

board any Ship or Vessel for Transportation, notwithstanding any thing in this Act contained; yet the Proprietor of such old Tobacco may, if he thinks fit, have the same old Tobacco inspected, or subjected to Inspection, as this Act directs; and in such case he shall have and receive all Benefits and Advantages arising to the Owner of inspected Tobacco, in Manner before-mentioned.

And whereas it is apprehended that some Creditors, in view of eluding any Provision that would be made, for an Abatement or Deduction of Tobacco-Debts, in Consideration of an Inspection Law, have exacted, or may exact Security from their Debtors to pay Money instead of Tobacco; which would deprive such Debtors of great Part of the Advantages of such a Law: Be it therefore Enacted by the Authority, Advice, and Consent aforesaid, That all Judgments, Bonds, Bills, Mortgages, Bills of Exchange, Notes, or other Securities of any Kind, for the Payment of Money instead of Tobacco, which have been, or shall be taken, in order to elude the Provision made by this Act for the Abatement and Deduction of Tobacco-Debts, by any Person or Persons whatsoever, to his, her, or their own Use, or to the Use or in trust for any other Person or Persons, since the fifteenth Day of May, in this present Year, or which shall be taken before this Act takes Place or Effect, shall be void and of none Effect.

Creditors
not to
exact Bonds,
or other
Securities
of their
Debtors to
evade the
Deduction
specified in
this Act

And be it further Enacted, That if any Judgment hath been rendered or shall be rendered, and that any Execution hath been or shall be issued, that the Party may sue an Audita Querela; and if any Person or Persons shall be sued on any such Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, taken in order to elude the Provision made by this Act as aforesaid, That the Defendant or Defendants may plead that he, she, or they, doth or do not owe the Money sued for, and give the special Matter in Evidence; and if it shall appear to the Court or Jury, who shall try the Fact, that the Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, upon which the Suit shall be commenced, was given for Money, in lieu or stead of Tobacco, in order to elude the Provision made by this Act as aforesaid, that the Plaintiff shall be Nonsuit, and pay the Defendant's Cost.

Bonds, &c.
so given,
not recover-
able by Law

And to the end that no Defendant may be injured by the Difficulty of proving the Fact, Be it Enacted, That it shall and may be lawful for the Court, wherein any such Judgment hath been or shall be entered, or wherein any such Action shall be commenced, to examine and interrogate the Plaintiff or Plaintiffs, upon his or their Oath, or Affirmation in case a Quaker or Quakers is or are concerned, for what Consideration such Judgment, Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, was passed; and if it shall appear, upon such Examination, that the same was given or passed for Money, in stead and lieu of Tobacco, as already men-

Plaintiffs, in
such Case,
to be ex-
amined upon
Oath