

writ of error brought, and shall direct such action, to be tried at the court to which the said writ of *procedendo* shall be returned; if the plaintiff or defendant shall give notice of trial at such court, above 30 days before sitting thereof, to the adverse party, or to his attorney at law or in fact, and the trial can be had at such court with justice to the parties, and if not, such action may be continued in like manner as other actions, according to the discretion of the court; and the appellee on such reversal may be compelled to pay the costs in the general court, by execution issued therefrom, returnable thereto or to the county court that gave the judgment; and all former and future costs, in the county court, of such action, shall abide the final event thereof; and if the appeal or error shall be made for several exceptions, the general court shall give judgment on every exception: Provided that nothing herein contained shall prevent the party, against whom judgment shall be rendered by the general court on such appeal, from appealing, or prosecuting a writ of error, to the court of appeals according to the law of the land.—*ibid.* § 4. See *Appeals*, 20.

N I C O L I T E S.

THE society of people called Nicolites, or New Quakers, shall be entitled to, and shall have and enjoy, all the rights, privileges, immunities and franchises, that the people called quakers are in any manner entitled to enjoy, under the declaration of rights, form of government, or any law or laws in force within this state.—*Nov.* 1783, c. 18, § 2. See *Affirmation*, 4.

N O L I P R O S S E Q U I.

1. **N**O *noli prosequi* shall be granted by the governor, in case of any prosecution by presentment or indictment, for the recovery of any fine, penalty or forfeiture only.—*April* 1782, c. 42, § 4.

2. The governor shall have full power and authority, in granting any *noli prosequi* before sentence or judgment, to grant the same on such conditions, and under such limitations and restrictions therein contained, as in his discretion may appear most adviseable to preserve and secure the peace and good government of this state.—1795, c. 82, § 3.

N O N E S T F A C T U M, P L E A O F.

THE plea of non est factum shall not be received in any action brought, or hereafter to be brought, unless the party for whom such
plea