

Provided, That nothing in this Act contained, shall extend, or be construed to extend, to give any Power or Authority to the Clerk of the said *Inferior Court* to Administer any Affidavit or Oath to any Plaintiff or Plaintiffs, where the Cause of Action sounds in Damages only, but in such Cases such Oath or Affidavit shall be taken before two Judges of the Court, who shall mark the Writ for Bail accordingly.

Provided nevertheless, That all Goods, Chattels or Estates taken by Attachment, shall remain under such Attachments, for the Space of *Thirty* Days after final Judgment, and no longer.

Provided, That no Action under the Value of *Three Pounds*, shall be brought into the said Court of *Common-Pleas*, unless where Freehold is concerned, or upon Appeal from the Judgment of the two Justices of the Peace, as heretofore used.

And be it further enacted by the Authority aforesaid, That the Provost-Marshal of this Province for the Time being, his Deputy, or other Person by this Act qualified to execute Process or Writs, shall duly make Return thereof, with all his Doings thereon, *Twelve* Days before the Sitting of the Court to which such Process or Writ is returnable: And the Plaintiff's Attorney shall in all Cases, within *Three* Days after such Return, file with the Clerk of the said Court, a Declaration clearly setting forth the Cause of Action against the Defendant or Defendants, and shall, at the same Time, annex to or file with such Declaration, a Copy of the Bond and Condition thereof, Bill, Note, Contract, Agreement, Lease, Account, or other Writing, on which such Action is grounded; and in Case of Failure thereof, the Plaintiff shall be Nonsuit, and pay Costs, to be taxed at the next Court. And the Defendant or Defendants in any Suit, shall enter his Appearance by his Attorney ~~in Three Days~~ (the intervening Sunday to be excepted) after the Return of each Writ, with the Clerk of the said Court, in a Book to be kept by him for that Purpose, and take Copies, at his or their own Costs, of the Declaration, or Account, or other Papers thereto annexed, in order to make Defence; and for want of such Appearance entered within the Time aforesaid, the Clerk of the said Court is hereby impowered to enter the Default, by indorsing the same with his own Hand and Name thereto subscribed, on the Declaration, and the Defendant or his Attorney, shall, before *Twelve* of the Clock at Noon of the Thursday following, after Appearance entered as aforesaid, file with the Clerk of the said Court, the Defendant's Plea, either in Abatement to the Writ, or in Bar of the Action, or Demurrer to the Writ and Action, or the General Issue, as he may be advised, and for want thereof, the Clerk of the said Court is hereby impowered to enter the Default against any Defendant or Defendants, by indorsing the same on the Declaration, expressing the Time when, and whether for want of Appearance or Plea. And if the Defendant shall have entered his Appearance, and pleaded in any of the Ways, and within the Times before-mentioned, the Plaintiff's Attorney shall, on the Saturday next after the filing the Defendant's Plea or Demurrer as aforesaid, file with the Clerk of the said Court the Plaintiff's Replication in Writing to such Plea or Joinder in Demurrer; if any Demurrer there be, at which Time each respective Cause shall be understood and deemed to be at Issue, and no further or other Pleadings, under Pretence of bringing the same to Issue, shall be allowed of.

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