

C H A P.
XVIII.Notes, Bonds,
&c. given for
Money, to be
void if the
Debt was
contracted for
Tobacco be-
fore May 16,
1747.

LXXII. **And be it further Enacted**, by the Authority, Advice and Consent *aforsaid*, 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, or the Act entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees*, made at a Session of Assembly begun and held at the City of Annapolis, on the Sixteenth Day of May, Seventeen Hundred and Forty-seven, 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, Seventeen Hundred and Forty-seven, shall be void and of none Effect.

If Execution
be issued, in
such Case,
the Party may
sue an *Audita
Querela*.

LXXIII. **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, or the Act entitled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees*, made at a Session of Assembly begun and held at the City of Annapolis, the Sixteenth Day of May, Seventeen Hundred and Forty-seven, as *aforsaid*, that the Defendant or Defendants may Plead the General Issue, 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, or the said recited Act, as *aforsaid*, that the Plaintiff shall be Nonsuit, and pay the Defendant's Costs.

To prevent
the Defen-
dant from In-
jury, the
Plaintiff may
be interroga-
ted on Oath.

LXXIV. **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 mentioned, that then and in such Case, the Plaintiff or Plaintiffs, shall be Nonsuit, and pay the Defendant's Costs; and in case any Plaintiff or Plaintiffs shall refuse to submit to such Examination, such Refusal shall be deemed and taken to be a Confession or Proof of the Fact.

Punishment
for false
Swearing.

LXXV. **And be it likewise Enacted**, That if any Plaintiff in any such Case, shall knowingly Swear or Affirm falsely, and be thereof convicted, he, she, or they, shall suffer as in case of wilful and corrupt Perjury.

Contract for
Tobacco in
Specie, to
stand good.

LXXVI. **Provided always**, and it is the true Intent and Meaning of this Act, That nothing therein contained shall extend, or be construed to extend, to vacate or abolish any Contract, Bargain, or Agreement, made for the Payment of Tobacco in Specie, before the said Sixteenth Day of May, Seventeen Hundred and Forty-seven; but that such Bargain, Contract, or Agreement, shall be and remain in full Force and Effect; any Thing in this Act contained to the contrary notwithstanding.

LXXVII. **And be it further Enacted**, That all Bonds (with Power of Attorney to confess Judgment), taken for Money in lieu of Tobacco, between the Fifteenth Day of May, Seventeen Hundred and Forty-seven, and the First
Day