

assignes shall for any Sume or Sumes of Tob^o or money due C. P. and owing to him by Accounts upon book or otherwise (and for which the Debtor hath not passed his hand and Seale to such his Credittor) Sue and Implead such debtor his Ex^{ors} 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 att 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 sufficient and if the Debtor be not att home to be spoke with then such Demandant shall leave a note p. 193 under the hand of such Credittor or Demandant or those he shall Impower to receive the same what time and to whome the same shall be paid and if thereupon the same be not paid accordingly then itt shall and may be Lawfull for such Credittor to sue and Implead such his Debtor and recover against him all such Cost and Damages as upon Legall Tryall in any Court of this province having Cognizance of the Cause shall be Adjudged as before the making this Act. But in Case any person or persons shall sue and Implead such his Debtor as af^d without making Demand as af^d 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 if the Plaintiffe doe not joyne then the plaintiffe 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 plaintiffe Joyn in Issue upon the Demand and it be found against him then the plaintiffe shall lose his own Costs and pay Costs of such Tryall to the Defendant yet the said plaintiffe shall have Judgment to recover his Debt or Damages for which he sues or for so much thereof as appears due upon ballance.

And be itt further Enacted that if any Debtor or Debtors p. 194 be Sued by any Credittor or Creditors for any sume or Sumes of Mony or Tob^o due upon the Debtors Assumption or due by bill or bond under the hand and Seale of the said Debtor and the Debtor Confess the Assumption or such part thereof as he shall think fitt to plead discount to and Acknowledge his Act or Deed but saith further that he hath an Account of his Own against the Credittor that hath arisen due to the Debtor since the passing such bill or bond or after such Assumption as af^d which he desires may be Discounted—

It shall and may be Lawfull for the Justices before whom such Matter shall be Depending upon good prooffe made of such acc^t to Cause the same Altho of a Less or Inferior nature to be discounted in Court and give Judgment thereupon