

And whereas several Judgments have been rendered in the County-Courts according to the strict Rules of Law, and against Equity, for small Sums, That the Chancery Court could not have any Cognizance of, to the great Loss and Prejudice of several of the poorer Sort of People, and Ruin of some; For Remedy whereof,

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Be it Enacted, by the Authority aforesaid, That in all Actions in the County-Courts, where the Matter or Thing in Dispute is not of sufficient Value to remove the same into Chancery, 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 a Judgment, or Verdict of a Jury at Common-Law) may 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. p. 244

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 Vertue 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.

And be it Enacted, That where any Person shall recover Judgment against the principal Debtor and Surety, and such Judgment shall be satisfied by the 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 Vertue of such Assignment and this Act, as the Creditor might or ought to have had; and that where Judgment shall be rendered against several Sureties, and one of them satisfies 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 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 equitable Course or Proceeding whatsoever; any Thing in this Act to the contrary, notwithstanding.