

Session
Laws
[Continued
by 1727, ch.
5, 1731, ch. 1,
1735, ch. 18;
supple-
mented by
1730, ch. 10,
and ex-
plained by
1732, ch. 6;
expired in
1740]
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Trouble and Expences hath been and still is occasioned by Demur-
rers, arresting and reversing of Judgments, and staying Executions,
by Writs of Error and Appeal, there being yet no sufficient Pro-
vision made for the aiding such Omissions, Errors and Imperfec-
tions as are usually taken Advantage of by special Demurrers; and
also for the aiding such Defects in the Entries of Clerks as are fre-
quently taken Advantage of, on the prosecuting Writs of Error or
Appeals, as well as divers other Advantages of other Defects, or
pretended Defects or Errors, which only serve to prevent or divert
the Examination of, and giving Judgment on the very Right of
the Cause: For Remedy whereof,

Be it Enacted, by the Right Honourable the Lord Proprietor, by
and with the Advice and Consent of His Lordship's Governour, and
the Upper and Lower Houses of Assembly and the Authority of
the same, That in all Actions to be commenc'd 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 rea-
son of any such Imperfection, Omission or Defect; any Law, Usage
or Custom to the contrary notwithstanding.

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.

And be it Enacted, by the Authority aforesaid, That in all Ac-
tions hereafter to be commenc'd 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 Tryal, 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 proceed to Tryal, the same Court;
and if the Defendant shall refuse or neglect to answer or plead, to
render Judgment for the Plaintiff, with Cost of Suit; unless suffi-
cient Cause be shewn by the Defendant why there should be an
Imparlanee.