

C H A P. XI.

An ACT reviving and continuing an act, entitled, (a) An act for regulating of ordinaries. Lib. Pa. Tel 5th of
LL. No. 4. fol. 531. August, 1721.

(a) 1717, ch. 1, hereby continued till the 29th September, 1723.

C H A P. XII.

An ACT to empower his honour the governor for the time being to appoint any person or persons
whatsoever to survey the Indians lands, and ascertain the bounds thereof. Lib. LL. No. 4.
fol. 531.

C H A P. XIII.

An ACT empowering a committee to lay, assess and apportion the public levy for this present year,
one thousand seven hundred and twenty-one. Lib. LL. No. 4. fol. 532.

C H A P. XIV.

An ACT to limit the continuance of actions in several courts within
this province, and ascertaining the manner of taking the evidence
of seafaring men, and for granting appeals from the chancery court
to the governor and council. Lib. LL. No. 4. fol. 533.

WHEREAS it is represented as an grievance, the dilatory proceedings and continuances of Preamble.
actions, in several of the courts of this province; for remedy whereof for the future,

II. BE IT ENACTED, by the right honourable the Lord Proprietary, by and with the advice and consent of
his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same, That all
actions now depending in any of the courts of law within this province, as well as all other actions
to be commenced, may be continued to the end of the fourth court after the appearance court, in
any of the courts aforesaid, and no longer, (except in causes where evidences are wanted from be-
yond 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 aforesaid, upon the discontinuance of any action or
actions aforesaid, (if by the act or default of the plaintiff,) to award him to pay the costs, but if by
the act or default of the defendant, then to give judgment for the plaintiff, and if through the de-
fault of any attorneys neglecting their duty in bringing causes to a decision within the time limited
by this act, in all and every such case, every attorney so neglecting his duty to the prejudice of his
or their client, shall, for every such neglect in the provincial court, forfeit the sum of five thousand
pounds of tobacco, and for every neglect in the county court the sum of two thousand pounds of to-
bacco, and all costs of suit accrued on any action discontinued by default of such attorney, one half
of the aforesaid fines to the party grieved; the other half to his lordship the lord proprietary, to be
appropriated to and for the use and benefit of a public or free school of the county where such fines
arise, to be recovered (in his lordship's name) in any of the courts of record within this province,
by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be
allowed; and but one imparlance; 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 parole demur, be
not accounted as part of the time of limitations aforesaid.

Actions may be continued, &c.

See November, 1787, ch. 9, and 1796, ch. 43, section 11.

III. AND, whereas it often happens that actions are delayed, by reason the evidences in such suits
are seafaring men, or others, whose business and employments call them out of this province when
such actions should regularly come to trial; BE IT THEREFORE FURTHER ENACTED, by the authority,
advice and consent aforesaid, That the depositions of any such 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 the
presence of the adverse party to him that requires such depositions to be taken, if upon due notice
he thinks fit to be present, or upon notice to refuse to be present, (the notice being proved,) shall
be received as good evidence in any of the courts within this province, as if such evidence were
personally present upon the trial, and should deliver the same *viva voce*.

Depositions to be received, &c.

IV. AND BE IT FURTHER ENACTED, by the authority aforesaid, That from and after the end of this
present session 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 governor and
council of this province for the time being, wherein each member shall have a full voice.

Persons aggrieved may appeal.