

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 Publick-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 Publick-Notary, or other Officer appointed, as aforesaid certified, shall not be received in Evidence for valid against the Debtor.

Session  
Laws

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 Suits, 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.

And to the End no honest Debtor that hath not fled from the Place or Country where he contracted his Debt, nor wilfully absconded himself, or fled from Justice, shall be surprized by unnecessary and vexatious Suits at Law,

Be it Enacted, by the Authority, Advice, and Consent aforesaid, That no Person whatsoever, residing or trading in or to this Province, their Executors, Administrators, Agents, Factors, or Assigns, shall, for any Sum or Sums of Tobacco, or Money, due and owing to him by Account upon Book, or otherwise, (and for which the Debtor hath not pass'd his Hand and Seal 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 Debtor's 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 Creditor's or Demandant's own Oath shall be sufficient. And, if the Debtor be not at home to be spoke with, then such Demandant shall leave a Note under the Hand of such Creditor or Demandant, or Those he shall impower to receive the same, with the Time, and to whom the same shall be paid. And if thereupon, the same be not paid accordingly, then it shall and may be lawful for such Creditor to sue and implead such his Debtor, and recover against him all such Costs and Damages, as upon legal Tryal 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 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 admit the Plaintiff's Declaration to be good, and shall only put the Demand in Issue; which Issue, if the Plaintiff do not join, then the Plaintiff shall be taken to have made