

C H A P.
XLIII.
Causes, &c. to
be returned,
&c.

IX. **And be it enacted,** That all causes, pleas, process and proceedings, relative to any cause, civil or criminal, which shall be returnable to, or depending before, the several county courts of this state when this act shall commence, shall be returned to the several county courts constituted by this act, at the times herein before appointed for the holding of each court, and shall be heard, tried and determined therein, in the same manner as if no change had been made in the said courts; and all writs issuing out of any of the said county courts shall be tested in the name of the chief justice, and in case of his death, resignation or disqualification, before a new appointment, in the name of the associate justice first named in the commission; and all writs shall be returnable on the days appointed by this act.

Commit-
ments, &c. to
be returned,
&c.

X. **And be it enacted,** That all commitments and recognizances for all felonies, crimes, offences or misdemeanors, committed in the several counties, and triable by law in the county courts, shall be returned to the justices appointed in virtue of this act by the justice making such commitment, or taking such recognizance, on the first day of holding the county court of their county; and all sheriffs, clerks, and all other civil officers, shall execute and perform the same offices and duties, under the same penalties as they are now obliged by law to perform and execute them in the county courts as now established.

How long ac-
tions shall
continue.

XI. **And be it enacted,** That no action, to be commenced in any county court appointed in virtue of this act, shall continue longer than the end of the first court after the imparlance court, unless by consent of parties, at the discretion of the court, or such cause as the law may allow for the continuance of suits beyond the time limited shall appear to the satisfaction of the court.

In certain
suits defen-
dants may lay
a rule, &c.

XII. **And be it enacted,** That in all cases where suits may hereafter be brought by any person or persons, nonresidents of this state, or who may remove out of the state after the bringing of such suit or suits, the defendant or defendants against whom such suit may be commenced, or his, her or their attorney, may lay a rule, at or before the trial court, on such plaintiff or plaintiffs, or his, her or their attorney, to give security for all costs and charges that the said defendant or defendants may be put to in case such plaintiff or plaintiffs shall be nonsuited, or judgment be given against them, and in case of non-compliance with such rule, judgment of nonsuit shall be entered; provided nevertheless, that if any defendant or defendants shall lay a rule on any plaintiff or plaintiffs for security for costs at the trial court, that then and in such case the court granting said rule may, at the instance or motion of the plaintiff or plaintiffs by his, her or their counsel, in their discretion, continue said cause until the next term.

Who are lia-
ble for costs
in certain
actions, &c.

XIII. **And be it enacted,** That when any action shall be brought, and it shall be entered upon the record that such suit is brought for the use of any other person or persons, and the plaintiff or plaintiffs in such action shall discontinue or strike off his, her or their said action, or be nonsuit thereon, or in case there shall be a judgment or verdict in favour of the defendant or defendants, the party or parties for whose use the action was instituted shall be answerable for the legal costs of suit, and may be proceeded against by attachment against the person or property of such party or parties for the recovery of the same, in the same manner as if he, she or they, had been entered by rule of court the security for such costs of suit.

Persons not to
be arrested
out of the
county, &c.

XIV. **And be it enacted,** That it shall not be lawful for any person whatsoever to cause any inhabitant of this state to be arrested out of the county where he or she doth reside, by virtue of any *capias ad respondendum*, or *capias ad satisfaciendum*, for any debt, damage or cost, until the sheriff or coroner of the county where such defendant shall reside shall have returned a *non est inventus* on a *capias ad respondendum*, or *capias ad satisfaciendum*, issued at the request of the said person against the defendant.

XV. **And**