

C H A P.
XX.

What shall
be Evidence
of a Bill or
Bond.

VII. **And** for the further Declaration of what shall be taken and allowed for Evidences 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.

But the De-
fendant may
traverse.

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

Accounts
sworn by the
Creditor to
be just and
true, &c. be-
fore one Jus-
tice, shall be
good Evi-
dence.

IX. **And be it Enacted**, by the Authority aforesaid, That an Account of Money, Tobacco, or other Goods, lent, or due, and chargeable for Goods sold, Work done, or other Things properly chargeable in Account, which shall arise due after the Tenth Day of *March* next ensuing, and shall be sworn by the Creditor, (or affirmed if a Quaker) “to be just and true,” before one Provincial or County Justice, and, “That he, or she, hath not directly or indirectly received (to his or her Knowledge) any Part or Parcel of the Money, Tobacco, or other Goods, charged as due by such Account, or any Security or Satisfaction for the same, more than Credit shall be given for,” shall be received as good Evidence in any Court of Record within this Province, upon any Trial, or in any Dispute, before a single Magistrate, concerning a small Debt determinable by him; unless the Creditor or Defendant shall make appear by lawful Evidence, other than his or her own Oath, or Affirmation, that such Account is false in Part, or in the Whole.

Exception.

The Defen-
dant may
prove an Ac-
count against
the Plaintiff,
which shall
be discount-
ed.

X. **And be it likewise Enacted**, That it shall and may be lawful for any Debtor or Defendant, in his Defence, to prove an Account by Oath or Affirmation, to be just and true, of Goods delivered or sold; Work done, Money paid or delivered to the Plaintiff or Creditor, towards Satisfaction of the Whole, or Part of the Debt due to such Plaintiff or Creditor, or received by such Plaintiff or Creditor, to the Defendant or Debtor's Use, after the said Tenth Day of *March* aforesaid, which have been, or shall be, so delivered, paid or received, and for which no Credit is, or shall be given to the Defendant or Debtor, which the Court before whom the Trial shall be, shall adjudge to be discounted out of the Plaintiff's or Creditor's Account, or other Demand; unless the Plaintiff or Creditor can prove the same, or some Part thereof to be false, by legal Evidence as aforesaid.

Exception.

Particulars of
Accounts to
be delivered,
if required,
in ten Days.
Accounts to
be proved
within 12
Months.

XI. **Provided always**, That the Particulars of all such Accounts shall be delivered, as well by the Creditor to the Debtor, as by the Debtor to the Creditor, within Ten Days after the several and respective Articles shall become due, to the Debtor or Creditor who shall require the same. And that the said Accounts shall be Proved within Twelve Months after the first Article therein charged shall become due, and not otherwise.

Accounts
proved by
the Plaintiff,
shall be filed
with the De-
claration,
and by the
Defendant 10
Days before
the Trial
Court.

XII. **And** to prevent either Plaintiff or Defendant being surprized, **Be it Enacted**, That all Accounts which the Plaintiff shall prove, either by his or her own Oath, or Affirmation only, or otherwise, shall be filed with the Declaration: And that all Accounts which the Defendant shall prove, either by his or her own Oath, or Affirmation only, or otherwise, in his or her Defence, shall be filed with the several Clerks, Ten Days, at the least, before the Trial Court; otherwise the Account which shall be omitted to be so filed, shall not be received in Evidence; except that where Declarations shall be sent with the Writs, in order for Trial the first Court, the Defendant who shall insist on any Account in his or her Defence as aforesaid, shall deliver, or send a Copy of such Account to the Clerk the first Day of the Court, who shall receive and file the same.

Exception.

XIII. **And**