

the sum such person or persons shall be willing to lend; and the same committee shall give out notes therefor, in like manner as if the same sum had been brought to them in silver or gold; and the treasurer shall give credit to the com[mit]tee for the sum expressed in such certificate, and shall charge the respective appropriations with the payment thereof, until[1] such appropriation shall be exhausted. [*Passed January 23; published January 31, 1752.*]

CHAPTER 17.

AN ACT FOR THE BETTER REGULATION OF THE COURSE OF JUDICIAL PROCEEDINGS.

WHEREAS by an act made and passed in the second year of the reign of Queen Ann, it is provided that "all pleas in bar or abatement shall be made originally in the inferior courts, in suits there brought; and that when a writ shall, by judgment of court, be barred or abated, and the plaintiff or demandant appeals from such judgment to the superior court of judicature, if, upon hearing the appeal, the superior court, notwithstanding the pleas in bar or abatement, adjudge the writ to be good and well brought, they shall reverse the judgment of the inferior court, and award to the appellant his full costs of both courts; and the next session of the inferior court, holden for the same county, shall proceed to trial of the merits of the cause upon the same writ without any delay, a new entry thereof being made; and that the same rule and method of proceeding be observed in appeals to be made from the judgment, in bar or abatement, given by any justice of the peace, to the inferior court of common pleas"; in which course of proceeding, suits are not only frequently unreasonably delayed, but the parties are therein put to needless expence: to the end therefore that justice may more speedily, and with less expence, be done,—

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

[SECT. 1.] That when the superior court of judicature, court of assize and general goal delivery shall reverse a judgment given by any inferior court of common pleas for abating a writ; and when any inferior court of common pleas shall reverse a like judgment given by a justice of the peace, the respective courts that reverse the judgment shall proceed to try the cause, give judgment therein and award execution thereon.

[SECT. 2.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed January 30*; published January 31, 1752.*]

* The records make this date January 24; but it is clearly entered as above on the engrossment, in the handwriting of the secretary.

Preamble.
1703-4, chap. 13,
§ 1.

Upon reversing judgment in abatement of writs, the court to proceed to try the cause on the merits.

Limitation.