

Discretion of the Court where such Case shall happen;) and that it shall and may be lawful for the several Courts aforementioned, upon the Discontinuance of any Action or Actions aforesaid (if by the Act or Default of the Plaintiff) to award him to pay the Costs; but, if by the Act or Default of the Defendant, then to give Judgment for the Plaintiff; and if thro' the Default of any Attorneys neglecting their Duty in bringing Causes to a Decision, within the Time limited by this Act, in all and every such Case, every Attorney so neglecting his Duty, to the Prejudice of his or their Client, shall, for every such Neglect in the Provincial Court, forfeit the Sum of Five Thousand Pounds of Tobacco: And for every Neglect in the County Court, the Sum of Two Thousand Pounds of Tobacco, and all Costs of suit accrued on any Action discontinued by Default of such Attorney. One Half of the aforesaid Fines to the Party grieved, the other Half to his Lordship the Lord Proprietary, to be appropriated to and for the Use and Benefit of a Public or Free-School of the County where such Fines arise; to be recovered (in his Lordship's Name) in any of the Courts of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed, and but one Imparance: Provided that the Time of Continuance of any such Suits in the Courts of Law, by Injunction in Chancery, or by allowing Infants the Benefit of the Parole-Demurr, be not accounted as Part of the Time of Limitations aforesaid.

II. And whereas it often happens that Actions are delayed by Reason the Evidences in such Suits are Seafaring Men, or others, whose Business and Employments call them out of this Province when such Actions should regularly come to Trial; Be it therefore further Enacted, by the Authority, Advice and Consent aforesaid, That the Depositions of any such Seafaring Men, or others, taken before Two Justices of any County Court of this Province, or one of the Justices of the Provincial Court, in the Presence of the adverse Party to him that requires such Depositions to be taken, if upon due Notice he thinks fit to be present, or upon Notice to refuse to be present, (the Notice being proved) shall be received as good Evidence in any of the Courts within this Province, as if such Evidence were personally present upon the Trial, and should deliver the same *Viva Voce*.

III. And be it further Enacted, by the Authority aforesaid, That from and after the End of this present Session of Assembly, it shall and may be lawful for any Person or Persons that shall conceive themselves aggrieved by any Decree of the Chancery Court, to have an Appeal to the Governor and