

of this Act shall be forfeited and lost or the full value thereof, the Sum shall be appropriated towards the use of Public Schools in the several Counties the other half to the use of him or them that shall sue for the same to be recovered by Action of Debt bill plaint or Information wherein no Process Protection or Wager of Law shall be allowed

October the 9th 1723

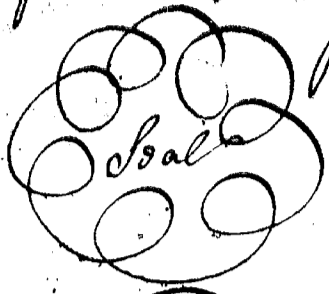
Read and reported to by the lower house of Assembly Sig: J. Borden
W. Mifflin Secy

October the 26th 1723

On behalf of the W. Mifflin Secy
Proprietary of this Province
I will this be read

Chas: Calvert

October the 9th 1723
Read and reported to by the upper house of Assembly and Sig: J. Borden
Samuel Skipp Secy



N^o 11

(Decorative flourish)

An Act for the Advancement of Justice

WHEREAS 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 doubts and Impediments hath been and still is occasioned by Damours arresting and reversing of Judgments and staying Executions by Writts 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 several Damours and also for the aiding such Defects in the Entries of Clerks as are frequently taken Advantage of by the prosecuting Writts of Error or Appeals as well as Divers other Advantages of other Defects or Impositions or Errors which only serve to prevent or divert the Examination of and giving Judgment according to the very Right of the Cause for remedy whereof We be enacted by the Right Honourable the Lord Proprietor by and with the Advice and Consent of his Lordships Governour 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 Impositions 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 what the Action shall be commenced after the Cause thereof shall be over 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 or any Law usage or Custom to the contrary notwithstanding

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 Judgment or Proceedment 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 Bonall 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 Goods within the Jurisdiction of that Court wherein 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 he appears Court it shall and may be lawful for the Justice 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 fail to answer or plead to render Judgment for the Plaintiff with Cost of Suit unless sufficient Cause be shown by the Defendant why there should be an imparlaunce And whereas several Judgments have been rendered in the County Courts according to the strict Rules of Law and Equity

that gain had of 2 claims this was granted by the Court and did not this is was Act 723 order of the court