

intituled *An Act to consolidate, amend and reduce into one Act the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned*—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Judgment of Non-suit, or Judgment for the Defendant, shall be given by any Justice or Justices of the Peace, under the said Third Section of the said Act, only in consequence of the Defendant suggesting or setting up a claim of Title to Land in himself, or others than the Plaintiff as aforesaid; but in all such cases the Justices shall, and they are hereby required, to inquire and investigate into the whole complaint and defence made before them, and give Judgment on the whole evidence adduced, whether Title to Land may or may not be part of that evidence—any practice or usage heretofore to the contrary notwithstanding.

Defines the powers of Justices of the Peace in prosecutions for Trespass under Act of 3 W. 4, c. 27.

II. And whereas, by the said recited Act, no Appeal is allowed to any except the convicted party or defendant; and also in cases of Appeal doubts have arisen whether the Supreme Court can exercise any discretion in awarding Costs—For remedy whereof, be it enacted, that in all Prosecutions before Justices of the Peace under the said recited Act, for such Trespasses as aforesaid, either the Plaintiff or Defendant may appeal; and the Justices of the Supreme Court may, and they are hereby expressly authorized and empowered to allow Costs to the Appellant or Respondent in appeals, as to such last mentioned Justices in their discretion shall appear proper; and to affirm, quash, or otherwise alter or vary the Judgment given below, with or without Costs, or with such portion of the full costs for or against either party, as to the said Justices shall seem reasonable, according to the nature of the case, as it may appear to them on the hearing of any such Appeal.

Gives a right of appeal from judgment of Justice of the Peace under said Act; and authorizes costs to be allowed by Supreme Court to either Appellant or Respondent, in its discretion.