

C H A P. XX.

Passed 8th
August 1729.

An ACT providing what shall be good Evidence to prove Foreign and other Debts; and to prevent vexatious and unnecessary Suits at Law, pleading Discounts in Bar, and for repealing an Act of Assembly therein mentioned. *Lib. L. N^o 5. fol. 294.*

The exemplification of Debts of Record, under Seal of the Court, shall be sufficient Proof thereof. All other foreign Debts shall be proved by Oath of the Witnesses before some Magistrate, in presence of a Notary Public,

at which Time the Creditor shall also make

Oath,

to be sent, together with the Proofs, under Hands and Seals of the Magistrate and Notary.

The Executor of such Creditor suing, shall, in like manner, make Oath,

which shall also be certified, &c.

or shall not be admitted in Evidence.

The Plaintiff's Attorney shall give Security for Costs.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Debts of Record, whether by Judgment, Recognizance, Deed Enrolled, and upon Record, the Exemplification thereof under the Seals of the Courts where the said Judgment was given, or was Recorded, shall be a sufficient Evidence to prove the same. And that all other Debts, by Bonds, Bills, Accounts, or otherwise, that shall, from and after the Publication hereof, be sent hither to be put in Suit against any Person whatsoever, living or residing within this Province, shall be proved by the Oaths of the Witnesses thereto, or any of them, before some Magistrate, in the Presence of a Notary Public, who shall attest that the Oath or Oaths, was, or were, so taken; and that the Person before whom it, or they, shall be taken, shall then be a Magistrate, or other Officer lawfully authorized thereto, of the County or Place where-soever it shall happen the said Bonds or Bills shall be sent from; at which Time, and before which Public Notary, or other public Officer, shall be present the Creditors, who shall then likewise, before such Magistrate, or other public Officer of the Place, so authorized, upon his Corporal Oath, declare, "That the said Debt, or any Part thereof (saving what the said Creditor gives Credit for) is not satisfied, or that there are not any other Accounts between the said Creditor and Debtor, for which the said Creditor may be likewise indebted to the said Debtor, to the Value of the said Debt, or any Part thereof, for any Matter or Thing accrued since the Date of the said Bond, Bill, or Instrument; or whether the said Creditor hath not given the said Debtor any Release for the same;" to be sent, together with the Proofs, from under the Hands and Seals of the said Magistrate, and Public Notary, or other Public Officer thereunto appointed; which, if the Creditor shall refuse or neglect to perform or do, then the said Matter or Thing, by the said Public Notary, or other Officer, so by them certified as aforesaid, shall not be received as Evidence to prove the said Debt. And if the said Creditor be dead, and his Executor, or Administrator, shall sue any Debtor upon any such Bond, Bill, or Account, the Executor or Administrator, in like Manner, before such Magistrate, to be attested as aforesaid, or other Officer for that Purpose appointed, shall set forth and declare, upon their Oath, "Whether or no they have not heard the Creditor in his Life Time, acknowledge that Debt, or any, and what Part thereof, to be satisfied; or whether or not (upon Sight of the Creditor's Books, Writing, or Accounts) they have not seen Credit given to the Debtor since the Day of the making the said Bills, Bonds, or beginnings of the Accounts so sued for:" All which, in like Manner, is to be certified by the Public Notary, or other Officer thereunto appointed, under his Hand and Seal, to be sent to this Country, together with the Testimony of the Witnesses, or any of them, that have testified to the said Bonds, Bills, Accounts, or otherwise; all which, if the said Executor or Administrator, refuse or neglect to do, then the said Matter and Thing, by the Public Notary, or other Officer appointed, as aforesaid certified, shall not be received in Evidence for valid against the Debtor.

II. And be it Enacted, by the Authority aforesaid, That all and every the Attorney and Attorneys, who shall be employed in the Prosecution of such Suit, shall put in Security to pay the Defendant all such Costs and Charges as shall be by the Defendant in that Case expended, in case the Plaintiff be cast in the Suit.

III. And