

A. B. complains of C. D. late of      For that whereas the said C. D. on the      day of      Form of a de-  
     at      was indebted to the said A. B. in the sum of      (the consideration advanc-  
 ed) and being so indebted, he the said C. D. then and there undertook and faithfully promised  
 the said A. B. to pay him the said sum, when he the said C. D. should be requested, and  
 though since requested doth now refuse so to do to the said A. B. his damage of £.      who  
 therefore brings his suit.

XIV. And be it further enacted by the authority aforesaid, That each and every of the statutes of  
 jeofails, and each and every of the statutes of limitations, and each and every of the statutes for  
 the amendment of the law, excepting those of mere local expediency, which from time to time  
 have been provided and enacted, respecting the law of England, be adopted and declared to be  
 valid and effectual for the same purposes in this province. The statutes of  
 jeofails, limit-  
 ations, & for  
 the amend-  
 ment of the  
 law, adopted  
 as in England.

XV. And in order to discourage vexatious suits, and to prevent additional charges upon any  
 defendant or defendants who may be willing to pay the sum which he or they admit to be just-  
 ly due, Be it enacted that in all cases where the sum demanded by any plaintiff or plaintiffs is  
 a sum certain, or is capable of being ascertained by computation of numbers, it shall and may  
 be lawful for any defendant or defendants, to move that he or they may be at liberty to pay in-  
 to court such sum as he or they shall propose to pay in full discharge of the said demand; where-  
 upon the court may order a rule to be drawn up to such effect, or in time of vacation, such or-  
 der may be made by a judge of the court, and in case the plaintiff shall be willing to accept, and  
 shall accept the same, together with all costs accruing to that time, to be taxed by the proper  
 officer, the same shall be in full satisfaction of such his demand, and all further proceedings in  
 the said action shall cease; and to the end that every plaintiff or his attorney may know of such  
 proceeding, the defendant or defendants shall, and are hereby required to serve a copy of the  
 rule authorizing such payment to be made, upon the plaintiff or his attorney, at the time of  
 filing his plea of the general issue, to such plaintiff's declaration. A rule of court  
 to be obtained,  
 on motion, for  
 the payment of  
 money into the  
 same, in liqui-  
 dation of a debt  
 certain,

XVI. *Provided always*, That upon payment of money into court, it shall and may be lawful  
 for the officer receiving the same, to demand, and take a sum not exceeding twenty shillings,  
 for every hundred pounds so paid into court, and at, and after the same rate and proportion,  
 for every sum of money so paid, and also to demand and take the sum of one shilling for every  
 receipt by him given on account of money so paid in as aforesaid. and a copy of  
 such rule serv-  
 ed on the plain-  
 tiff, or his at-  
 torney.

XVII. And for the more convenient administration of justice throughout the province, Be  
 it enacted, That it shall and may be lawful for the governor, lieutenant-governor or person ad-  
 ministering the government of this province, to issue yearly and every year, in the vacation  
 between the Trinity and Michaelmas terms, such commissions of assize and nisi prius, into  
 the several districts, as may be necessary for the purpose of trying all issues joined in the said  
 court, in any suit or action arising in the said districts respectively; and that when a suitable  
 communication by land shall be opened from the city, town or place, which shall be the seat of  
 government, into the respective districts, and the circumstances of the province may require it,  
 it shall and may be lawful for the governor, lieutenant-governor, or person administering the  
 government, likewise to issue yearly and every year in the vacation between the Hilary and  
 Easter terms, such commissions of assize and nisi prius into each of the several districts, as may  
 be necessary for the trial of all issues joined in manner aforesaid; and to that end it shall and  
 may be lawful for any person or persons upon reasonable notice given to the adverse party, or  
 their attorney, to take and sue forth such writs and records of nisi prius, as may be necessary  
 for the trial of all issues joined in the said court as may be triable in the respective districts of  
 this province, and thereupon sue out their jury process in such manner and form, and with  
 such awards as is practised in the courts of nisi prius in England. Poundage and  
 fees of the of-  
 ficer receiving  
 the same.