

powered, to issue out his warrant, directed to the constable, to summon the defendant to appear before him at such time and place as he shall appoint; and upon a full hearing and good evidence he shall give his judgment in the matter, which shall be final and conclusive to both plaintiff and defendant without further appeal; and execution shall be awarded against the person refusing to comply with the judgment, to levy the same upon his goods and chattels, and for want of goods and chattels against his body.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed January 12, 1705-6, Chapter 130.

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## CHAPTER XXXVII.

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### AN ACT TO PREVENT IMMODERATE FINES.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That all fines shall be moderate, saving men's contentments, merchandise and wainage, which is to say, their furniture of their calling and means of livelihood.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II.

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## CHAPTER XXXVIII.

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### AN ACT ABOUT DEFALCATIONS.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, For the avoiding of numerous suits, if two men

dealing together be indebted to each other upon bonds, bills, bargains or the like, provided they be of equal dignity and clearness, the defendant shall, in his plea or answer to the plaintiff's declaration, acknowledge the debt which the plaintiff demands from him and defalk what the plaintiff is indebted to him the said defendant, upon the like dignity and clearness.

Passed November 27, 1700; repealed by the Queen in Council February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed January 12, 1705-6, Chapter 150.

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## CHAPTER XXXIX.

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### AN ACT AGAINST SPEAKING IN DEROGATION OF COURTS.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That if any person or persons, at any time or times hereafter, speak rudely anything in derogation of any sentence or judgment given in any court of record within this province or territories, or shall misbehave himself in the said courts during the sitting thereof, such person so offending shall be fined at the discretion of that or the next court or sessions, not exceeding forty shillings.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II.

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## CHAPTER XL.

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### AN ACT FOR THE APPRIZEMENT OF GOODS.

[Section I.] Be it enacted by the Proprietary and Governor, by