

Chapter 392.

AN ACT to repeal sections forty-two, forty-three and forty-four of article thirty-seven, title "Evidence," of the Code of Public General Laws relating to the proof of open accounts, and to re-enact said sections with amendments.

Repealed and re-enacted.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That sections forty-two, forty-three and forty-four of article thirty-seven of the Code of Public General Laws, title "Evidence," be and the same are hereby repealed and re-enacted with amendments so as to read as follows :

Legal evidence.

SEC. 42. *Be it enacted,* That 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 properly chargeable in account, shall be legal evidence in any court or before any justice of the peace of this state to charge the person to whom such money, goods, wares, merchandise or effects shall be so proved to be delivered, or at whose instance or request such work or services shall be so proven to be done or rendered ; and the oath of such witness, made and certified as aforesaid, shall be good evidence to prove the price of the goods, wares, merchandise and effects delivered or so sold, or the value of the work so done or of the services so rendered, and also to prove an assumption to pay for the same; provided, the party bringing suit for such money, or the price of such goods, or the value of such work or services, shall, on or before the first day of the trial term of the court, make oath as aforesaid, before some judge or justice of the peace of this state, or before some officer of the state or county where he may be at the time, having au-

Proviso.