

(27) Oyer and Terminer shall be absolutely necessary. Provided always that writs and process
shall be found by the Grand Jury at any Court of Oyer and Terminer for matters
tryable by the County Court, and that shall by the Justices of Oyer and Terminer be referred to
the County Courts for Tryall, the County Justices shall not be obliged to pay any fees or Charges
except what shall arise in the Prosecution in the County Court any Law Usage or
Custom to the contrary notwithstanding. Saving to all parties accused that Bench
of Members and Tryalls in the Provinciall Court or before the Justices of Oyer and
Terminers and Goal Delivery. And whereas by the Act for the Advancement of
Justice it is provided and enacted that in all Actions to be Commenced in the
Provinciall Court for the recovery of any Sum of Money or Tobacco within the
Jurisdiction of that Court where the Plaintiff is or shall be desirous of a speedy Tryall
that if the Plaintiff do or cause a Copy of the Declaration in the Case with the writ
and cause thereunto to be served or delivered to the Defendant or left at his or hers
last dwelling house seven days at the least before the Appearance Court, it should
be lawful for the Justices of the said Court, and they are by that Act required to
proceed to tryall in the same Court, and if the Defendant should refuse or neglect to
answer or plead to record Judgement for the Plaintiff with Cost of Suit unless
sufficient Cause should be shown by the Defendant why there should be an Impeachment
And that as far as are not mentioned to the Provinciall Court but the facts
tryed in the several County Courts where they arise so that when the Defendant pleads
a matter of Fact tryable by a Jury the Justices cannot be tried at the Appearance Court
But therefore enacted and declared that in all Actions where Copies of Declara-
tions are served or delivered according to the directions of the said Act and no sufficient
cause shown for an Impeachment that the Defendant should plead a matter of fact
which is required to be done at the Appearance Court that then and in such Case the
fact shall be tryed at the first Assize that shall hold in the County where the fact
arise or shall arise except where it shall be found
necessary to change the Venue any Law Usage or Custom to the contrary notwithstanding
And be it enacted that it shall be lawful to try any matter of Fact either
Criminal or Civil at the Provinciall Court Barr where it shall be made appear
to the Provinciall Court that it shall be necessary for the furtherance and advancement
of Justice to do any Law to the contrary notwithstanding. And be it further
enacted that any Actions now depending in the Provinciall Court may be continued
if need be in the County Court Seventeen Hundred and twenty five without being
affected by the Act limiting the Continuance of Actions. And whereas by an Act of
Assembly of this Province entitled an Act for the trial of all matters of fact in the
County where they arise it is particularly declared that the Provinciall Courts
shall be hold on the third Wednesdays in May and October yearly which being a time
that now does or hereafter may interfere with the sitting of Assemblies Be it
therefore enacted that it shall and may be lawful for the Justices of the Provinciall
Court as often as they shall have speciall Occasion for so doing to adjourn the said
Provinciall Court from the days aforesaid to any other convenient time as to
them shall seem most any Act to the contrary in any wise notwithstanding
This Act to Continue so long as the Act for trying Matters of fact in the several
County Courts where they have arisen and shall arise

October