

## An Act for the Advancement of Justice.

Preamble.

**W**HEREAS, notwithstanding the several Laws heretofore made for the Advancement of Justice, Amendment of the Law, and aiding and supplying several Defects in Judicial Proceedings, great Delay, Trouble, and Expences have been, and still are occasioned by Demurrers, arresting and reversing of Judgments, and staying Executions by Writs of Error and Appeal; there being yet no sufficient Provision made for the aiding such Omissions, Errors, and Imperfections as are usually taken Advantage of by Special Demurrers; and also for the aiding such Defects in the Entries of Clerks, as are frequently taken Advantage of, on the Prosecuting Writs of Error or Appeals, as well as divers other Advantages of other Defects, or pretended Defects or Errors, which only serve to prevent or divert the Examination of, and giving Judgment on the very Right of the Cause: For Remedy whereof,

*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 in all Actions to be commenced after the End of this Session of Assembly, the Justices of the several Courts of Law within this Province, shall proceed and give Judgment according as the very Right of the Cause and Matter in Law shall appear to them, without regarding any such Omission, Defects, Advantages, or Pretences as aforesaid, so as sufficient Matter shall appear in the Proceedings, upon which the Court may proceed to give Judgment according to the very Right of the Cause, and Matter in Law, and that it shall appear that the Action shall be commenced after the Cause thereof shall accrue; and that no such Judgment shall be reversed or set aside, or Execution thereon delayed, for or by Reason of any such Imperfection, Omission, or Defect; any Law, Usage, or Custom, to the contrary notwithstanding.

*Provided always, and be it Enacted by the Authority aforesaid,* That nothing in this Act shall extend, or be construed to extend to any Writ, Declaration, or Suit of Appeal of Felony or Murder, or to any Indictment or Presentment of Treason, Felony, or Murder, or other Matter, or to any Process upon any of them, or to any Writ, Bill, Action, or Information, upon any Penal Statute.

*And be it Enacted by the Authority aforesaid,* That in all Actions hereafter to be commenced in the Provincial Court, for the Recovery of any certain Sum of Money, or Quantity of Tobacco, within the Jurisdiction of that Court where the Plaintiff is desirous of a speedy Tryal, That if the Plaintiff shall send a Copy of the Declaration in the Case, with the Writ, and cause the same to be sued on, or delivered to the Defendant, or left at his or her Place of Abode, Twenty Days at the least, before the Appearance-Court, it shall and may be lawful for the Justices of the said Court, and they are by this Act required, to proceed to Tryal the same Court; and if the Defendant shall refuse or neglect to answer or plead, to render Judgment for the Plaintiff with Cost of Suit.

Judgment to be given according to the Right of the Cause, without Regard to Defects in the Action.

This Act not to extend to Treason, Felony, or Murder.

Justices are to proceed to Tryal, on the Plaintiff's sending a Copy of the Declaration 20 Days before Appearance-Court.