

from the demise of his late Majesty King *William* the Third of Blessed Memory to the end of this Sessions of Assembly notwithstanding the want of any jurisdiction or authority in the said Courts shall be good and effectual in the Law to all intents constructions and purposes whatsoever.

Provided allways that this Act or any thing therein contain'd shall not be construed to extend to take away such Errors in Law as shall or may arise upon the missing of Process mispleading and erroneous rendering of judgment in point of Law but in all such cases the partys greived may have their Writt or Writts of Error upon such erroneous judgments as they might have had before the making of this Act.

An Act providing what shall be good evidence to prove foreign & other debts & to prevent vexatious & unnecessary Suits at Law and pleading discounts in barr.

BE it Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majestys Governour Council and Assembly of this Province and the Authority of the same, that all debts of Record whether by judgment recognizance deed inrolled and upon record the exemplification thereof under the seal of the Courts where the said Judgment was given or was recorded shall be a sufficient evidence to prove the same, and that all other debts by bonds bills accounts or otherwise that shall from or after the publication hereof be sent hither to be put in Suit against any person whatsoever living or residing within this Province shall be proved by the Oaths of the witnesses thereunto before a Notary Publick or other Officer lawfully authorized thereunto of the County or place wheresoever it shall happen the said bonds or bills shall be sent from, at which time & before which publick Notary or other publick Officer shall be present the creditors who shall then likewise before such publick Notary or other publick Officer of the place so authorized upon his corporal Oath declare that the said debt or any part thereof living what the said creditor gives credit for is not satisfied or that there are not any other accounts between the said creditor and debtor by which the said creditor may be likewise indebted to the said debtor to the value of the said debt or any part thereof for any matter or thing accrued since the date of the said Bond Bill or instrument, or whether the said creditor hath not given the said debtor any receipt for the same to be sent together with the proofs from under the hands and seals of the said publick Notary or other publick Officer thereunto appointed, which if the creditor shall refuse or neglect to perform or do then the said matter or thing by the said publick Notary or other Officer so by them certified as aforesaid shall not be received as evidence to prove the said debt, and if the said creditor be dead and his Executor or Administrator sue such Bond Bill Account or otherwise sue any debtor for the same the Executor or Administrator in like manner before such Notary publick or other Officer for that purpose appointed shall set forth & declare upon their Oath whither or no they have not heard the creditor in his life time acknowledge that debt, or any or what part thereof to be satisfied, or whether or not upon sight of the creditors Books Writing or Accounts they have not seen credit given to the debtor since the day of the making the said Bills Bonds or beginnings of the accounts so sued for, all which in like manner is to be certified by the publick Notary or other Officer thereunto appointed under his hand & seal to be sent along to this Country together with the testimony of the witnesses that have testified to the said Bonds Bills Accounts or otherwise, all which if the said Executor or Administrator refuse or neglect to do, then the said matter & thing by the publick Notary or other Officer appointed as aforesaid certified shall not be received in evidence for valid against the debtor.

Foreign debts.

And be it Enacted by the authority aforesaid, that all & every the Attorney & Attorneys who shall be imploy'd in the prosecution of such Suits shall put in security to pay the defendant all such costs & charges as shall be by the defendant in that case expended in case the plaintiff be cast in Suit, and to the end that no honest debtor who hath not fled from the place or County where he contracted his debt nor willfully absconded himself or fled from Justice shall be surpriz'd by unnecessary & vexatious Suits at Law.

Security for costs.

Be it Enacted by the authority advice & consent aforesaid, that no person whatsoever residing or trading in or to this Province their Executors, Administrators, Agents, Factors or Assigns shall for any sum or sums of Tobacco or Mony due or owing to him by account upon book or otherwise (and for which the debtor hath not past his hand & seal to such his creditor) sue and implead such debtor his Executors or Administrators in any Court of Record within this Province unless he shall first demand & require the same of such debtors proper person or otherwise at the habitation or place of residence of the said debtor in the County where he shall dwell to prove which demand the creditors or demandants own Oath shall be sufficient, and if the debtor be not at home to be spoke with then such demandant shall leave a Note under the hand of such creditor or demandant or those he shall impower to receive the same what time & to whom the same shall be paid, and if thereupon the same be not paid accordingly, then it shall

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