

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.

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

III. *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.

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

IV. *AND* be it further Enacted, That in all Actions in the County Courts, where the Matter or Thing in Dispute shall not exceed the Sum of Twenty Pounds Sterling Money, or Five Thousand Pounds of Tobacco, the Justices of the County Court, where such Action shall be brought, may and shall (at the Prayer of either Plaintiff or Defendant, either before or after Judgment, or Verdict of a Jury, at Common Law), hear and determine the same, according to the Rules of Equity and good Conscience, as fully and amply as the Chancellor, or Keeper of the Great Seal might do in any Case within the Jurisdiction of the Chancery Court; any Law, Usage, Verdict of a Jury, or Custom, to the contrary notwithstanding.

Actions for 20 l. Sterling or 5000 lbs of Tobacco, may be chanceryed in the County Courts.

V. *AND* be it Enacted, That where any Person or Persons is or are bound in any Bond, or other Obligation, for the Payment of Money, Tobacco, or other Goods, or indorse any Bill of Exchange that shall be Protested, and the Money, Tobacco, or other Goods, or such Part thereof as shall be unpaid by the principal Debtor, shall be paid or tendered by the Surety or Indorser, that the Obligee or Indorsee shall be obliged to assign such Bond, Obligation, or protested Bill, to the Surety paying or tendering the Money, Tobacco, or other Goods, due as aforesaid; and that the Assignee shall and may by Virtue of such Assignment and this Act, have an Action in his or her own Name, against the principal Debtor; any Law, Usage, or Custom, to the contrary notwithstanding.

The Obligee, or Indorsee, to assign the Obligation to the Surety, on tendering the Sum sued for, &c.

VI. *AND* be it Enacted, That where any Person or Persons hath recovered, or shall recover, any Judgment against the principal Debtor and Surety, and such Judgment hath been, or shall be, satisfied by Sureties, that the Creditor shall be obliged to assign such Judgment to the Surety satisfying the same, and that the Assignee shall be entitled unto, and have the same Execution against the principal Debtor, by Virtue of such Assignment and this Act, as the Creditor might or ought to have had; and that where any Judgment hath been, or shall be, rendered against several Sureties, and one of them hath satisfied, or shall satisfy the whole, the Plaintiff, or Creditor shall be obliged to assign such Judgment to the Surety satisfying the same, and that the Assignee shall have, and be entitled to an Execution against the other Sureties, against whom Judgment hath been, or shall be, obtained by the principal Creditor, for a proportionable Part of the Debt or Damage paid by such Assignee; any Law, Usage, or Custom, to the contrary notwithstanding. *Provided* always, That no Defendant, or Defendants, shall be precluded or debarred of his or their Remedy against the Plaintiff, by *Audita querela*, or other Proceeding whatsoever; any Thing in this Act to the contrary notwithstanding.

Judgment given against, and satisfied by Sureties, &c.