

Lib. L. L. Defendant in that Case expended in Case the Plaintiff be Cast  
No. 64. in Suite.

And to the end that no honest Debtor who hath not fledd  
P. 97 from the place or County where he Contracted his Debt nor  
wilfully absconded himself or fledd from Justice shall be Sur-  
prized by unnecessary and vexatious Suites at Law

Be it Enacted by the Authority Advice and Consent afore-  
said that no person whatsoever residing or trading in or to  
this Province their Ex<sup>ts</sup> Adm<sup>rs</sup> Agents ffactors or Assigns  
shall for any Sum or Sums of Tobacco or money due or owing  
to him by account upon book or otherwise (and for which the  
Debtor hath not past his hand and Seale to such his Creditor)  
sue and implead such Debtor his Executors or Administrators  
in any Court of Record within this Province unless he shall  
first demand and require the same of such Debtors proper  
person or otherwise at the habitation or place of Residence  
of the said Debtor in the County where he shall dwell (to  
prove which Demand the Creditors or demandants own oath  
shall be Sufficent) And if the Debtor be not at home to be  
spoke with then such Demandant shall have a Note under the  
hand of such Creditor or demandant or those he shall empower  
to receive the same what time and to whom the same shall be  
paid And if thereupon the same be not paid accordingly then  
it shall and may be lawfull for such Creditor to sue and  
implead such his Debtor and recover against him all such  
Costs and Damages as upon legall tryall in any Court of this  
Province having Cognizance of the Cause shall be adjudged  
as before the making of this Act but in Case any Person or  
Persons shall sue and implead such his Debtor as aforesaid  
without making demand as aforesaid and the Debtor plead  
that the Debt was never demanded by such Plea the Debtor  
shall be taken to Admitt the Plaintiffs Declaration to be good,  
and shall only put the demand in issue which issue if the  
Plaintiff do not loyne then the Pl<sup>t</sup> shall be taken to have made  
no demand and shall only have Judgment for his Damages  
And shall loose all his own Costs and if the Plaintiff Joyn in  
issue upon demand and it be found against him then the  
Plaintiff shall loose his own Costs and pay Costs of such tryall  
to the Defendant Yet the said Plaintiff shall have Judgment to  
recover his Debt or Damages which he sues for, or so much  
thereof as appears due upon ballance.

p. 98 And be it further enacted that if any Debtor or Debtors be  
sued by any Creditor or Creditors for any Sume or Sumes of  
Money or Tobacco due upon the Debtors assumption or due by  
bill or bond under the hand and Seale of the Debtor and the  
Debtors confess the Assumpcon and acknowledge his Act or  
Deed but saith further that he hath an Account of his Own against