

*An Act for regulating the Proceedings of the
Courts of Judicature.*

It is enacted by the Lieutenant-Governor, Council, and Assembly, That hereafter all Bills of Exchange, Notes of Hand, mutual Settlements and Adjustments of Accounts, or any Agreement in Writing, wherein a certain Sum is specified and expressed, signed by the Defendant, shall have the Force and Effect of a Specialty, and the Court wherein the Defendant shall be defaulted, is hereby empowered, upon the Plaintiff or his Attorney's filing such Bill, Note, Settlement of Account, or Agreement, with the Clerk of the Court, to make up Judgment without a Jury, as hath been heretofore practised.

And be it further enacted, That in all Actions hereafter to be brought when the Debt or Matter of Demand, shall be the Value of Three Pounds or upwards, upon affidavit in Writing being made and subscribed by the Plaintiff, before One of the Justices of the Court or before the Clerk of the said Court, from whence the Writt issues, or in Case of his or her Absence, then by his or her Attorney, Agent or Factor, setting forth that the Defendant in such Action is justly indebted to the Plaintiff in the Sum of Three Pounds or upwards, and the same being filed and the Writt marked, it shall and may be lawful for the Provost-Marshal, his Deputy, or other Person qualified to serve Writts, and they are hereby required to attach the Goods, Chattels or Estate of the Defendant or Defendants; and all Goods, Chattels or Estates taken by Attachment, shall remain under such Attachment for the Space of Thirty Days after Judgment, to satisfy any Judgment that may be obtained on such Writt or Process.

Provided nevertheless, That where the Cause of Action sounds in Damages only, in such Case, the Oath or Affidavit shall be taken before two Judges of the Court, who shall mark the Writt for Bail accordingly.

And whereas References and Awards have contributed much to the speedy Settlement of Accounts between Merchants, Traders, and others, to their Satisfaction.

Be it enacted, That on Application made in Court by the Parties, or their Attornies, Agents, or Factors, in any Action commenced there, that they mutually agree to leave the Matters in Difference to the Arbitration of

Cap. 3.

Respect
by Act
17. c. 10