

Session
Laws
Chap. XX 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.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, 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-Publick, 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 wheresoever it shall happen the said Bonds or Bills shall be sent from; at which Time, and before which Publick-Notary, or other Publick Officer, shall be present the Creditors, who shall then likewise, before such Magistrate or other Publick 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 Publick-Notary, or other Publick Officer thereunto appointed; which if the Creditor shall refuse or neglect to perform or do, then the said Matter or Thing, by the said Publick-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