

witnesses to the same, or any of them, taken and certified as directed in the preceding section, shall be good evidence to prove such deed, bond, bill, note or other instrument of writing.

P. G. L., (1860,) art. 37, sec. 40. 1785, ch. 46, sec. 3.

**41.** But if any suit be brought in any court of this State, upon any instrument of writing proved as hereinbefore directed, to recover any sum of money, or other valuable thing specified therein to be due, the party bringing such suit shall at or before the first imparlance court, make oath before some judge or justice of this State, or before the commissioner aforesaid, or some judge or justice or other officer of the State or country where such instrument of writing hath been executed having authority to administer an oath, and to be certified as aforesaid, that such instrument of writing was duly executed by the person therein mentioned to have executed the same, and that the debt or other valuable thing appearing to be due by such instrument of writing, or any part thereof, except what is credited, is not paid or in any manner satisfied by discount, account in bar or otherwise, to his knowledge or belief, but that the whole or such part thereof as shall be stated in such oath to be due, remains unpaid to the best of his knowledge and belief.

Ibid. sec. 41. 1785, ch. 46, sec. 3.

**42.** Nothing contained in this article in relation to the proof of foreign deeds or other instruments of writing shall affect the provisions of this code in relation to the conveyance of real estate within this State by persons residing or being out of this State; nor the provisions thereof in relation to the proof of claims against the estates of deceased persons.

#### **Proof of Accounts.**

Ibid. sec. 42 1785, ch. 46, sec. 4. 1868, ch. 392.

**43.** The oath of any disinterested credible witness taken before any judge or justice of the peace of this State, or before any officer of the State or county where such witness may be at the time, having authority to administer an oath therein, and certified as aforesaid, proving the payment or delivery of any money, or the delivery or sale of any goods, wares, merchandise, chattels or effects, or any work done, services rendered or other things.