

C H A P.
XXIII.

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.

But shall not extend to Prosecutions for Treason, Felony, &c.

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.

Plaintiffs requiring speedy Trial, to send Copy of Declaration, &c.

IV. **And** be it further **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 Trial, that if the Plaintiff shall send a Copy of the Declaration in the Case, with the Writ, and cause the same to be served 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 oblige the Defendant, by Rule of Court, to proceed to Trial the same Court, and if the Defendant shall neglect, or refuse to answer or plead, to render Judgment for the Plaintiff with Costs of Suit, unless sufficient Cause be shewn by the Defendant, why there should be an Imparlance.

County Courts Power to determine according to Equity in Actions not exceeding 20 l. Sterling, or 5000 lb of Tobacco.

V. **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.

Exception as to the Jurisdiction of the Court of Chancery.

VI. **Provided** always, That nothing in this Act contained, shall extend, or be construed to extend, so as to limit, abridge or restrain the Jurisdiction of the High Court of Chancery of this Province, in any Manner or Respect whatsoever, but that the said Court shall have the same Power, Authority, and Jurisdiction, in all and every Case, as belonged to, and was exercised by the said Court, before the making this Act; any thing herein contained notwithstanding.

Where any Surety, &c. discharges a Bond or Protested Bill, it shall be assigned to him by the Obligee, &c. and he shall have Action in his own Name against the principal Debtor.

VII. **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.

VIII. **And**