancery, but the said court shall have the same power, &c. in every case as belonged to, and was exercised by it before this act.—*Ibid.* § 6.

5. Where any surety to a bond, &c. or indorser of a protested bill of exchange, shall discharge the principal or balance due thereon, the obligee or indorsee shall assign such obligation, or protested bill, to the party