

Session
Laws
p. 25 no Demand, and shall only have Judgment for his Damages, and shall lose all his own Costs: And if the Plaintiff join in Issue upon the Demand, and it be found against him, then the Plaintiff shall lose his own Costs, and pay Costs of such Tryal to the Defendant; yet the said Plaintiff 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 it further Enacted, That if any Debtor, or Debtors, be sued by any Creditor or Creditors, for any Sum or Sums of Money or Tobacco, due upon the Debtor's Assumption, or due by Bill or Bond, under the Hand and Seal of the said Debtor, and the Debtor confess the Assumption, or such Part thereof as he shall think fit to plead Discount to, and acknowledge his Act or Deed; but saith further, that he hath an Account of his own against the Creditor, that hath arisen due to the Debtor, since the passing such Bill or Bond, or after such Assumption as aforesaid, which he desires may be discounted; or shall give any Account proved according to the Directions of this Act, and lodged or filed in Court in Evidence upon the General Issue; it shall and may be lawful for the Justices before whom such Matter shall be depending, upon good Proof made of such Account, to cause the same (altho' of a less or inferiour Nature) to be discounted in Court, and give Judgement thereupon against the Defendant for so much only as shall be remaining to the Plaintiff; with Cost of Suit: Provided the Ballance exceed Four Hundred Pounds of Tobacco, or Three and Thirty Shillings and Four Pence in the County Court; and Fifteen Hundred Pounds of Tobacco, or Six Pounds Five Shillings Sterling in the Provincial Court; otherwise the Plaintiff shall be nonsuited, as by other Laws are provided.

Provided nevertheless, That nothing in this Act contained, shall be construed to give the said Provincial Court any other Jurisdiction, than what is agreeable to the Act of Assembly for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law: Any Thing herein contained to the contrary, notwithstanding. And for the further Declaration of what shall be taken and allowed for Evidence to prove such Bills or Bonds,

Be it Enacted, That the Oath of one or more of the Persons that subscribed as Witnesses to such Bill or Bond, made before One Justice of the Provincial or County Court of this Province, in their respective Counties, or any other legal Evidence, shall be Evidence to prove the Debts, in the Provincial and County Courts of this Province.

Provided nevertheless, That if the Defendant will traverse such Proof, and put it upon the Country for Tryal, it shall be allowed him so to do.