

*the same*, That an Act made at a Session of Assembly, begun and held at the City of *Annapolis*, the Twenty Third Day of *September*, *Anno Domini* One Thousand Seven Hundred and Twenty Three, Intituled, *An Act for the Tryal of all Matters of Fact in the several Counties where they have arisen or shall arise, the Continuance of Causes in the Provincial Court, and Adjournment of that Court*; as also one other Act of Assembly, made at a Session of Assembly begun and held at the City of *Annapolis*, the Sixth Day of *October*, *Anno Dom'* One Thousand Seven Hundred and Twenty Four, Intituled, *A Supplementary Act to the Act, Intituled, An Act for the Tryal of all Facts in the Counties where they have arisen and shall arise, the Continuance of Causes in the Provincial Court, and the Adjournment of that Court*, be and are hereby revived and continued in full Force, from and after the End of this present Session of Assembly, for and during the Term of Three Years, and to the End of the next Session of Assembly that shall happen after the said Three Years.

The above mentioned Acts continued in Force 3 Years, &c.

Several Actions being discontinued, thro' the Miscarriage of Records,

And forasmuch as it appears to this General Assembly, That many of the Actions heretofore depending in the Provincial Court, have been discontinued after the Issues have been joyned, without Tryal, by Miscarriage of the Records, before they got into the Possession of the Clerk of Assize,

The Secretary shall be obliged to make out such Records as shall be required by Attorneys, to be transmitted to the Clerks of Assize, &c.

*Be it Enacted, by the Right Honourable the Lord Proprietary, 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 the Secretary for the Time being, shall cause every Record that shall be ordered by any Attorney of the Provincial Court, to be made out, for any Tryal of any Issues at the Assizes, to be transmitted to the Clerk of Assize of the Circuit where the Issue is to be try'd, (who is by this Act obliged to receive and carry the same to the Circuit,) before the Assizes for that Shore whereon the Issue is to be tried, begins; under Penalty of paying unto the Party that suffers for want of the Record being transmitted, such Costs and Damages as shall be by the Justices of the Provincial Court, judicially sitting, ordered and adjudged; which said Justices are hereby, upon Complaint made to them, required after a summary Manner to proceed to Judgment thereon.

Provido for the Secretary.

*Provided always*, That the Secretary shall not be obliged to answer any Damages or Costs to any Person, by Virtue of this Act, unless Orders in Writing for transmitting the Records, as aforesaid, be left with the Clerk of the Provincial Court, at least Thirty Days before the Beginning of the Assizes on the Shore where the Issue is to be try'd.

Records not to compel Tryals, unless, &c.

*Provided also*, That the Records being lodged with the Clerk of Assize, after the Manner aforesaid, shall not impower the Judges to compel a Tryal against the Will of the Plaintiff, unless where the Record is taken at the Request of the Defendant, in order for Tryal, by *Provido*.