

declaration or short note being served on the defendant or defendants, or left at his or their last place of abode, twenty days before the return of such writ in the general court, and eight days before the return thereof in the county court, it shall and may be lawful for the justices of said courts respectively, and they are hereby authorized and required, to cause such defendant or defendants to plead to issue, and shall proceed to trial or judgment the first court, and shall not allow any imparlance, unless where evidence is wanted, without which the parties or either of them, cannot safely go to trial, which fact, as also a reasonable endeavour to obtain such evidence, shall be made appear to the satisfaction of the court, by affidavit of the party, or the testimony of some indifferent witness; and where the writ and short note, or writ and declaration, are not served in time, it shall and may be lawful for the justices of the general court or county courts to allow one imparlance and no more, unless evidence be wanted as above specified.

SEC. 3. *And be it enacted,* That the governor and the council, or a committee of the general assembly, or any person authorized by the governor and council or such committee, may cause like process to issue in the general or county courts of this state, against any person or persons whatsoever, inhabiting or residing, or being found therein, who may or shall be indebted to this state by bond or otherwise, or have received or shall receive money from the treasury thereof, for which no account hath been or shall be rendered, and a declaration or short note, expressing the cause of action, being filed with the clerk of the court before issuing the writ, and a copy of such declaration or short note being served on the defendant or defendants, or left at his or their last place of abode, twenty days before the return of such writ in the general court, and eight days before the return thereof in the county court, it shall and may be lawful for the justices of said courts respectively, and they are hereby authorized and required, to cause such defendant or defendants to plead to issue, and shall proceed to trial or judgment the first court, and shall not allow any imparlance, unless where evidence is wanted, without which the parties, or either of them, cannot safely go to trial, which fact, as also a reasonable endeavour to obtain such evidence, shall be made appear to the satisfaction of the court, by affidavit of the party, or the testimony of some indifferent witness; and where the writ and short note, or writ and declaration, are not served in time, it shall and may be lawful for the justices of the general or county court to allow one imparlance and no more, unless evidence be wanted as above specified.

SEC. 4. *And be it enacted,* That the general or any county courts shall not allow of any plea to a declaration in such actions, except the general issue, unless the same be verified by the affidavit of the